## LEGISLATIVE COUNCIL

Wednesday 30 November 1983

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

### PAPER TABLED

The following paper was laid on the table:

By the Minister of Agriculture (Hon. Frank Blevins):

*By Command—*

Advisory Committee on Non-Government Schools—Recommendation on funding, 1984.

## QUESTIONS

### FISHING LICENCE FEES

**The Hon. M.B. CAMERON:** I seek leave to make a brief explanation before asking the Minister of Fisheries a question about fishing licence fees.

Leave granted.

**The Hon. M.B. CAMERON:** On 15 November I asked the Minister of Fisheries whether he would reconsider his refusal to put to Cabinet a proposition that an economic survey of the fishing industry be carried out, partly at the expense of the Government. During his reply the Minister made what seemed to be a number of contradictory statements. Two of these related to likely increases in fishing licence fees. At one stage the Minister said:

> The industry has an assurance from me that there will be no increases, during the life of this Government, in licence fees—that is, in the part of the licence fee that has been in dispute over the past few months.

Later during his reply, the Minister said:

> There is to be no increase in licence fees for two years.

These two statements appear to be contradictory and, in view of these ambiguous remarks, will the Minister state categorically that all fishing licence fees will remain unchanged for the next two years?

**The Hon. FRANK BLEVINS:** The Hon. Mr Cameron obviously did not read the full answer. I do not have the answer in front of me, but (from memory) I also stated that, if the industry asked for an increase in licence fees to cover the amount of the licence fees that goes to AFIC to enable it to finance an economic survey, I would consider that request. I cannot categorically give any assurance. What I said and what I will state again quite categorically (and the industry has been told this—it has it in writing, and I do not really know what else I can do but put it in writing and tell the industry) is that the part of the licence fee that has been the subject of some dispute over the past few months will not be increased over the remaining term of this Government, the reason being that one of the objectives of that licence fee income was to recoup some of the management costs that the industry imposes on the Government. I do not say 'imposes' in any hostile way: I refer to the cost to the Government of managing that industry.

I imagine that it will take a couple of years before the effects of the increase in licence fees is felt in the area of the transferability of licences, to determine whether the amount that fishermen are paying to buy into the industry, over and above other costs, has increased or decreased. In all fairness to the industry, I think that at least two years, and perhaps longer, is required to see whether the increase has any effect on the market value of fishery licences. I have stated quite categorically on behalf of the Government both in person and in writing, that they will not increase—

**The Hon. M.B. Cameron:** Unless the industry requests it.

**The Hon. FRANK BLEVINS:** The industry will not request an increase in that part of the licence fee. Every professional fisherman must have a general fishery licence. From memory, I think that licence fee is $20, but it may have gone up—I cannot remember. However, it is a relatively nominal fee to operate as a general fisherman. Part of the fee is an amount that all professional fishermen must pay, whether or not they like it, to keep their association operating. I stated quite clearly in my response to the honourable member's question that, if the industry felt that it did not have enough money to pay for its own economic survey (which it felt was of sufficient importance), I would consider the industry's request to increase that amount. I cannot give a categoric assurance about what I think the industry itself will ask for in this area: I made that perfectly clear in my answer.

### MEDICARE BEDS

**The Hon. J.C. BURDETT:** I seek leave to make a brief explanation before asking the Minister of Health a question about Medicare beds.

Leave granted.

**The Hon. J.C. BURDETT:** In South Australia at the present time about one-third (perhaps less) of this State's total number of hospital beds are in the private health sector. For a patient to obtain free hospital treatment under Medicare he will have to go to a public hospital, unless other arrangements are made. Therefore, it makes one think that, if a third of hospital beds are located in the private sector, hospital beds in some areas of the public hospital system may be overtaxed.

At a seminar on Medicare held at the University on Monday evening the principal speaker was Dr Deeble, who is said to be in many respects one of the principal architects of Medicare. He pointed out that the old section beds that were available under Medibank were, in fact, Medibank beds located in private hospitals. He said that that system was not provided for under the present Medicare legislation. However, he also said that State Governments could make arrangements with the Commonwealth Government to provide for Medicare beds in the private hospital system. Those arrangements would have to be made between the State and Commonwealth Governments and between State Governments and the private hospitals in question.

The health funds conducted a survey which indicated that some of the people who are presently insured for private hospital treatment will not keep up their insurance (although the funds hope that most of them will). I am informed that an intensive advertising campaign will be launched on behalf of the private hospitals and the health funds to encourage people to keep up their private hospital insurance.

I am concerned about the possibility that public hospitals, in regard to the number of beds, may have difficulty in coping. I recognise that for the Minister and his officers it will be very difficult to assess this, as it will not be until the system starts to operate that one will really know, but I am sure that the Minister and his officers have addressed their attention to the question and that they must have some contingency plans. They must have some idea of the area in which they will be looking if they find that the public hospital system is over taxed. My questions are as follows:

1. What assessment has the Minister been able to make as to whether the public hospital system will be able to find sufficient Medicare beds?

2. Has the Minister considered arrangements to use beds in the private hospital system as Medicare beds? If so, what are the details of the arrangements that he has in mind?

3. Can the Minister tell the Council about any contingency plans that he may have in mind if there are difficulties in finding sufficient Medicare beds in the public hospital system?

**The Hon. J.R. CORNWALL:** There are several assumptions, some of which are quite wrong—

**The Hon. L.H. Davis:** Stop being arrogant and answer the question.

**The Hon. J.R. CORNWALL:** You really are a pain—I really believe that he needs treatment, Mr President. As I was saying when I was rudely and inappropriately interrupted by the Hon. Mr Davis, there are some assumptions which the Hon. Mr Burdett made that are quite wrong. There is a general assumption in the whole explanation that we will not be able to handle the alleged flood of patients into the public hospital system. There is an assumption also that a third of the beds are in private hospitals. Private hospitals provide 1 800 beds from a South Australian total of 8 000—in fact, something less than one quarter. I have stated repeatedly that on my estimate and on the estimate of people better informed than I that the estimated shift will probably be of the order of 3 per cent or 4 per cent.

What the Council has to understand is that the major shift will probably be between what are currently private patients in public hospitals who are likely to opt to become public patients in public hospitals. The reason for that is simple and would be clear even to the Hon. Mr Davis if he thought about it. Currently, those who do not qualify for a health card are forced to insure if they want cover. That means that, if they are marginally above the means tested amount, logically they purchase the minimum hospital cover that is available, and that covers them for treatment as an inpatient or an outpatient in a public or teaching hospital.

Those same people who are now being forced to purchase private insurance for that cover will automatically be covered as basic care patients under the Medicare arrangements after 1 February 1984. I think the great majority of people who drop out of private insurance will be those who currently are covered only for basic hospital insurance.

Therefore, I do not believe—and my advisers do not believe—that there is likely to be some sort of major shift. The increases which are touted about from time to time and are alleged to have come from the Commonwealth Department of Health officials have been of the order of 12 per cent to 14 per cent, but, again, in interpreting that 12 per cent to 14 per cent, they are the people about whom I have been talking, who currently are privately insured patients in public hospitals and whom we can expect, particularly if they can do their sums sensibly, to become public patients in public hospitals. In other words, their treatment will not change; only their insurance status.

*The Hon. L.H. Davis interjecting:*

**The PRESIDENT:** Order! The honourable member can ask a question later.

**The Hon. J.R. CORNWALL:** I have already answered that one, anyway. In terms of what assessment we made of having to find additional beds in public hospitals, the assessment at the moment leads us to believe, as I have said many times over recent weeks and months, that it may be an increase of the order of 3 per cent or 4 per cent. As to considering arrangements for what the Hon. Mr Burdett calls Medicare beds in private hospitals, we as a Government, and I as Minister of Health, have been considering the possible purchase of beds in the private hospital system. When I say 'purchase', I am not meaning the purchase of a bed or a ward, but paying a daily contract fee for the bed for the greater part of this year. We have had talks with some private hospitals. It was a term of reference for the Sax Committee and we have certainly looked at the possibility of contracting for the occupancy of a limited number of beds in private hospitals for public patients, particularly pensioner patients.

I might add that we are not interested in doing that on the old section 4 model. That was ripped off and abused in some areas, although it had many good points. It also had some defects, and we are not concerned with that. We actively looked at the possibility of contracting beds. We had the matter looked at by the Sax Committee, as the honourable member would know, and we are still considering what might be available to us under the new Medicare arrangements after 1 February.

As to contingency plans in the event of this flood of public patients to public hospitals which allegedly we will not be able to handle, we have not any specific battle plans drawn up. As I have explained previously, we do not believe that, with the possible exception of the Flinders Medical Centre, we will have any great difficulty, but, if we had, there is a surplus of private beds and there are any number of chief executive officers and hospital boards out there in the community in the private hospital system who would be delighted to contract to us at a moment's notice.

## DEFAMATION LAW

**The Hon. K.T. GRIFFIN:** I seek leave to make a brief explanation before asking the Attorney-General a question about defamation law.

Leave granted.

**The Hon. K.T. GRIFFIN:** In the past few days the Federal Attorney-General has released a draft of a possible uniform defamation law, which, of course, results from the work of successive Standing Committees of Attorneys-General attempting to find their way through the maze of intricacies in the laws related to defamation across Australia. I am pleased to see that a draft is now available for consideration, but already it has met with some fairly strong criticism.

I suppose that that is to be expected in the context of the matter of defamation laws. The Federal Attorney-General is reported to have said that the matter is going to be open for public debate. The State Attorney-General has been reported as confirming that position. In the light of the release of that draft, will the Attorney-General give me some information in respect of the following matters. First, what is the time frame within which members of the public will be able to consider the draft Bill? Secondly, is the State of South Australia co-ordinating public submissions after consideration of the Bill in this State, or is the matter of receiving and co-ordinating public submissions and promoting public debate a matter for which the Commonwealth alone is taking responsibility? Thirdly, if it is a matter for the Commonwealth only, does the State Attorney-General propose to take any actions in South Australia to ensure that there is wide public participation in the review process and, if he does have that intention, could he give some detail to this Council of that proposed course of action?

**The Hon. C.J. SUMNER:** At the time of the first Attorneys-General meeting that I attended in March this year a draft of the uniform defamation Bill had been prepared by a number of Attorneys who were then no longer represented on the committee, including, of course, the Hon. Mr Griffin. At that time the draft included, in relation to the most controversial topic, the question of the criteria for the defence

of justification. The draft at that time included the criteria of truth and public benefit in relation to a defendant who was sued for defamation. At that meeting I raised the question whether or not the Bill should proceed in that form. As a relative newcomer, it was explained to me that it was really something that had already been decided and, being somewhat diffident about expressing points of view, I declined to push the issue at that March meeting beyond raising my concern about it.

By the time of the July meeting, however, I raised my concern again, and on that occasion there was some support from Victoria for a review of the position. That situation was repeated in September by which time it was agreed that no firm position should be put on the question of the defence of justification in a draft Bill which was to be released for public comment. The options were, first, to retain the draft of pre-March 1983 with the criteria of both truth and public benefit as part of the defence of justification; secondly, to assert the South Australian situation of truth alone; and, thirdly, to assert truth alone as the criterion for defence but provide some alternative privacy protection mechanisms in the legislation.

The agreement in September was that the Commonwealth Attorney-General would table the Bill in the Federal Parliament and then request public debate and comment on it. I understand that he has now decided not to table the Bill but he has released it in some form or another and is certainly getting plenty of comments on it. I must confess that I feel a degree of sympathy for the Federal Attorney-General, Senator Evans, because I know his personal view is that with respect to the defence of justification truth alone should be adequate for the defendant to prove.

However, because he was landed with a decision of a previous Standing Committee, Senator Evans felt obliged to carry the can on that issue. Nevertheless, it was agreed in September that the matter would be further considered by Attorneys, and my recollection is that that clause is to be drafted in alternative ways in regard to the Bill that is to be tabled in the Federal Parliament. The Bill was not tabled, but the options have now been outlined by Senator Evans and they will be considered again at the December meeting of Attorneys-General.

I remain of the view, which I put on three occasions this year to the Standing Committee, that truth alone should be all that is required for the defence of justification, and I will continue to support that position. I also argued, although I must confess somewhat unsuccessfully, that there should no longer be an offence of criminal libel in the criminal law. Once again, I did not persuade my colleagues on that point at the last meeting. It seems to me that people from New South Wales and Queensland in particular have a somewhat more lively attitude to defamation suits than people in South Australia or Victoria.

**The Hon. M.B. Cameron:** They are more litigious.

**The Hon. C.J. SUMNER:** Certainly, they are. I understand that some 75 per cent to 80 per cent of all libel proceedings in Australia emanate from New South Wales. Be that as it may, that is the history of the matter as far as I am concerned. The original time frame that was agreed in September was for the Federal Attorney to introduce a draft Bill in the Federal Parliament and to invite comment, and for the Attorneys to consider it in December with a view to the introduction of legislation next year. As the Federal Attorney has apparently not introduced legislation in the Federal Parliament and is seeking comments, I suspect that the matter will be determined in two weeks at the next meeting of Attorneys.

Obviously, I am interested in receiving representations and comments from any member of the South Australian public, and already certain submissions have been put to me. I am quite happy to take those submissions to the meeting. Therefore, it is not just a matter of the Commonwealth receiving submissions. The Commonwealth Attorney will receive submissions, and I am happy to receive them also.

**The Hon. K.T. Griffin:** Are you taking any initiative?

**The Hon. C.J. SUMNER:** I will not be doing anything beyond what I have said at this point in time, because I do not quite know what Senator Evans has in mind in regard to the defamation Bill. I will ascertain that on Friday fortnight, and then we will be in a position to advise the Council. I certainly have no objection to some form of public conversation and discussion in this State on the future of that legislation.

## SOUTH AUSTRALIAN SUPERANNUATION FUND

**The Hon. DIANA LAIDLAW:** Has the Attorney-General, representing the Premier, a reply to a question that I asked on 18 October about the South Australian Superannuation Fund?

**The Hon. C.J. SUMNER:** The trustees of the South Australian Superannuation Fund Investment Trust operate in a commercially competitive environment and do not believe that it would be appropriate to reveal publicly the terms which they have negotiated at arms length with a joint venture partner from the private sector. The Chairman of the Trust would be happy to discuss this investment, on a confidential basis, with any member.

## MIGRANT WOMEN'S TASK FORCE

**The Hon. C.M. HILL:** I seek leave to make a brief explanation before asking the Minister of Health a question about the Migrant Womens Task Force.

Leave granted.

**The Hon. C.M. HILL:** The Migrant Womens Task Force has reported, I understand, on problems relative to the delivery of health services to migrants.

**The Hon. C.J. Sumner:** Which one are you talking about?

**The Hon. C.M. HILL:** The Minister to whom I am addressing the question knows what I am talking about. It has been stated to me that the findings of the task force are with the Minister of Health for his deliberation and that, in its view, the Minister is taking too long before deciding what he—

**The Hon. J.R. Cornwall:** They call me 'Lightning'.

**The Hon. C.M. HILL:** The Minister interjected that they call him 'Lightning', but they called him something other than that to me. In the view of the task force, the Minister is taking too long before deciding what he and the Health Commission will do as a result of the report.

**The Hon. C.J. Sumner:** Where did you get that information? You disbanded your inquiry in 1979.

**The PRESIDENT:** Order!

**The Hon. C.M. HILL:** I do not know why the Attorney is so sensitive today. Perhaps one of his ethnic friends has been on to him overnight in view of the ethnic affairs debate yesterday.

**The PRESIDENT:** Order! The Hon. Mr Hill must return to his question.

**The Hon. C.M. HILL:** I will do so immediately, Mr President. Will the Minister say whether he has that report and, if so, how long it has been before him? When can these women, who are very hard-working people, expect to hear from the Minister regarding this matter?

**The Hon. J.R. CORNWALL:** I must say that I am delighted to note that the Hon. Mr Hill is a convert, albeit

perhaps a late convert, to the area of women's health. I believe that he is referring to the report of the Migrant Health Task Force, which, of course, looks at migrant women's health problems as well as the general ethnic community. That report was commissioned by me in consultation with my friend and colleague, the Attorney-General and Minister of Ethnic Affairs, quite some time ago. The Committee was chaired by Dr Aileen Connon of the Health Commission, and from memory it reported to me probably four or five months ago.

**The Hon. C.M. Hill:** Four or five months ago?

**The Hon. C.J. SUMNER:** Yes. The honourable member did not even obtain a report: he abandoned the inquiry that we set up in 1979.

**The PRESIDENT:** Order!

**The Hon. J.R. CORNWALL:** The report was noted by Cabinet and endorsed to the extent necessary to go to the Commission for implementation. I am a very thorough fellow, and I have a tidy mind, so I wanted to get it absolutely right. For that reason, I have given the report to the distinguished Chairman of the Health Commission, Professor Gary Andrews, for his personal attention. Professor Andrews is currently assessing the report and is preparing the action plan. We will be able to implement certain sections of it in the near future, some in the immediate term although some, of course, will involve Budget initiatives and will not be implemented at least until the 1984-85 financial year. However, I can assure honourable members that they in turn can assure all their ethnic friends that the Government, the Minister of Health and the Health Commission are giving a high priority to the phased, sensible, orderly implementation of the recommendations of the Migrant Health Task Force.

## SHACK OWNERS REVIEW COMMITTEE

**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 about the Shack Owners Review Committee report.

Leave granted.

**The Hon. H.P.K. DUNN:** Last year there was discontent among those people who live by the sea about the tenure of their seaside dwellings. The Shack Owners Review Committee was set up with membership from a very broad cross-section of the community to bring down a report for the Government, which it did in March this year. Since that time, people have been endeavouring to ascertain the Government's response to that report.

In fact, during the Budget Estimates Committees several questions were asked about this matter: the reply was that it was still being considered. As summer is upon us and shack owners—

**The Hon. R.C. DeGaris:** Not quite—not until tomorrow.

**The Hon. H.P.K. DUNN:** No, not until tomorrow—but it is fairly close. As I was saying, as summer is upon us, many shack owners would like to know the tenure of their shacks. Local government has also indicated its concern about the matter. Does the Government intend to release the report and, if so, when will the Government release its response to the Shack Owners Committee report?

**The Hon. J.R. CORNWALL:** I will refer the honourable member's question to my colleague, the Minister for Environment and Planning, and bring down a reply as soon as is reasonably practicable.

## ROXBY DOWNS

**The Hon. I. GILFILLAN:** Has the Minister of Health a reply to the question that I asked on 20 October about Roxby Downs?

**The Hon. J.R. CORNWALL:** It is required under the Mining Act, 1971-82, and the Planning Act, 1982, that my colleague, the Minister of Mines and Energy, notify the public of his proposal to grant certain classes of tenements under the Mining Act. If, after a specified period of time (28 days in the *Gazette* notice of 14 April), no objections are received, the Minister may grant the tenement.

In this instance, official granting of the miscellaneous purpose licence was withheld by the Minister of Mines and Energy until the official approval of the environmental impact statement (e.i.s.), given on 28 June. The proposal to grant the licence was announced ahead of the approval of the e.i.s. because of the need to minimise time delays caused by the statutory requirements. A similar application for planning approval for the construction of a water haulage road from Olympic Dam to near Bopeechee was withheld also until the relevant e.i.s. had been approved.

## POLICE SERVICE

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

Leave granted.

**The Hon. ANNE LEVY:** It has been suggested to me that it is South Australian Police Department policy to rotate individual police officers around different sections, with no officer serving more than a certain length of time in areas such as the Drug Squad and the Vice Squad. It is suggested that the idea behind this procedure is to prevent members of the various sections from becoming stale and routine.

It is also suggested that rotation increases efficiency and, of course, minimises any possibility of police corruption occurring. Will the Minister confirm whether such a scheme applies in some sections of the South Australian Police Force? If there is a scheme of maximum continuous service periods for officers of the Drug Squad and the Vice Squad, what are the periods and what are the respective lengths of time spent in those squads by individual members at the moment?

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

## MEAT INSPECTION

**The Hon. R.C. DeGARIS:** Has the Minister of Agriculture a reply to the question that I asked on 13 September about meat inspection?

**The Hon. FRANK BLEVINS:** I apologise for the slight delay in providing the answer to the honourable member's question. The reply is as follows:

1. The Royal Commission into the Australian Meat Industry supported the proposal by the Commonwealth Department of Primary Industry for a National Inspection Service to cover all aspects of the export and domestic meat industry. The National Inspection Service (N.I.S.) will report to the Commonwealth Minister for Primary Industry, who, in turn, is responsible to the Commonwealth Parliament and to the Australian Agricultural Council for the overall performance of the N.I.S.

In addition, the N.I.S. will be reviewed by the Inspection Policy Council (I.P.C.) to be established under a new Com-

monwealth Act to ratify and provide for carrying out an agreement entered into between the Prime Minister of the Commonwealth and the Premiers of the States and the Chief Minister of the Northern Territory. The I.P.C. will carry out the following functions:

- ratify the annual financial budget, forward staffing estimates, and corporate and operational plans.
- approve the annual report of the N.I.S.
- review the operation of the N.I.S. by endorsing priorities, evaluating programmes and advising on mode of operation.
- advise the Minister for Primary Industry on inspection matters and on the general performance of the N.I.S.
- examine policies and other proposals put forward by the participating parties to ensure that they are in accordance with the principles agreed and to report on the implementation of policy flowing from Governments party to the agreement.

2. South Australia has been invited to fill one of the two State/N.T. representatives on the nine member I.P.C. and has nominated Dr. John Holmden, Acting Chairman of the Meat Hygiene Authority.

In its submission to the Royal Commission into the Australian Meat Industry, the Commonwealth Department of Primary Industry outlined proposals for the establishment of an integrated national inspection service to cover all aspects of the export and domestic meat industry. The key features were:

- a single national service to operate as a distinct organisation within the Commonwealth Department of Primary Industry.
- the move from the current per carcase levy to a per inspector (fee for service) basis for charging and the elimination of the dual fee and double charging.
- the introduction of a common base standard for inspection and construction.
- the introduction of objective trade descriptions.
- decentralisation of management to the regions.
- delegation to industry of some quality control functions with the Commonwealth taking on a monitoring and compliance role.

The Commonwealth claims that an integrated national inspection will provide for:

(i) all full-time inspectors throughout Australia being employed under the same conditions of service and under one management in order to achieve the benefits of scale, of computer and other advanced technology, of staff flexibility and mobility to even out workload peaks and troughs, of uniformity in removing demarcation problems, and of achieving a significant reduction in costs.

(ii) elimination of dual inspection fee and the introduction of a uniform scale of fees across Australia.

(iii) a sound legislative base while preserving the rights of States and the Commonwealth.

The I.P.C. will consist of nine members appointed by the Governor-General of the Commonwealth, of whom:

*(a)* two will be senior representatives from State/N.T. Government Departments/Authorities nominated by the Australian Agricultural Council;

*(b)* one will be a person nominated by the National Farmers Federation;

*(c)* one will be a person nominated by meat processor organisations;

*(d)* one will be a person nominated by other food processing industries;

*(e)* one will be a person nominated by the A.C.T.U.;

*(f)* one will be the Secretary of the Commonwealth Department of Primary Industry or his delegate;

*(g)* one will be the Director of the N.I.S.; and

*(h)* one other member who is specifically qualified for appointment by reason of experience in the industry or other experience in commerce, finance, economics or science.

The persons appointed under *(b), (c), (d), (e)* and *(h)* will be appointed by the Governor-General of the Commonwealth on the recommendation of the Minister from a panel of three names supplied by the relevant association/organisation.

Appointments to the council will be part time for a period of three years on a rotating basis with members eligible for reappointment. It is clear from the above that the I.P.C. will not, in itself, take over domestic meat inspection services in Australia, but will review the organisation that will/might, viz., the N.I.S. Preliminary discussions, have been held with the Department of Primary Industry concerning South Australia's participation.

## GOVERNMENT BUILDING PURCHASE

**The Hon. L.H. DAVIS:** I seek leave to make a brief explanation before asking the Attorney-General a question about the Government purchase of a building.

Leave granted.

**The Hon. L.H. DAVIS:** In presenting the 1983-84 State Budget, the Government increased State taxation by some 14 per cent; at the same time, in some cases, it reduced grants to voluntary organisations, and many other grants were increased, but not to a level that reflected the increase in the rate of inflation. I was interested to read in Saturday's *Advertiser* that the Government is spending $180 000 towards the purchase of the former Church of Christian Scientists at 120 Wakefield Street for the Conservation Council of South Australia.

In announcing the purchase, the Minister for Environment and Planning, Dr Hopgood, stated that the Government agreed to the joint purchase of the city building to house the Conservation Council. He said that the Government would hold a 75 per cent interest in the Wakefield Street property: the purchase price of the property was $240 000, with the balance of $60 000 to be provided by the Conservation Council.

It was established in 1971. It is an umbrella organisation of 31 independent conservation groups. The Conservation Council has presently leased premises in Angas Street. The Government in committing itself to this scheme believed that it had an electoral commitment to upgrade the resources available to the voluntary and independent conservation movement. It believed that the Conservation Council had an important educational function in the community. This building at 120 Wakefield Street, at least as far as I can see, does not have any heritage value. This large building has about 533 square metres of area.

As I understand it, the Council has some three full-time workers and two part-time workers. It also houses the Nature Preservation Society, with two full-time workers and two part-time workers. I do not wish to reflect on the Conservation Council and its affiliated bodies. However, I find it remarkable that the Government has purchased a city building for $180 000 which has no apparent heritage value for a voluntary organisation. I am aware of other voluntary organisations which have had to sell their office buildings and lease them back as a result of lack of funds, yet the Council itself had $60 000 available for the purchase of the building. Therefore, my questions are as follows:

1. Has the Government purchased buildings for or on behalf of or jointly with any voluntary organisations since coming into office, apart from this most recent example?

2. What is Government policy with respect to funding and purchase of property to house voluntary organisations?

3. Will the Conservation Council of South Australia and its affiliated organisations have sole occupancy of this area of about 533 square metres?

4. In view of this recent decision, will the Government entertain approaches from other voluntary organisations for a joint purchase of a building if that need can be found to be justified?

5. Is there any existing space in State Government-owned buildings which is or which will shortly become available for use by voluntary organisations?

**The Hon. C.J. SUMNER:** I am not in a position to answer all those questions. I will obtain information from the Minister for Environment and Planning. I can say this: the Conservation Council is the umbrella organisation for 39 voluntary agencies and is presently very poorly accommodated. The Government is purchasing the building and retaining its interest in it. It is not relinquishing its interest in the building to the Conservation Council or any other organisation. So, in that sense, the Government retains the asset.

**The Hon. C.M. Hill:** Is it going into the Government's name?

**The Hon. C.J. SUMNER:** Yes, as well as that of the Conservation Council.

*Members interjecting:*

**The Hon. C.M. Hill:** Will it have sole occupancy?

**The Hon. C.J. SUMNER:** I assume—

**The Hon. C.M. Hill:** Will they be paying rent to the Government?

**The Hon. C.J. SUMNER:** Just a minute—I am outlining in broad terms the arrangement that has been entered into. The Government is not buying it and giving it to the Conservation Council: it is buying the property jointly with the Council and will retain its share in the property. As I said, the Council is an umbrella organisation for 39 voluntary agencies and at present has most unsatisfactory accommodation. I do not know whether the Council will have sole occupancy. I assume that it will, but of course it also involves servicing and providing facilities for the 39 organisations coming under its umbrella. I do not know whether there are other such situations occurring during the term of either the previous Government or this Government. What I do know is that there have been approaches from the Disability Resource Centre to the Government to purchase land for the establishment of a disability resource centre as part of the Jubilee 150 project. The approach was for the Government to purchase land or for the Government to see whether any land was available for the Disability Resource Centre for the construction of such a centre within the city square mile.

That is another example of a voluntary organisation—in this case an umbrella-type organisation that is to provide assistance for individuals and groups involved in the area of disability—where the Government hopes to be able to assist (the matter has not yet been resolved) what is basically a voluntary area, albeit an organisation which receives funding from the State Government but which is run by an independent committee. What has been done on this occasion has not been unprecedented in terms of other requests that have been made, and the Government hopes that it can also accommodate the request of the Disability Resource Centre, although that has not yet been determined.

I think that the decision is perfectly justifiable in view of the important role of the Council in our society. It has under its umbrella many other organisations, but I will attempt to obtain the other specific information that the honourable member has requested.

## BARMES REPORT

**The Hon. J.C. BURDETT:** Has the Minister of Health a reply to my question of 21 September about the Barmes Report?

**The Hon. J.R. CORNWALL:** In my reply to the honourable member on 15 November 1983, I promised to provide him with the standard deviations of the means for relevant oral health data presented in subsection (3) of the Barmes Report as soon as I had received the information from Dr Barmes. This information is now available and I seek leave to have inserted in *Hansard* without my reading them four tables which are purely statistical in nature.

Leave granted.

Periodontal Disease

| | | 8-9 YEARS | | | | | | | | | 11-12 YEARS | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | % | | | Sextants | | | | | | % | | | Sextants | | | | |
| | | N | B | C | P | B+ | C+ | P1 | TN1 | TN2 | N | B | C | P | B+ | C+ | P1 | TN1 | TN2 |
| S | ADELAIDE EAST | 14 | 43 | 29 | 0 | 1.36 (1.28) | 0.29 | 0.00 | 71 | 29 (0.29) | 19 | 21 | 47 | 0 | 1.11 (1.10) | 0.79 | 0.00 | 68 | 47 (0.79) |
| D | ADELAIDE NORTH | 23 | 30 | 9 | 0 | 0.65 (0.93) | 0.09 | 0.00 | 39 | 9 (0.09) | 22 | 27 | 18 | 0 | 0.91 (1.31) | 0.27 | 0.00 | 45 | 18 (0.27) |
| S | SOUTH EAST | 20 | 40 | 25 | 0 | 1.40 (1.50) | 0.45 | 0.00 | 65 | 25 (0.45) | 25 | 20 | 52 | 4 | 1.48 (1.16) | 0.96 | 0.04 | 76 | 52 (0.96) |
| | TOTAL | 57 | 37 | 19 | 0 | 1.09 (1.27) | 0.26 | 0.00 | 56 | 19 (0.26) | 66 | 23 | 39 | 2 | 1.18 (1.20) | 0.68 | 0.02 | 64 | 39 (0.68) |
| N | ADELAIDE EAST | 11 | 18 | 27 | 0 | 0.64 (0.92) | 0.45 | 0.00 | 45 | 27 (0.45) | 17 | 18 | 35 | 0 | 0.94 (1.20) | 0.47 | 0.00 | 53 | 34 (0.94) |
| S | ADELAIDE NORTH | 19 | 11 | 11 | 0 | 0.37 (0.83) | 0.11 | 0.00 | 21 | 11 (0.11) | 22 | 14 | 18 | 0 | 0.50 (0.86) | 0.23 | 0.00 | 32 | 18 (0.23) |
| D | SOUTH EAST | 18 | 33 | 6 | 0 | 0.72 (1.18) | 0.06 | 0.00 | 39 | 6 (0.06) | 22 | 32 | 23 | 5 | 1.23 (1.31) | 0.55 | 0.05 | 59 | 23 (0.55) |
| S | TOTAL | 48 | 21 | 13 | 0 | 0.56 (0.99) | 0.17 | 0.00 | 33 | 13 (0.17) | 61 | 21 | 25 | 2 | 0.89 (0.16) | 0.41 | 0.02 | 48 | 25 (0.41) |
| | GRAND TOTAL | 105 | 30 | 16 | 0 | 0.85 (1.17) | 0.22 | 0.00 | 46 | 16 (0.22) | 127 | 22 | 32 | 2 | 1.04 (1.18) | 0.55 | 0.02 | 56 | 32 (0.55) |

Number of Restorations Per Person

| | | 8 - 9 YEARS | | | | | | | | | | 11 - 12 YEARS | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | NEEDED | | | | | | PROVIDED | | | | NEEDED | | | | | | PROVIDED | | | |
| | | N | 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | N | 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 |
| S | ADELAIDE EAST | 14 | 0.14 | 0.29 | - | - | 0.07 | 0.36 | 0.14 | 0.86 (1.03) | 3.79 (2.83) | 19 | 0.34 | 0.15 | - | - | - | 0.11 | 0.05 | 0.84 (1.38) | 1.74 (1.82) |
| D | ADELAIDE NORTH | 23 | 0.13 | 0.09 | - | - | - | - | 0.04 | 0.30 (0.56) | 2.35 (2.90) | 22 | 0.14 | 0.09 | - | - | - | - | - | 0.59 (1.22) | 3.45 (2.84) |
| S | SOUTH EAST | 20 | 0.10 | 0.05 | - | - | - | - | - | 1.35 (1.73) | 3.25 (3.40) | 25 | 0.36 | 0.24 | - | - | - | 0.20 | 0.20 | 1.36 (1.52) | 1.96 (1.62) |
| | TOTAL | 57 | 0.12 | 0.12 | - | - | 0.02 | 0.09 | 0.05 | 0.81 (1.26) | 3.02 (3.07) | 66 | 0.26 | 0.14 | - | - | - | 0.11 | 0.09 | 0.95 (1.41) | 2.39 (2.22) |
| N | ADELAIDE EAST | 11 | 0.27 | 0.36 | - | - | - | 0.09 | - | 1.82 (2.65) | 1.00 (1.73) | 17 | 0.12 | 0.12 | - | 0.06 | - | 0.12 | 0.06 | 1.53 (1.34) | 0.53 (1.01) |
| S | ADELAIDE NORTH | 19 | 0.36 | 0.21 | - | - | 0.05 | 0.32 | 0.05 | 1.47 (2.27) | 1.11 (1.15) | 22 | 0.36 | 0.05 | 0.05 | - | - | 0.05 | 0.05 | 0.59 (0.91) | 0.82 (1.22) |
| D | SOUTH EAST | 18 | 0.61 | 0.39 | 0.06 | - | 0.06 | 0.28 | 0.17 | 1.50 (1.92) | 0.72 (1.27) | 22 | 0.73 | 0.23 | 0.05 | - | - | 0.32 | 0.18 | 1.09 (1.44) | 0.73 (1.32) |
| S | TOTAL | 48 | 0.44 | 0.31 | 0.02 | - | 0.04 | 0.25 | 0.08 | 1.56 (2.20) | 0.94 (1.39) | 61 | 0.43 | 0.13 | 0.03 | 0.02 | - | 0.16 | 0.10 | 1.03 (1.44) | 0.70 (1.19) |
| | GRAND TOTAL | 105 | 0.27 | 0.21 | 0.01 | - | 0.03 | 0.16 | 0.07 | 1.15 (1.79) | 2.07 (2.64) | 127 | 0.34 | 0.13 | 0.02 | 0.01 | - | 0.13 | 0.09 | 0.99 (1.42) | 1.58 (1.99) |

Caries Prevalence: Primary Dentition

| | | 8 - 9 YEARS | | | | | | 11 - 12 YEARS | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | N | d | m | f | dmf | % Caries free | N | d | m | f | dmf | % Caries free |
| S | ADELAIDE EAST | 14 | 0.29 | 0.07 | 3.86 (2.93) | 4.21 (3.14) | 29 | 19 | 0.11 | - | 1.42 (1.61) | 1.53 (1.84) | 42 |
| D | ADELAIDE NORTH | 23 | 0.13 | - | 1.65 (2.25) | 1.78 (2.33) | 48 | 22 | 0.09 | 0.05 | 1.36 (2.08) | 1.50 (2.22) | 50 |
| S | SOUTH EAST | 20 | 0.10 | 0.05 | 3.25 (3.08) | 3.40 (3.08) | 20 | 25 | 0.04 | - | 1.04 (1.79) | 1.08 (1.80) | 56 |
| TOTAL | | 57 | 0.16 | 0.04 | 2.75 (2.84) | 2.95 (2.96) | 33 | 66 | 0.08 | 0.02 | 1.26 (1.83) | 1.35 (1.94) | 50 |
| N | ADELAIDE EAST | 11 | 0.55 | 0.18 | 2.36 (2.98) | 3.09 (2.74) | 27 | 17 | 0.12 | - | 0.82 (1.63) | 0.94 (1.85) | 76 |
| S | ADELAIDE NORTH | 19 | 0.32 | 0.26 | 2.26 (2.33) | 2.84 (2.43) | 26 | 22 | 0.32 | - | 0.32 (0.65) | 0.64 (0.95) | 64 |
| D | SOUTH EAST | 18 | 0.78 | 0.44 | 1.94 (2.07) | 3.17 (3.29) | 22 | 22 | 0.23 | 0.05 | 0.59 (1.18) | 0.86 (1.46) | 59 |
| S | TOTAL | 48 | 0.54 | 0.31 | 2.17 (2.36) | 3.02 (2.79) | 25 | 61 | 0.23 | 0.02 | 0.56 (1.18) | 0.80 (1.41) | 66 |
| | GRAND TOTAL | 105 | 0.33 | 0.16 | 2.49 (2.64) | 2.98 (2.87) | 30 | 127 | 0.15 | 0.02 | 0.92 (1.58) | 1.09 (1.72) | 57 |

Caries Prevalence: Permanent Dentition

| | | 8 - 9 YEARS | | | | | | 11 - 12 YEARS | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | N | d | m | f | dmf | % Caries free | N | d | m | f | dmf | % Caries free |
| S | ADELAIDE EAST | 14 | 0.07 | - | 1.07 (1.27) | 1.14 (1.29) | 43 | 19 | 0.16 | - | 1.26 (1.45) | 1.42 (1.46) | 42 |
| D | ADELAIDE NORTH | 23 | 0.13 | - | 1.04 (1.40) | 1.17 (1.56) | 48 | 22 | 0.32 | - | 2.59 (1.68) | 2.91 (1.69) | 14 |
| S | SOUTH EAST | 20 | 0.20 | - | 1.30 (1.69) | 1.50 (1.73) | 45 | 25 | 0.80 | - | 2.56 (1.94) | 3.36 (2.75) | 24 |
| | TOTAL | 57 | 0.14 | - | 1.14 (1.46) | 1.28 (1.54) | 46 | 66 | 0.45 | - | 2.20 (1.80) | 2.65 (2.23) | 26 |
| N | ADELAIDE EAST | 11 | 0.18 | - | 0.55 (1.29) | 0.73 (1.27) | 64 | 17 | 0.24 | - | 1.35 (1.41) | 1.59 (1.62) | 29 |
| S | ADELAIDE NORTH | 19 | 0.11 | - | 0.42 (0.96) | 0.53 (0.96) | 63 | 22 | 0.59 | 0.18 | 1.09 (1.41) | 1.86 (2.51) | 45 |
| D | SOUTH EAST | 18 | 0.44 | - | 0.44 (1.04) | 0.89 (1.23) | 56 | 22 | 0.73 | 0.18 | 1.50 (1.92) | 2.41 (3.17) | 32 |
| S | TOTAL | 48 | 0.25 | - | 0.46 (1.05) | 0.71 (1.13) | 60 | 61 | 0.54 | 0.13 | 1.31 (1.60) | 1.98 (2.56) | 36 |
| | GRAND TOTAL | 105 | 0.19 | - | 0.83 (1.33) | 1.02 (1.39) | 52 | 127 | 0.50 | 0.06 | 1.77 (1.76) | 2.33 (2.41) | 31 |

## PENSIONER DENTAL SCHEME

**The Hon. J.C. BURDETT:** Has the Minister of Health a reply to my question of 19 October about the pensioner dental scheme?

**The Hon. J.R. CORNWALL:** The answers to the six specific questions asked by the honourable member are as follows:

1. Increased community awareness of the pensioner dental scheme combined with a 35 per cent increase in the number of new patients presenting to the Adelaide Dental Hospital in 1982-83 compared with the previous 12 months.

2. (i) Yes.

(ii) There has been no change in the way the scheme operates. The only exceptions permitted are for minor denture repairs which have been authorised by the South Australian Dental Service since their inclusion under the pensioner dental scheme in November, 1982.

3. A clinical examination by a dentist with particular emphasis on the degree to which existing dentures satisfy criteria of function, comfort and appearance.

4. The work load on school dentists will depend on the number of country patients seeking treatment under the pensioner dental scheme.

5. Detailed guidelines prepared by senior clinical staff of the Adelaide Dental Hospital have been provided to all school dentists in country regions.

6. Waiting times for routine treatment under the pensioner dental scheme are currently less than six months. Priority will continue to be given to patients requiring urgent dental care.

## DENTAL SERVICE

**The Hon. J.C. BURDETT:** Has the Minister of Health a reply to my question of 10 November about the South Australian Dental Service?

**The Hon. J.R. CORNWALL:** On Thursday 10 November the Hon. Mr Burdett chose to attack a senior member of the South Australian Dental Service for releasing material he had gained in his position as a public servant to the Parliamentary Public Accounts Committee inquiry into the School Dental Service. I have since taken up the matters raised by the honourable member with the person concerned, Dr David Blaikie, the Administrator of the Adelaide Dental Hospital.

The incident referred to by the honourable member occurred on 16 June 1983, over five months ago, and Dr Blaikie contacted me immediately after giving evidence to the inquiry to explain his actions. The extracts from the three letters quoted by Dr Blaikie did not, in any way, bear on matters of Government policy and he made no mention of the authors' names during his evidence.

I must say that I am not surprised that Dr Blaikie was moved to release the information that he did. He and his colleagues in the South Australian Dental Service have been under constant and intolerable attack from members of the Dental Practitioners' Association as part of that Association's relentless attempt to undermine the confidence of the community in the School Dental Service. Let me give honourable members an indication of the campaign which has been waged against the School Dental Service by the Dental Practitioners' Association, particularly by two of its members, Dr D. Gerke and Dr G. Ceravolo. The first is from a letter by Dr Ceravolo to the then Minister of Health on 19 July 1982, in which he stated:

> I would like to remind you that criticism of the School Dental Services has only just begun.

The second is a quote from a letter by Dr Gerke to the then Premier on 21 September 1981, stating:

> Furthermore, we feel that the School Dental Service administration may have misappropriated Government moneys.

**The Hon. J.C. Burdett:** What is wrong with that?

**The Hon. J.R. CORNWALL:** 'What is wrong with that?', the Hon. Mr Burdett interjects, thereby showing something of that strange manner that he has. The third is a quote from another letter by Dr Ceravolo to the then Minister of Health on 17 June 1982, alleging:

> It seems common knowledge that figures have been distorted so that the School Dental Service could attract the necessary funds.

I am sure that honourable members can understand why a senior Health Commission officer would seek to have such material on public record, particularly during an inquiry into the School Dental Service, which was instituted largely as a result of grossly untrue and unfair criticisms of this nature.

The Hon. Mr Burdett sought to imply in his explanation on 10 November that the information released by Dr Blaikie was privileged and confidential. That claim does not stand up to scrutiny. The letter from Dr Ceravolo of 17 June 1982 was distributed at the time to the then Premier, Liberal Party Headquarters, Barry Hailstone of the *Advertiser* and to me in my capacity as shadow Minister of Health. Hardly a confidential document.

The general thrust of the comments quoted by Dr Blaikie during his evidence had also been made by Dr Ceravolo at a special general meeting of the Australian Dental Association on 9 July 1981 and included in the August 1981 edition of *Dental Reporter*, a national publication dealing with dental affairs as follows:

> In my opinion there is sufficient evidence to show that people involved in the Dental Health Services Branch have in their efforts to justify their expansion and existence misled the profession, politicians and Parliament.

I remind honourable members that Dr Blaikie was President of the South Australian Branch of the Australian Dental Association at the time and that following the attack Dr Ceravolo resigned from the Association.

Drs Ceravolo and Gerke and the Dental Practitioners' Association are the sorts of people the Hon. Mr Burdett supports and woos as part of his natural constituency. He is welcome to them. His colleague, the Hon. Jennifer Adamson, referred to them in the *News* of 28 May 1982 as 'a small group of disaffected dentists'.

Returning to the issue of the Public Accounts Committee inquiry into the School Dental Service, Dr Blaikie could have tabled further material which demonstrated the strength of community support for the School Dental Service. It may be of interest to honourable members that Dr P.J.W. Verco, Senior Vice-President (elect) of the South Australian Branch of the Australian Dental Association, himself a specialist in children's dentistry, made the following statement in a letter to the then Minister of Health on 8 June 1982:

> The service provided to those who would not otherwise receive it, is second to none in Australia and something which (sic) South Australia should be justly proud.

While I cannot officially condone his actions, I can certainly understand the response of Dr Blaikie in view of the extreme provocation faced by him and his colleagues in the South Australian Dental Service. I accept his apology relating to the release of material during the Parliamentary Public Accounts Committee inquiry into the School Dental Service. As pointed out in my reply to the Hon. Mr Burdett on 10 November 1983, Dr Blaikie is a senior and respected member of the South Australian Dental Service and I do not intend to banish him to the stocks or place him on the rack for his actions.

The Hon. Mr Burdett would do well to concentrate on matters of greater importance to this Council and to stop attempting to score points on matters which he knows nothing about. I suggest he talk to his colleague, the Hon. Jennifer Adamson, before he once more jumps to the defence of the Dental Practitioners' Association.

## JOB CREATION SCHEME

**The Hon. DIANA LAIDLAW:** I ask the Attorney-General whether he has an answer to question No. 1 on the Notice Paper standing in my name.

**The Hon. C.J. SUMNER:** No, I do not have it.

**The Hon. DIANA LAIDLAW:** Has the Attorney any indication as to whether I will receive an answer to this question prior to the rising of Parliament?

**The Hon. C.J. SUMNER:** I do not have any such indication. I suggest that the honourable member could place it on notice for next Wednesday and I will endeavour to obtain a reply.

## ELECTRICITY CHARGES IN IRRIGATION AREAS

**The Hon. K.T. GRIFFIN:** I ask the Minister of Agriculture whether he has an answer to question No. 2 on the Notice Paper standing in my name.

**The Hon. FRANK BLEVINS:** I regret that I do not have an answer to that question at this stage. I suggest that the Hon. Mr Griffin place it on notice for another day.

**The Hon. K.T. GRIFFIN:** For Tuesday next.

## ABALONE LICENCE FEES

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

That regulations under the Fisheries Act, 1971, re abalone licence fees, made on 1 September 1983 and laid on the table of this Council on 13 September 1983, be disallowed.

The reason for seeking to disallow this regulation is quite simple: there has been some confrontation between the Minister who is handling this portfolio and the fishermen. To put it into context, I wish to relate some of the incidents that took place during the hearing of the Subordinate Legislation Committee, which listened to the complaints of the fishermen. It is regrettable that the Government's relationship with the fishing industry has been less than happy. The Government has been determined to foist on the fishermen substantial increases in licence fees. In the abalone fishing industry, in particular, the increased fees have been quite dramatic. They have risen, not from any open and amicable consultation between the Minister of Fisheries and the industry, but as a result of threatening action on the Minister's part. In evidence to the Joint Committee on Subordinate Legislation, Fishing Association representatives made it quite clear that the increased abalone fees had been paid under duress. The Chairman asked:

Do I take it that you say that agreement has not been reached with your Association on new fees?

Mr N. Craig, of the Abalone Divers Association, said:

Our Association, along with all other fisheries associations, agreed to pay increased premiums under duress simply because without our licences we cannot fish and it would be economically impracticable not to do so.

To get the matter quite clear the Chairman rephrased his question as follows:

You are saying that you are paying your fees under duress?

Mr Craig replied:

Yes.

Later in the evidence Mr Craig explained that his acceptance of the fees, reluctant though it was, was quite clearly made on the basis of two points of understanding. He said:

In the beginning we paid the licence premium increase on two points of understanding . . . First, that Mr Blevins would put the idea and concept of supporting an economic survey before Cabinet, which he said would for us. He then backed down. Since then, he has implemented regulations without consultation with us.

In supporting evidence, Mr J.R. Kroezen added:

We understood that an economic survey was to be part of that . . . The Minister agreed to ask Cabinet for an economic survey. He has since said that he will not put that matter to Cabinet and that if we go ahead and conduct an economic survey he will pay no attention to it—he will totally disregard it.

What an extraordinary about-face on the part of the Minister. We have the situation where in July this year the Minister wrote to the Australian Fishing Industry Council threatening a package of measures which he would impose upon the fishing industry unless a new scale of licence fees was accepted. When the industry finally agrees to any increase, on the understanding that the Minister will put before Cabinet a proposal for an economic survey, the Minister goes back on his word. It seems that the only reason he agreed to the survey proposition was to get his fee increases through, and now that they have been achieved he feels no obligation to keep his commitments to the industry.

On 15 November in this place the Leader, The Hon. Mr Cameron, sought an explanation from the Minister as to why he now fails to support an economic survey of the fishing industry. In his response the Minister replied:

Quite frankly, as the Minister responsible I cannot justify to Cabinet that that amount of taxpayers' money would be usefully spent.

Yet as Mr Cameron indicated in Question Time today, in his reply to the question of 15 November the Minister referred to a survey the Government had funded and was prepared to undertake of South Australian recreational fishing. It seems a significant contradiction on the Minister's part that he will support a survey of recreational fishing but not of the professional fishing industry, which is of significant economic value to the State. The Government's approach to this issue has been one of seeking the fishing industry's agreement to licence fee increases whilst holding a gun to its head.

The Minister's letter to AFIC, despite being aggressive and unreasonable (and one might add, quite at odds with the Labor Party's new-found commitment to consensus and consultation) revealed a lack of understanding of the benefits of the fishing industry to our State and of the heavy financial commitments which fishermen have made to their industry. I will elucidate on that matter a little later. The letter also fails to address the question of the efficiency of the Department of Fisheries' management of the industry. Instead of merely passing on ever-increasing costs to the industry the Minister should first carefully assess the efficiency of the management of the State's fishing resources by his Department. That sets the background for asking that this regulation be disallowed. The regulation has increased the cost of licences to the fishermen in the abalone industry by 100 per cent. That, in one fell swoop, is a remarkably high increase in a tax. How are these fees arrived at? Until 1968 abalone fishermen paid $20 for a fishing licence. In 1972-73 that amount was increased to $200. The industry was at that stage still very small and markets were under-developed.

In 1978 the industry agreed to a tax of 2.5 per cent of gross turnover on a roll-over basis of two to three years being the licence fee. This was during the time of the previous Labor Government. In 1979 the Liberal Government added transferability to those licences. In 1979-80, gross average income on a roll-over basis of those fishermen was $61 371. If that figure is multiplied by 2.5 per cent the resulting licence fee arrived at is $1 500. In 1981-82, because of the fishermen's ability to find new markets, and because of the increase in demand for their product, gross income rose to $96 000. That provides for a licence fee of $2 200. There are only 35 abalone fishermen in South Australia, the majority of whom are on Eyre Peninsula. The Department of Fisheries derives an income of $77 000 per annum from those 35 fishermen. The proposal to increase their fee by 100 per cent, from 2.5 per cent to 5 per cent of gross income rolled over three years, will result in each fisherman paying $4 800 for his licence. That may not sound very much on a gross income of $96 000, but I assure honourable members that costs in this industry are extremely high.

The reasons that costs in this industry are high are quite obvious. The industry is not situated just off the coast of Port Lincoln, near the fishermen's homes or the towns in which they live. They have to travel big distances to fish and need equipment that will enable them to traverse the coastline and go over beaches to launch and retrieve their boats. As well, they require complicated breathing equipment and also pressure-generating equipment to operate that breathing equipment. They also require expensive boats. On top of that, they have to pay for a person to shell the fish for them and look after the boat while they are diving for abalone. Therefore, their costs are quite remarkable and, in fact, as high as 60 per cent or more of total income. If one takes $5 000 off of that amount for a licence little remains.

The Minister has proposed in some of his talks with the fishermen that that amount be increased to 12.5 per cent. That would certainly make it difficult to get a reasonable living from the industry. Fishermen would be paying that fee for the privilege of being abalone divers. I emphasise that management costs must be taken into consideration.

The Department has indicated to fishermen that the cost of running the abalone industry is $381 809 as at 31 September 1983. That seems to me to be a remarkably high amount when one considers that there are only 35 fishermen servicing this industry.

How are these management costs split up? They are split up into costs for policing of the industry and research, but how much is put into research is a very good question. I asked the abalone fishermen on Eyre Peninsula and they indicated that there are few people in that field. The fishermen see the researchers about three times a year, and the research work undertaken is fairly minuscule. The majority of work is carried out in the Elliston area: about four researchers go to the area and spend one to 1½ weeks, diving every day to observe and research the development of the abalone.

The abalone fishermen realise that they must control and regulate their own industry, and they have done that by not operating in the bay at Elliston in an endeavour to determine whether the shell fish will aggregate and regenerate and whether it will be easier to catch them if less fish are taken or if an area is left alone for a time to see whether it will regenerate, and how quickly that will happen. The Department of Fisheries has not given much information as to whether that will occur, but the fishermen have agreed not to enter that area so that the fish can regenerate. The fishermen have used their own control measures to try to help the industry, and that is to their credit.

I understand that the Department of Fisheries has also undertaken research work on a small island off Victor Harbor. However, the Department has done very little to develop equipment to help the divers, and there are many queries in regard to policing of the industry. A number of complaints have been made by individual fishermen about people using the industry and catching fish when they should not do so. The fishermen at Elliston have agreed not to take fish from the bay for 1½ to two years.

One other factor that is annoying the abalone fishermen is the Department's attitude to the taking of roeii abalone. The roei is a much smaller abalone and is caught further north in Spencer Gulf than the traditional black lip and green lip abalone that is being harvested at present. Many of the fishermen who observe these roei abalone believe that at no stage are they large enough to meet the minimum standard set by the industry of four inches in width. Those abalone do not reach that size even in the mature state. It is perhaps reasonable to assume that a smaller scale could apply to roei abalone. It is quite obvious that the Department is not putting as much effort into the development of this industry as the industry would like, yet the research cost of $328 000 seems bizarre. That is quite remarkable.

Abalone licence fees recover 12.7 per cent of the total cost whereas the prawn industry recovers only 4.8 per cent and the rock lobster industry recovers only 3.3 per cent of total costs from licence fees. Thus the abalone fishermen recover a sum that is three to four times greater than that recovered by other fisheries, yet they are being asked to increase their licence fees by 100 per cent. The Minister refused to consider a report on the whole industry. A letter to Mr Vandepeer from the Minister dated 1 July 1983 stated:

Dear Mr Vandepeer,

For some time, the Government has been concerned at the adverse effects of licence premiums in the South Australian managed fisheries. In particular, high premiums on authorities exclude practising fishermen without large capital resources from gaining access to managed fisheries, whilst limited entry licence holders are subsidised by the community for the cost of managing those fisheries.

I find that sentence difficult to comprehend—it is quite contradictory. It is further stated:

Licence fees from the major managed fisheries (abalone, prawn and rock lobster) do not presently cover the management costs for these fisheries. As a consequence, the community generally is getting no direct benefit from limited entry management policies.

I find it hard to believe that the community is not receiving any benefit from the fishing industry. What about the export income of $3.5 million? That is quite a considerable sum. If that is not a benefit to the community, it would be very difficult to explain how increasing licence fees would affect the community. It is further stated:

The Government has considered a number of options for the reduction of licence premiums and the recovery of management costs. The major alternatives are:

*(a)* make licences non-transferable;

*(b)* increase the number of fishing units with compensating controls on effort;

*(c)* distribute profits from authority holders to a wider group of participating fishermen, that is, skippers and crew;

That sounds like a very unsound policy: it takes no consideration of the risks that skippers and owners have to put up risk capital. Further it is stated:

*(d)* introduce a transfer fee on first generation licence holders;

*(e)* increase licence fees to cover management costs.

We can assume that the reason for that is that there is some Government inefficiency. The Minister went on to ask Mr Vandepeer's view, and he states:

Of these options, the Government has decided to seek industry's views on a new scale of licence fees for the abalone, prawn and rock lobster fisheries.

The Minister stated that quite categorically. However, I demonstrated earlier how the Minister has refused to do anything since that time. The Minister's letter to AFIC then describes in some detail his proposals in relation to the licensing of abalone fishermen, as follows:

The Government proposes that the contribution from abalone fishermen be increased from 2½ per cent to 5 per cent of the rolling average value of production from the commencement of the 1983-84 season and from 5 per cent to 7½ per cent from the commencement of the 1984-85 season. As with the prawn fishery, the final scale will continue to be based on a percentage of average gross value so it adjusts for the profitability of the fishery and inflation.

I find that statement by the Minister of Fisheries confusing, in view of his response to a question from the Hon. Mr Cameron this afternoon. This afternoon the Minister said that, during the period of the present Government, there would be no increase in fishing licence fees. However, it is on record that the Minister has said that in the 1983-84 fishing season he will increase the fee from 5 per cent to 7½ per cent. The Minister's argument becomes more tattered as the day wears on. The Minister concludes his letter by saying:

I would seek AFIC's response to the Government's proposal by 22 July 1983.

That clearly demonstrates that the Minister has chopped and changed from place to place. Obviously, the Minister does not have an effective policy in this area. In a letter to Mr Puglisi, dated 20 October, the Minister of Fisheries states:

The industry, of course, has a perfect right to seek greater knowledge of its operations and economic status, which may influence management decisions such as effort control or reduction. This should not normally mean a Government obligation to joint funding of any reviews the industry decides to undertake.

In other words, the Minister appears to be backing down from his former commitment to conduct a review of the industry. The industry itself agreed to pay for half of the cost of a review. I refer to a letter dated 25 October 1983 from Mr Gallary to the Premier, as follows:

In negotiations with the Minister of Fisheries, the Hon. F.T. Blevins, M.L.C., during recent months, certain conditions have been sought as a basis for this council and its members agreeing to the licence fee increases for 1983-84. One of these conditions was that an economic survey of our major fisheries would be

carried out by independent consultants on a joint Government/industry funding basis. Total cost of the survey is estimated to be $30 000. Mr Blevins has suggested that we should make such a proposal to you as State Treasurer.

It appears that the Minister of Fisheries agrees that the survey should proceed at a cost of $30 000. The letter continues:

The council has proposed the economic survey as the basis for a sound long-term management plan for the industry. The council hopes that the survey will highlight opportunities for reducing the costs of industry management and that it will provide the Government and prospective entrants to the industry with a sound economic basis for decisions. The proposed terms of reference for the study are enclosed.

The Premier replied to the letter in October, in the following terms:

It is important that frank and open discussions are able to continue between senior representatives of industry and Government. During this type of discussion questions such as priorities, and who should be responsible for particular activities, can be raised in a clear and direct manner, and I am sure this is an approach which most industry representatives prefer. It must also be understood that certain matters are best handled at Ministerial level, where there is a close association with the specific activities relating to the Minister's portfolio.

It is obvious that the Government backed down and would not provide the $15 000 promised by the Minister of Fisheries in earlier negotiations with the industry. The Premier continues:

Given that the Government is completely supportive of the action taken by the Minister of Fisheries, may I suggest that you continue to discuss with the Minister of Fisheries any matters of concern to you. This will allow the best possible decisions to be made consistent with the desires of the fishing industry and the policies and resources of the South Australian Government.

The Government does not appear to be getting off on the right foot, because the Premier himself cannot offer any hope for the fishing industry. The Premier also states in his letter to Mr Gallary:

I have no reason to depart from the judgment made by my colleague, the Minister of Fisheries, that the case for such participation has not been demonstrated.

The Premier was referring to the Government's participation in a survey requested by the industry and agreed to by the Minister of Fisheries.

I believe that the abalone divers have a very good case. It is not easy to earn a living from the abalone industry: it is a high risk industry and, in fact, one of the highest risk industries in this State today. That fact was ably demonstrated in the *News* last week in an article about a diver who made a sudden ascent while abalone fishing off Yorke Peninsula. The diver became unconscious and had to be recompressed in a hyperbaric chamber. That demonstrates that abalone fishermen work under considerable stress and pressure.

If the Minister of Fisheries has ever been scuba diving or under-water fishing he will understand that, at times, it can be very unpleasant. I believe that abalone divers continue in the industry because, at the moment, they receive a fair reward for their efforts. However, the industry itself will not continue if its members have Draconian taxes imposed on them to keep the Government's inefficiency in handling the industry at a low level. I believe that the industry itself should be admired. The abalone industry has developed its own techniques, equipment and markets for the sale of its product. All of the industry's markets have been developed as a result of the industry's initiative. Furthermore, members of the abalone industry have established a factory at Port Lincoln. That demonstrates that a small business can still be established. The factory was built at a cost of about $100 000. I believe that abalone fishermen have every right to object to any increase in their licence fees.

If other people are to be encouraged to get into the industry it will create heavier fishing and greater demand on existing fish stocks. Indeed, this very action is causing fishermen to fish longer and harder in order to keep up with inflation. To be burdened with this extra tax is also causing them to work harder for whatever reward they get. As the Council knows, abalone fishermen do not work every day of the year because their work load is determined greatly by the season and by weather patterns. On average, an abalone fisherman will work only 60 to 70 days a year. I suggest that abalone fishermen are hard pressed. As the Minister indicated that he wished to increase existing fees further, it is with some pleasure that I support the motion for disallowance of the regulations.

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

## WATER RATES

Adjourned debate on motion of Hon. M.B. Cameron:

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.

to which the Hon. K.L. Milne has moved the following amendment:

Leave out all words after 'Council' and insert in lieu thereof the following paragraphs—

1. 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.
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 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.

and to which the Minister of Agriculture has moved a further amendment, namely:

Leave out all words after 'Council' and insert in lieu thereof the following paragraphs:

1. The action taken by the Government in dealing with the major issues confronting the Riverland region, including—
   *(a)* a 12-month investigation of the redevelopment potential of Riverland Fruit Products;
   *(b)* establishment of the Riverland Fruit Products Task Force;
   *(c)* the July announcement of a guarantee of $240/tonne for canning peaches;
   *(d)* negotiations with the Federal Government in regard to the establishment of a Riverland Council for Redevelopment,

   should be endorsed.
2. The specific financial needs of Riverland growers are able to be met through the doubling of funds in the Rural Assistance Scheme, and an across-the-board subsidy to all producers, irrespective of need, through a subsidy on water charges is an inequitable means of assistance to producers in financial need.
3. Discussions over ways in which growers can take a greater responsibility for the operation of irrigation schemes in the Riverland should be speeded up.
4. The Federal Government should recognise its already substantial commitment of resources to the Riverland region, and actively co-operate with the State Government in examining the redevelopment potential of the region.

Question—That the words proposed to be struck out stand.

(Continued from 16 November. Page 1801.)

**The Hon. M.B. CAMERON (Leader of the Opposition):** I thank honourable members for their contributions to the debate on a very important matter concerning the cost of water supplies in the Riverland. I refer to the cost of water supplied by a Government instrumentality in comparison with the cost to growers of water provided by private organisations. It is important that this matter be looked at seriously from the point of view of people involved in the industry. There has been a drastic increase in water rates this year of 28 per cent, which is well above the rate of inflation, as honourable members know.

Worse than that, this increase puts Riverland growers in a situation where they are unable to compete with their neighbours who in many cases are operating under different schemes run by private organisations providing water at a considerably lower rate while still covering 100 per cent of the costs involved. Figures given elsewhere indicate that Government instrumentalities in other States can provide water at a much lower rate, and that includes drainage for salt. Anyone who believes that this is not a problem in the Riverland should discuss the matter with Riverland growers. Certainly, it is a matter of grave disappointment that neither the Minister of Water Resources nor any member of the Government (I accept that the Minister of Agriculture said that if he had been invited he would have spoken to growers, and it is most unfortunate that he was not invited or seconded by the Government to speak to growers) has visited the Riverland in respect of this problem. I am sure that any member of the Government who wishes to visit the Riverland and discuss this matter with growers would have no trouble in having a meeting called.

Growers are keen to put their point of view to the Government. They are gravely concerned that the Minister appears not to understand the difficulties created in this situation. Certainly, the sooner this problem is the subject of an inquiry the better. There has been much discussion by the Minister of Agriculture in regard to a subsidy. He claims that growers are covering only a quarter of the cost and in some way are being subsidised.

Let me advise the Minister that in no way do Riverland growers see themselves as being subsidised in regard to water because other Riverland schemes provide water at 25 per cent of the cost while covering 100 per cent of the charges involved. Their position reflects no subsidy. Instead, their position reflects the fact that a Government instrumentality appears on the surface (no proof has been given to the contrary) to be inefficient. Certainly, it does not appear to be keeping within the sort of constraints that would provide water at a reasonable rate. It is not a subsidy.

Growers are paying more than they need to the Government and they are subsidising the E. and W.S. Department, which is supplying the water. Criticism was made that the Opposition was taking a swipe at the Department. To some extent that is true: we were being criticial and justifiably so. The Department charges 75 per cent more than the rate required under private schemes, which cover 100 per cent of their costs. I freely admit that that is having a swipe at the Department, at its inefficiency, and I make no excuse for that whatever. It is necessary to draw attention to this problem. There was some criticism of the fact that we appear to be conducting a political exercise. I suppose that all matters raised in Parliament are a political exercise. Certainly, it was intended to draw the attention of politicians to the problems that are faced. If that can be done in a way that can be called a political exercise, I again make no apology, because that is what this institution is for and it is the reason for moving this motion in this Council.

The motion was brought to this Council in order to bring to the Government's attention the situation facing Riverland growers. The motion was moved because the Minister in charge of the Department has refused consistently to go to the Riverland and discuss this problem with growers. Even when the growers came to Adelaide the Minister refused to talk to them. Normally, growers are a quiet bunch of people. Certainly, Riverland growers, like farmers, are not known for their demonstrating ability: it is not something that they enjoy doing.

They are very quiet, reserved people, but in this case they felt sufficiently stirred up to take a lot of trouble and spend a lot of money and time to come and draw the attention of Parliament to their problems. Even then, it would appear that no member of the Government was prepared to face them. In saying that, I accept that the Minister of Agriculture has said that if he had known he would have spoken to them. The Minister is known for his preparedness to talk to people, and I do not suggest for one moment that he would back away from such a situation. I just wish that he had been told about the demonstration and about the problem so that he could talk with them.

**The Hon. R.J. Ritson:** Some of those who saw it ran away like rabbits.

**The Hon. M.B. CAMERON:** It was a bit like a ferret being put down a hole when members of the Labor Party appeared. I do not want to be too critical: it is a very difficult situation for back-benchers to face. The Minister should have faced up to the problem. I know that there are problems associated with the Riverland—its marketing and many other problems—but this is one basic area where the Government can do something and where some action can be taken that will provide some assistance to the grower.

It is important that this matter be passed. I note that the Hon. Mr Milne has an amendment on file. I do not wish to go into great detail. I believe that it is almost exactly the same as mine. I do not know whether the member was trying to take over my motion or trying in some way to improve on it; I do not believe that it does improve it. I ask members to support my original motion and to ensure that the Government receives a message. I would like to see this motion passed unanimously by this Council. Let us show a real spirit of consensus in this Council on a matter in which members clearly see the need for the Government to act. I urge members to support this motion.

The Council divided on the question:

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

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

Pair—Aye—The Hon. R.C. DeGaris. No—The Hon. Frank Blevins.

Majority of 1 for the Noes.

Question thus negatived.

The Council divided on the Hon. Mr Milne's amendment:

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

Noes (19)—The Hons Frank Blevins, G. L. Bruce, J.C. Burdett, M.B. Cameron (teller), B.A. Chatterton, J.R. Cornwall, C.W. Creedon, L.H. Davis, R.C. DeGaris, H.P.K. Dunn, M.S. Feleppa, K.T. Griffin, C.M. Hill, Diana Laidlaw, Anne Levy, R.I. Lucas, R.J. Ritson, C.J. Sumner, and Barbara Wiese.

Majority of 17 for the Noes.

The Hon. Mr Milne's amendment thus negatived.

The Council divided on the Hon. Mr Blevins' amendment:

Ayes (9)—The Hons Frank Blevins (teller), G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, Anne Levy, C.J. Sumner, and Barbara Wiese.

Noes (12)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, H.P.K. Dunn, I. Gilfillan, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, K.L. Milne, and R.J. Ritson.

Majority of 3 for the Noes.

The Hon. Mr Blevins' amendment thus negatived.

**The PRESIDENT:** As we can obviously proceed no further, there is no statement of opinion. I am therefore unable to put any further question, so the motion is effectively negatived.

## TRAFFIC INFRINGEMENT NOTICES

Adjourned debate on motion of Hon. M.B. Cameron:

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.

(Continued from 9 November. Page 1529.)

**The Hon. BARBARA WIESE:** The Government opposes this motion. It is not my intention to waste the Council's time on this motion because it does not warrant much attention, in my view. In fact, it rather irritates me that we should have to deal with a motion like this one and have to pause momentarily to do so when there are so many important matters on our Notice Paper which we should be dealing with and which are of much more importance.

It seems to me that the purpose of this motion is just to score political points. I do not think that the Opposition is really opposed at all to an increase in fees for traffic infringement notices under the Police Offences Act, because members opposite know that it is necessary for fees to rise. They are really raising this motion of disallowance to make the point that when the Labor Party was in Opposition its Shadow Chief Secretary, Mr Keneally, accused the then Government of using traffic infringement notices as a revenue raising tax.

They are now implying, although they are not prepared to say outright, that we are using this increase for that purpose ourselves. The Hon. Mr Cameron has read out all sorts of interesting quotations of remarks that were made by the Hon. Mr Keneally some time ago. In fact, the Hon. Mr Cameron has implied in this Council that the Government opposed the introduction of traffic infringement notices at that time, and I want to set the record straight in that regard.

I remind the Council that when the Bill to introduce traffic infringement notices was introduced in this place it was supported by the then Opposition. We made clear during that debate that we had reservations about the legislation, and the Hon. Frank Blevins moved a number of amendments on the Opposition's behalf. Unfortunately, those amendments were not successful. However, we supported the Bill in this Chamber and in the House of Assembly.

The remarks to which the Hon. Mr Cameron has referred and which were made by Mr Keneally were made after the traffic infringement notices scheme had been in operation for a short time. Mr Keneally made those remarks based on the huge number of notices that had been issued until that time. The number was far above the anticipated number, and I want to remind members of the figures that were published at that time. During the first two months of operation of these infringement notices, 12 000 fines were imposed on South Australian citizens in each month, and that is really a huge number. Who could blame anyone for believing that these expiation notices were being used as a form of backdoor taxation, and that was the criticism that Mr Keneally made at the time. In fact, the matter was considered to be so serious that the then Attorney-General asked the police to be more restrained in issuing such notices, and following that communication the number dropped significantly so that in March only 7 984 fines were imposed. The number then levelled out to an average of 10 000 a month for the rest of the year. Therefore, the fears that were expressed by Mr Keneally at that time were quite reasonable.

I also remind the Council that at that time members opposite denied emphatically that these fees were being used as a form of taxation. Presumably, they believed that the level of fees was reasonable because, if they had not believed that, they would not have settled on the finally agreed level. Surely it follows that, if in 1982 the fees were a form of taxation and if the level of fees charged was reasonable, the same must apply now, because nothing has changed. The present system is the system that operated at that time.

It must also be reasonable to assume that, if such fines are to act as a useful penalty in relation to people who break the law, they should maintain the real value, that is, the value that was established by the then Liberal Government. Therefore, the regulations now seek to maintain the value that applied in January 1982, when these fines were first introduced. The fee is being increased by an average of 20 per cent, and the average rate of inflation during the past two years since the introduction of the scheme is roughly 20 per cent, so I do not see how anyone can argue with the Government's actions.

When the Liberal Government introduced the legislation it was stated that it was designed to bring South Australia into line with practices in other States, and in fact the then Government modelled the legislation on the existing New South Wales legislation. At the time the idea of bringing South Australia into line with practices in other States was held up as some sort of virtue. In February 1983, the New South Wales Government increased its expiation fee for traffic infringement notices, and South Australia is now doing the same—we are bringing South Australia into line with other States again. However, the Hon. Mr Cameron seems to have changed his tune in that regard: he now states that it is no longer appropriate for South Australia to be following New South Wales or other States. In 1982 it was quite acceptable to do that, but in 1983 it is not acceptable.

I believe that the Hon. Mr Cameron knows that there is no real substance in his argument. There is an argument for the Government's maintaining the real level of expiation fees, which were introduced by the Liberal Party, not by the Labor Party. This procedure is simply an exercise in political point scoring. It is a waste of Parliament's time, and I think that we should dispose of it quickly. I oppose the motion.

**The Hon. M.B. CAMERON (Leader of the Opposition):** That was a very interesting dissertation from the Hon. Ms Wiese. The honourable member knows full well that the present Minister made a very clear statement that he did not believe that such avenues should be used as a taxation measure. Yet, when inflation increases by 12 per cent, there is a directive to the Police Department to in some way cover this and to increase the fees by 20 per cent. That is a straight taxation measure. If ever there was a political point scoring exercise, it was conducted by the present Minister when this matter first came before the Parliament, when it was going through the Parliament, and after it had gone through.

The honourable member would be the greatest point scorer in Parliament that I have ever seen. We all recall the way in which he carried on about prisons. It is quite a different kettle of fish now—there are all sorts of reasons why things happen in prisons. I do not want to go into that, Mr President, because I know that you would get cross with me, and it is too early in the day to start stirring you up.

**The Hon. B.A. Chatterton:** What's the right time?

**The Hon. M.B. CAMERON:** About midnight. This is not a political point scoring exercise, as the Hon. Ms Wiese has tried to pass it off. It is a genuine attempt to try to bring attention to the fact that this Government has used another charge as a backdoor taxation measure, having promised not to do so before the last election. That is something which members opposite said they would not do in their term of office. I know that the Hon. Ms Wiese must be embarrassed—I know that she is an honest woman and that she would not do anything dishonest. However, she is being forced to do that and, worse, to get up and defend a dishonest Government. I feel sorry for her. I know that the honourable member has a basic inate honesty, and it is a shame that she has been put in this position. I do not believe there is any member opposite—

**The Hon. L.H. Davis:** You don't believe that.

**The PRESIDENT:** Order!

**The Hon. M.B. CAMERON:** I do not believe that any member opposite present does not feel a sense of shame. The Hon. Mr Bruce is very honest, and I am sure that he feels ashamed every time he has to vote for a measure that is contrary to what the Government said before it came to office.

The Hon. Mr Creedon is another member who I am sure is feeling a sense of shame. I am sure that the Hon. Mr Chatterton, a man of great principles, shares that shame. I know how it feels to sit on the back-benches and not know what your Government is doing. I am sure that in this case Government members are absolutely certain that their Party is doing the wrong thing. They are being forced to vote for and defend policies brought down by a dishonest Government. I am surprised that members opposite have consented to be a party to this measure.

The Hon. Ms Levy is another honest member of the Government. I am surprised that she supports this measure. I will be surprised if members of the Government do not show their honesty and for once make a stand by showing their Party that they will not support a Premier who, on so many occasions, has been proven to be dishonest.

**The Hon. Frank Blevins:** What about Mario?

**The Hon. M.B. CAMERON:** I hate to leave anyone out. We have seen on many occasions that the Hon. Mr Feleppa is prepared to stand up and be counted.

**The Hon. L.H. Davis:** He's very brave.

**The Hon. M.B. CAMERON:** He is a very brave man, and I would not leave him out. In fact, I have seen the Hon. Mr Feleppa take on the Attorney in this Council. That fact has not gone unrecognised in this Chamber. I regret that the Hon. Ms Wiese has been forced to support the Government in relation to this measure, and I regret the fact that she has been forced to defend another broken promise. However, I accept that she is a member of the Government and that she has been forced into this situation. I urge members to support the motion.

The Council divided on the motion:

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

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

Pair—Aye—The Hon. R.C. DeGaris. No—The Hon. G.L. Bruce.

Majority of 1 for the Noes.

Motion thus negatived.

## ELECTRICITY CHARGES

Adjourned debate on motion of Hon. H.P.K. Dunn:

That in the opinion of this Council all citizens of South Australia who are connected to the Electricity Trust grid system, electricity undertakings managed by district councils or corporations and those undertakings operated by the Outback Areas Development Trust, should be charged for electricity on the same basis, and that the 10 per cent surcharge which applies in certain areas be abolished, and those undertakings operated by the Outback Areas Development Trust which charge for electricity at a greater rate than any other country area be placed in the same charging schedules as metropolitan Adelaide.

(Continued from 26 October. Page 1324.)

**The Hon. ANNE LEVY:** When I commenced my remarks on this motion on 26 October I expressed my surprise that it had been moved by a member of a Party which supposedly espouses the principle of user pays. The motion includes the incorrect implication that a 10 per cent surcharge is applied to the electricity accounts of consumers in certain country areas. However, that is not the case. In fact, the Government subsidises electricity supplies to country areas to an extent sufficient to keep the charges paid by country consumers to within 10 per cent of the charges levied in the Adelaide metropolitan area.

The subsidy for country consumers amounts to a considerable cost to South Australian taxpayers. Consumers supplied via a council scheme already receive a subsidy equivalent to an average payment of $209 a year. Those supplied by a diesel generated undertaking receive an average subsidy of $1 093 a year. The Hon. Mr Dunn referred to a series of items that are more expensive in country areas, including freight charges, driving children to school from remote locations, and the cost of petrol.

The Government has clearly taken steps to relieve the high cost of electricity in country areas. If the Hon. Mr Dunn wishes to do something about the high cost of living in the country, I suggest that he address himself to some of the items that he mentioned, rather than the cost of electricity, because the Government has already acted in that area. The Government has a policy of ensuring pricing structures to provide basic energy requirements for domestic consumers at a reasonable charge. When I last spoke to this motion I pointed out that the Minister of Mines and Energy had asked the Electricity Trust to assess the appropriateness of a 1 300 kilowatt hour limit on subsidised power for diesel undertakings for people living in remote areas.

The 1 300 kilowatt hour limit was set many years ago, before items such as air-conditioners and freezers were common, and it may well be that one can regard items such as air-conditioners and freezers not as luxuries but virtually as necessities in some of these remote areas due to the climate there. Certainly, by current-day standards I doubt that anyone would argue that such items need be considered as luxury items for harsh environments.

The Electricity Trust has agreed to give serious consideration to raising this 1 300 kilowatt hour limit for people on diesel generated electric power. I understand that no decision has yet been taken in regard to raising the limit below which consumers receive considerable Government subsidy. In view of the facts that I have quoted, I believe the Hon. Mr Dunn's motion makes demands on South Australian taxpayers for further subsidies that could be quite excessive. They cannot be justified at present. Therefore, I oppose the motion.

**The Hon. H.P.K. DUNN:** I thank members for their contribution; mainly the Hon. Ms Levy. The honourable member highlighted a couple of points that should be answered, which I will do shortly. Fundamentally, there is a good case to be made in support of providing for an even power rate throughout the State. I refer to how power is distributed throughout South Australia. Electricity is distributed and charged at a rate equivalent to the rate charged in Adelaide, except for an area on Eyre Peninsula. This area is distinct because the local government organisation in its wisdom and foresight put in a single wire earth return system at its own cost. It raised the funds from power users in the area and amortised the cost over 10 years. The result was that that organisation had to buy power from ETSA, and the Government and ETSA in their wisdom decided that users would have to pay a rate greater than that paid by consumers connected to the ETSA distribution system in the area below the local government distribution system.

In fact, the lines run through the local government area where people pay 10 per cent more than the city rates applying in the Lincoln/Tumby Bay area. An inequity exists. Further, the amount of subsidy is a misnomer because people throughout South Australia pay the same rate for power whether they be in Mount Gambier, Renmark, Peterborough or elsewhere because the distribution is by ETSA. People all buy electricity at the same rate. Country people are located a long way from the power generation points in Adelaide and Port Augusta. We do not know what is the extra cost to distribute power in those areas, and that information cannot be taken from figures supplied by ETSA.

It can be easily ascertained from areas where power is provided in bulk, and those areas are mainly on Eyre Peninsula. Another area involved is the diesel generating units run by the Cowell Electric Supply Company which are of specific concern because they are in remote areas and a long way from the more densely populated areas of the State. True, the cost of generating power in those areas is high, but surely it would not harm South Australia much if we subsidised people who live in remote areas and who do not have the amenities provided to city people.

**The Hon. Anne Levy:** We are subsidising them by over $1 000 a year each.

**The Hon. H.P.K. DUNN:** That is a misnomer. That applies to only the smallest; some of them, not all.

**The Hon. R.C. DeGaris:** You should get power cheaper in Port Augusta or Adelaide.

**The Hon. H.P.K. DUNN:** Yes, indeed. Power should be cheaper in Port Adelaide compared with the foothills of Adelaide and cheaper in Port Augusta compared with Whyalla, if that is the argument. The Hon. Ms Levy has said that we are members of a Party supporting the principle of the user pays. Certainly, she is a member of a Party that evens out tariffs.

**The Hon. Anne Levy:** We have, by millions—$4 million.

**The Hon. H.P.K. DUNN:** If the Hon. Ms Levy is to be true to her cause, she would support this motion. Not a great deal of money is involved in an extra $500 000 in evening out the tariff in this financial year throughout the State. Indeed, I refer to the enormous cost in regard to the S.T.A. supplying services in the Adelaide area within 20 miles at a cost of over $70 million. Only $500 000 is required to cover a large area of the State and support people who do not have the same facilities as city people. People in the country pay an extra 10 per cent but do not have television or sealed roads and they receive irregular mail and are subject to other inconveniences. Such people regard the use of electricity as an essential part of their life.

True, electricity has brought some of the more modern means and amenities into their homes, which I support wholeheartedly. It was these very people who put the money up for their own distribution and paid for it over 10 years. In the District Council of LeHunte it costs $6 000 to have power connected. People there pay $6 000 over and above the normal charges for connection of any other power consumer. That is a great burden, and to pay 10 per cent on top of that is an even greater burden. My own power bill for the last quarter of August, September and October was $204. That would be about average in my area, and it is not a biased figure.

**The Hon. R.I. Lucas:** Mine was $250.

**The Hon. H.P.K. DUNN:** Obviously, because I am not at home to use the power, my bill was only $204. Others are higher. The additional 10 per cent is another $20.40. Multiply that over a period and it adds up to quite a considerable sum. So, I believe that this motion ought to be supported. It would even up some anomalies that happen for people who live in the country. It has been canvassed considerably in the other House for a long period, and it is quite time that some action was taken. It was canvassed before I came to this Council, but it is a great anomaly and a great disservice to many people who live a considerable distance from the city and who, of their own volition, put in or paid for their own distribution systems and amortised them over a 10-year period.

On top of that, they have to pay 10 per cent more for power. That does not take into account those people who pay enormous amounts of money; for instance the Marla Trading Co. paid $6 000 for one months power, which would have been $2 700 had it been city tariff. I believe that we should support this motion.

The Council divided on the motion:

Ayes (12)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, H.P.K. Dunn (teller), I. Gilfillan, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, K.L. Milne, and R.J. Ritson.

Noes (9)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, Anne Levy (teller), C.J. Sumner, and Barbara Wiese.

Majority of 3 for the Ayes.

Motion thus carried.

## VEGETATION CLEARANCE

Adjourned debate on motion of Hon. M.B. Cameron:

That regulations under the Planning Act, 1982, concerning vegetation clearance, made on 12 May 1983, and laid on the table of this Council on 31 May 1983, be disallowed.

(Continued from 16 November. Page 1802.)

**The Hon. B.A. CHATTERTON:** I oppose the motion moved by the Hon. Mr Cameron to disallow the regulations concerning vegetation clearance under the Planning Act. The Minister for Environment and Planning in the House of Assembly and the Hon. Mr Creedon have given very sound and adequate reasons why it is necessary to undertake this control over the clearance of natural vegetation in this State and have explained the urgent reasons for the Government to take action to control that clearance. I do not want to explain those arguments again—they have been so adequately explained—but just to look at a number of other points that have arisen in this debate. The first point that I want to take up is the desire of the United Farmers and Stockowners to have economic criteria looked at when an area is being considered for vegetation clearance.

**The Hon. M.B. Cameron:** That was agreed to by certain of the people who gave evidence.

**The Hon. B.A. CHATTERTON:** I am just saying that I want to take it—

**The Hon. M.B. Cameron:** It was not only the U.F. and S.; it was the people who gave evidence.

**The Hon. B.A. CHATTERTON:** I thought that the U.F. and S. floated the idea originally. It asked that the economic criteria be looked at. This concept of considering the economic criteria is not new; it has been included in other planning areas where there has been a change of land use, particularly the change of land use from broad-acre farming to hobby farming. It was required that an economic viability for the hobby farm should be developed before planning permission was granted.

**The Hon. M.B. Cameron:** It was a pretty difficult one to handle, wasn't it?

**The Hon. B.A. CHATTERTON:** It was not only difficult; it was really impossible.

**The Hon. M.B. Cameron:** That is a different level to broad-acre farming?

**The Hon. B.A. CHATTERTON:** I am coming to that; be patient. The exercise in trying to develop economic viability of hobby farms was totally hypothetical. The schemes that were put forward to make these hobby farms viable economic units on their own included all sorts of crops of extremely high value: strawberries, avocados and things like that. It was a neat little model that was developed for the hobby farm, but it bore absolutely no relationship to reality. Once the planning permission had been granted to allow that change of land use from broad-acre farming to hobby farming to take place on the basis of these economic models, the new owners went on with keeping a few horses and so on, which was what they intended all the way along.

Therefore, the whole exercise was one of complete futility. We went through the pretence of producing these small economic units; of course, that was not going to happen in any case once permission to subdivide the land into hobby farms had been granted. It was a quite pointless exercise and discredited the whole idea of producing economic criteria. If one looks at trying to apply this idea to vegetation clearance one sees the reverse situation applying. However, I believe that that situation is just as hypothetical and just as unreal. In other words, farmers trying to get permission to clear vegetation will try to produce an opposite type of economic model showing that their property is not viable without extra land being cleared. I suggest that any farm management consultant worth his or her salt would be able to produce a whole lot of economic parameters to show that a farm was not providing an adequate return on capital and labour, that it is only possible to run very low return crops or livestock enterprises, and that the only way out of the situation is to clear extra land.

It is quite unreal to say that it is an economic model when somebody dreams it up in an attempt to get planning permission for a change of land use because other people produce other economic models. I do not think that that really provides anything concrete that would help in making that particular decision. There are, after all, other ways in which a farm enterprise can be improved and other ways in which it can receive considerable Government assistance. For instance, if a farmer chose (instead of clearing extra land) to buy more land, the Commonwealth Government will provide funds for farm buildup through the Rural Adjustment Scheme. It also provides funds for capital reconstruction on farms. It provides funds to invest on farms so that more intensive enterprises can be undertaken. Therefore, there are alternatives when trying to improve the economic viability of a farm which do not include clearing extra land.

There is really no reason why one particular path should be taken instead of another, other than the preference of the people concerned. Therefore, the whole exercise of producing an elaborate economic model to show that extra land produced by clearing scrub is necessary for the viability of a farm is unreasonable.

The second point I wish to take up is the question raised in this Council and elsewhere relating to compensation. I think that the people who raised this matter, if they looked at it clearly, would realise that compensation is quite impossible. It involves not merely the provision of funds required to compensate all owners of land in South Australia who have natural vegetation that they are not allowed to clear but also other owners of land, because the principle would no doubt be extended as a precedent to other people who were refused permission for a change of land use. Here again I refer to hobby farmers and farmers who apply to have their land subdivided and are refused that permission. They would no doubt apply for compensation also and it would be quite impossible for any Government to compensate all those people who were refused permission to change their form of land use.

I also point out that the interesting point would arise, if the community decided to pay compensation to people who were refused permission to change their land use, that the community could well ask that it receive part of the windfall profits from people who did get permission to change their land use. I think that to open up the question of compensation means that one would have to open up the question of windfall profits to those people who were granted permission, for example, to subdivide their farms into hobby farms, thus selling off the smaller farms at a much higher price than they would have got had the property remained a broad-acre property.

I finally raise the point made in the last issue of the *United Farmer and Stockowner* in November 1983. On the front page the headline, 'Few land controls overseas' appears. The article states:

> The native vegetation clearing legislation which operates in South Australia is unknown in the United Kingdom and other E.E.C. countries, U.F.S. Senior Vice-President, Mr Don Pfitzner, said last week.

The article goes on to describe Mr Pfitzner's tour of Europe, particularly the United Kingdom, and his explanation that he did not believe that there were land controls in those countries. Earlier this year I visited the United Kingdom and was surprised when I came to a completely opposite conclusion. In fact, during a visit to the south of England it was indicated to me that a president of the local farmers' organisation, in one of the zones in the south of England, was currently being prosecuted for clearing land he had been refused permission to clear. It was interesting that the local farmers' organisation, the National Farmers Union, had completely disowned him and said that he did not in any way represent their organisation. They were quite content with the planning controls in existence covering natural vegetation. They were not prepared to support their zone President, who had decided to clear his forest land despite being refused permission to do so.

That example was quite different from Mr Pfitzner's experience in the United Kingdom. He also mentioned in his report that the same situation applies in other E.E.C. countries. I can only quote again from my own experience in France where I asked the presidents of two regional authorities, one in Charente-Maritine and the other in Dordogne, who, when I asked them what planning controls applied to vegetation in their areas, both indicated that there were controls over forest areas and over farmers wanting to clear land. They said that they had to get permission for such clearing from the planning authorities. In the case of Charente-Maritine, permission was granted on a reasonably free basis because a lot of the farm land had been abandoned at the end of the last century and it was considered that a

lot of it could be returned to farming if people wanted to clear the land and redevelop it.

The principle of control over vegetation was certainly in force, so there was a quite different conclusion to that reached by Mr Pfitzner as recorded in the *Farmer and Stockowner*. Those were the points I wanted to raise in this debate. As I said, the major issues of the conservation of natural vegetation in this State have already been well explained by the Minister and by other members who have taken part in this debate, and I do not want to repeat those arguments. I oppose the motion.

**The Hon. H.P.K. DUNN** secured the adjournment of the debate.

## SHOP TRADING HOURS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 August. Page 629.)

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

That this debate be further adjourned.

The Council divided on the motion:

Ayes (11)—The Hons Frank Blevins, G.L. Bruce (teller), B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner, and Barbara Wiese.

Noes (10)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, H.P.K. Dunn, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Majority of 1 for the Ayes.

Motion thus carried; debate adjourned.

## SHOP TRADING HOURS ACT AMENDMENT BILL (No. 2)

In Committee.

(Continued from 16 November. Page 1809.)

Clause 2—'Commencement.'

**The Hon. M.B. CAMERON:** I oppose this clause, which merely addresses the question of the Act's coming into operation after two months. That is not the real substance of my argument. I will not consider a vote on this clause to be a vote on the substance of my amendments. The vote will not indicate who will or who will not support the most important and final amendment. It is important for the sake of my amendments that this provision be removed, because it would merely extend further the question of red meat not being sold on late shopping nights.

Because of the actions of the Government and the Democrats, this question has not been considered by the Parliament since 10 August (when I first introduced my Bill). The matter has consistently been adjourned by either Mr Gilfillan or Mr Bruce. The Hon. Mr Bruce has been the worst offender: he has taken this Bill out of my hands consistently since 31 August. Every week the Hon. Mr Bruce has stood up and has been unable to put a Government point of view in relation to my Bill. His actions are wrong, and they reduce the opportunity for products to be sold.

The suggestion is that there has been a very long-term conference (unlike the conference the other night on the f.i.d.) between the Democrats and the Labor Party to try to arrive at a certain situation. They claim now to have arrived at a situation whereby they would agree to allow meat to be sold on late trading nights. If this clause was left in the Bill, it would only extend the time further. Members opposite have successfully stopped any move, but I will say more about that in the third reading stage if my amendments are not passed. I believe that the Government is sufficiently embarrassed to pass this measure this time.

I know what happened to the Government: a lot of pressure was brought to bear on Government back-benchers. It is possible that the matter could have been passed on this occasion but, unfortunately, there has been some weakening by the Government. I think that that is most unfortunate. I will not go too far into that argument at this stage. I believe that this clause should be deleted so that the measure can take effect immediately. It is important that the question of sensible shop trading hours is not deferred for another two months.

The Committee divided on the clause:

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

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

Pair—Aye—The Hon. Anne Levy. No—The Hon. L.H. Davis.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 3—'Closing times for shops.'

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

Page 1, lines 22 and 23—Leave out ', until the expiration of one month after the commencement of the Shop Trading Hours Act Amendment Act, 1983,'.

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

Page 1, lines 19 to 34, and page 2, lines 1 to 7—Leave out subsection (4).

**The Hon. M.B. CAMERON:** If my amendment is not carried, the measure will not begin for two months. If the clause is amended, late-night trading will be permitted on a free and open basis. However, I suspect that my amendment has little chance of success. This clause means that butchers in this State will have to decide whether to open for trading on late-night shopping nights or on Saturday mornings—but not both.

When the Hon. Mr DeGaris last spoke to this matter he indicated that he was the only member of this Chamber who has been consistent on the question of trading hours for red meat. That is quite correct, and I accept that fact. The Hon. Mr DeGaris has been consistent. I freely admit that there was an occasion in this Chamber when I failed to vote for an amendment moved by the Hon. Mr DeGaris to enable late-night trading in fresh red meat. I do not think that there is any reason to hide from that fact. I regret my decision: it was a Party matter. I accept that the Hon. Mr DeGaris has been consistent in relation to this issue.

It has been suggested that at the end of the last session the Opposition voted against a Bill put forward by the Hon. Mr Gilfillan. That statement has been spread around this State. However, that was not the case, nor was it intended to be the case. At the end of last session, private members' time had finished in the House of Assembly. It was indicated at that time that the Hon. Mr Gilfillan's Bill could be reintroduced at the beginning of the new session (meaning the opening day of the new session). The Hon. Mr Gilfillan had an opportunity to reintroduce his Bill on the opening day of this session. I was surprised that he did not take up that opportunity.

I took no action to reintroduce the Hon. Mr Gilfillan's Bill on opening day, because I anticipated his taking that action. I agreed with the Hon. Mr Gilfillan that it was important to proceed—so I proceeded. If the Hon. Mr Gilfillan wants to take over the Bill or amend it to allow

for late-night trading, he can have all the credit. I believe that the question of shop trading hours should be in a proper form. Shop trading hours in this State are in a big enough mess without adding the burden of this Bill in its present form.

The clause, as it stands, will mean that butchers all over the State will not know where they are going. Customers will wonder what on earth Parliament is doing, bringing in a Bill that allows some butchers to open at one time and other butchers to open at another time. That is the craziest system that I have ever heard of. I suppose that some members will say that it is a breakthrough and the beginning of late-night trading. However, I think that it is the end. This Bill is an absolute mess.

It has been claimed that producers support this measure. The producer organisations that I have spoken to do not support this concept. In fact, they told me that they would rather that the present situation prevailed so that they could fight for full trading. If this measure proceeds in its present form, people will believe that the industry already has late-night trading and that there is no need to fight any more. If that occurs, we will never have full and open trading in relation to red meat. I appeal to members not to allow this crazy Bill to pass, because it will create an absolute mess in relation to trading hours for red meat.

It will be an absolute shambles when we finally get this into gear. I regret that the Hon. Mr Gilfillan has taken these steps. If we had taken the step of introducing the original Bill, which the Hon. Mr Gilfillan supported, the Government would have been sufficiently embarrassed to have supported it because it could not resist the consumer demand for late night trading. The Hon. Mr Gilfillan has attempted to imply that a letter from a gentleman in the U.F. and S. was such that he understood that he had its support. I talked to the author of the letter who said that that was not the case.

Certainly, if there is any doubt, it should be checked with the author. I have read the letter and believe that it is straightforward. Producers would rather leave the situation as it is than have a system brought in which might lead to our not getting late night trading. Again, I appeal to honourable members who want late night trading to vote for my amendment and send the Bill to another place where I believe the Government will support it. It will be sufficiently embarrassed to support it. One cannot tell me that there will not be pressure on back-benchers to bring this matter into being.

I know what happens in marginal seats where there are always people who are sensitive and, after the last distribution, there are now more marginal seats on both sides. There will therefore be many sensitive people who will not want to face up to the next election with this problem hanging around in regard to preventing people buying meat.

From the point of view of producers, this matter has been held up since 10 August and has caused a great problem during the selling season. I urge honourable members to support the amendment, which seeks to turn the Bill back to the original Bill, supported by the Hon. Mr Gilfillan and by this Party as a whole, and let us get on with the job of sending the Bill to the Lower House and getting red meat on sale by all butchers on both nights of the week, where they are able, and on Saturday morning, but not this crazy system of alternative days that will cause more problems than it will solve.

**The Hon. I. GILFILLAN:** I cannot support the Hon. Mr Cameron's amendment, because it would have the result of preventing the passage of a Bill that would allow for expanded trading hours. However, it does have the same aim as my original Bill. It was not quite as extensive, because my original Bill allowed for the further lifting of restrictions. The first Bill introduced was the most significant in terms of relieving pressure on the sale of fresh red meat.

We could have had a wonderful time passing the most sensational legislation in this Council and then feeling indignant for months and verbally beating people around the ears by saying that the House of Assembly turned down the opportunity for proper reform, which would have given honourable members opportunity for much fun. That is not proper fun. Perhaps I am too naive to expect that we will have constructive politics from this Parliament, but I am still naive enough to hope for that. The fate of the original Bill was determined by a negative vote for it to be adjourned.

**The Hon. M.B. Cameron:** That is nonsense.

**The Hon. I. GILFILLAN:** It reflects ignorance of Standing Orders, and many honourable members voted against us because they were not aware of or were not properly briefed about the opportunities for continuing legislation—

**The Hon. M.B. Cameron:** We are fully aware of that.

**The Hon. I. GILFILLAN:** I have spoken to some members who were vague. However, I do not intend to dwell on that. I have sat chaste in my seat while the Hon. Mr Cameron lambasted me. What is the result that we want to achieve? If we vote in favour of the amendment, that stops it and it will go no further. Although I am in full support of the amendment and the intention eventually to reach a complete relaxation of restrictions on either the late night or Saturday morning, as a constructive step now I will not vote in favour of it, because I do not believe that that legislation has Buckley's chance of being passed. I am here to seek some reform soon.

The claim of chaos and drama to which the Hon. Mr Cameron referred is exaggerated. People look for chemists who are open during alternative hours, and it is not impossible for a consuming public to quickly realise where they can buy fresh red meat at certain times. As a real reason for opposing my Bill, that does not persuade me at all.

The last point is only incidental but concerns the questions of U.F. and S. discussions. I have been involved in some, and I have been involved in other discussions with the Hon. Mr Cameron. Certainly, I do not belittle the fact that it is valuable to talk at any time with people about these issues, but conferences, discussions and an exchange of opinion are one thing: sitting listening to bulldozers thump points of view at an unwilling audience is another. Unfortunately, much of what are called conferences are really just opportunities for those who have strong authority to do some verbal bullying.

When the Bill is passed, as it will be, many fresh red meat producers throughout South Australia will be relieved. I sympathise with the intentions of the amendment, and I do not doubt the Hon. Mr Cameron's integrity in seeking genuine reform, but it is our intention to vote against the amendment because we believe that it would defeat any possibility of this Bill's achieving proper reform.

**The Hon. G.L. BRUCE:** As I, too, have on file an amendment to this clause, which cuts across the Hon. Mr Cameron's amendment, I am opposed to the amendment.

**The Hon. M.B. Cameron:** This is a recent event. You've had from 10 August to foreshadow an amendment.

**The Hon. G.L. BRUCE:** It is there now. I am not responsible if honourable members do not examine amendments. I am opposed to the Hon. Mr Cameron's amendment. In regard to the claim of the Hon. Mr DeGaris that he is consistent, I refer to my own consistency and my claim that, until such agreement was reached between the industry and employees, I would not be in favour of change.

**The Hon. M.B. Cameron:** What about producers?

**The Hon. G.L. BRUCE:** It is not much good to producers if they do not have an outlet. If there is industrial strife, that will do no-one any good. One cannot just take casuals

off the street to operate a butcher's shop. The creation of industrial strife will not solve problems. I believe that I have been consistent. Under the Hon. Mr Gilfillan's Bill there has been consultation and conference, and at last the sides have reached agreement, reluctantly, in regard to trading hours.

The Hon. Mr Cameron claims that there is no extension of trading hours, but I say that there is. Butchers can trade on Thursday or Friday night or on Saturday morning, and they can make a choice. There is an extension for the public which it has not had before. The situation will work and, while it has not been conceded willingly by either side, there is a recognition of a need for some review of hours, and this is the first step towards trying to implement the public's requirement. This measure will provide it without industrial strife. I oppose the amendment and indicate that I will be moving my amendment at the appropriate time.

**The Hon. M.B. CAMERON:** It is fairly obvious that the agreement, which has been arrived at after nearly four months, is standing up. I was absolutely staggered to hear that an agreement has been reached between the parties involved that allows this to now proceed. One would have thought that the producers were one of the parties involved. I can tell the Committee that they have not agreed to this matter. It is fairly obvious that the Hon. Mr Bruce and members of his Government do not regard the producers as terribly important in this matter because they have not obtained agreement from the producers. It is fairly indicative of the attitude of the Hon. Mr Bruce and his Government towards the rural people of this State that they were considered unimportant in this matter. If the Government thought that the producers were important, it would at least have gained some sort of support from the producers.

As far as having trained staff is concerned, I can inform members that at last count 90 butchers were on the unemployed list at the Commonwealth Employment Service; so, I do not think that the Hon. Mr Bruce need worry too much about that, because the additional butchers who would be required are already sitting out in the suburbs, unemployed and waiting. The Hon. Mr Bruce should support my amendment and enable these people to get some extra work. It is the old, old story: do not worry about the unemployed; but it is the employed with whom one must discuss this. I wish that the honourable member would go and discuss it with the 19 unemployed butchers. If he does not believe that figure he can go and get this list for himself.

**The Hon. G.L. Bruce:** I do not disbelieve the figure, but don't you think that their organisation should be listened too?

**The Hon. M.B. CAMERON:** Yes, provided that they put the view of increased unemployment. They are not in the least concerned with unemployed people. If one looked into the organisation one would get a surprise at the reasons for its not supporting this Bill. One of these days I may say it, but not at this time; I do not think that we ought to go too deeply into the views of the producers organisations or the butchers organisations on this matter.

This is not an extension of shopping hours. It says that if people close on Saturday mornings they can open on Friday nights. If one took the number of hours, that would be about the same. It is all very well if one has someone in one's area who will open on late shopping nights or on Saturday mornings as alternatives but, if one does not have two butcher shops, one to do each, one is in trouble, as the Hon. Mr Lucas pointed out. It is absurd for the Hon. Mr Gilfillan to get up and say that he would vote against the amendment. He has his reasons.

**The Hon. Diana Laidlaw:** Has he got a bob each way?

**The Hon. M.B. CAMERON:** Yes, which is fair enough. The honourable member has said that he would not support it without the support of the producers. He must have found a couple of farmers in the city to say that they would support it, but the producers organisation does not support it. I would have thought that in view of that the honourable member would retreat from this step; he has not done it and has not stuck with what he said originally. The net result may be an absolute mess and a crazy system of shopping hours which will make the shopping hours system an even crazier thing than it is now. It is almost impossible. People will be fined for opening in hours during which their compatriots in other areas are open.

**The Hon. H.P.K. Dunn:** It is ludicrous.

**The Hon. M.B. CAMERON:** It is ludicrous and absolutely absurd. Be it on the heads of those who have opposed this and are now supporting it.

**The Hon. R.C. DeGARIS:** I will ply my oar in this puddle at the present stage.

**The Hon. H.P.K. Dunn:** Have you a boat as well?

**The Hon. R.C. DeGARIS:** I do not have to have a boat. It is quite rightly stated by the Hon. Ian Gilfillan that if, when his Bill was introduced, it had not been adjourned, that Bill would have been in Committee in this Council some four months ago. The adjournment which took place when the Hon. Ian Gilfillan introduced his Bill was really a defeat of that Bill at that stage; there is no question about it.

*An honourable member interjecting:*

**The Hon. R.C. DeGARIS:** That is quite true. We could have had the original Gilfillan Bill in Committee in this Council on the first day of this session.

**The Hon. R.I. Lucas:** They would have deferred it for another four months.

**The Hon. R.C. DeGARIS:** No, they would not; so do not let us have any doubt about this position. I am also disappointed now that the Hon. Ian Gilfillan and the Hon. Lance Milne will not vote for an amendment that takes the Bill back to the one that they introduced in the last session. That is unfortunate, because I agree that if this Bill goes to the Lower House now and if the Government there changes its mind the Bill may pass. But, the House of Assembly should make the changes that the Government wants; it should not be done by agreement with the Democrats in this Council before the Bill passes. The position is quite clear that all honourable members in this Council should express their opinions on what they want.

I am quite certain that the Democrats want ordinary trading hours for red meat in this State. If they think about this for a moment they should vote for the amendment that has been moved by the Hon. Martin Cameron; the Bill would then go down to the Assembly and, if the Government wanted to make the changes, it could do so. We could agree with them when it comes back.

I will make one thing quite clear: I will vote for any changes in red meat sales. The particular changes that are being made in this Bill are farcical, but it is so peculiar that if it is done we know very well that in a very short period the change will be to normal trading hours for red meat in the State. There is no question about that. If this Bill goes through as it is now it will be a mess and will be difficult.

Consider the question of a butcher shop in a suburb where the shop is divided into two, one in the wife's name and one in the husband's name. Half the shop could open for late night trading and the other on Saturday morning. There are so many difficulties in this Bill that it must be changed again to clarify trading hours—late night shopping and Saturday mornings—for red meat. Irrespective of what the Bill does, I will vote for it. If there is any change to the most ridiculous, unfair system of having one commodity—red meat—not being traded when another commodity which is its competitor is being traded; that is quite clear.

I ask that the Democrats think about this position and consider what I am putting to this Council. They should vote for the Hon. Martin Cameron's amendment and then allow the Government in the Assembly to make its decision on what it wants. Members may well find that when the Bill gets down there the Government will change its mind and accept normal trading hours for red meat in this State.

**The Hon. I. GILFILLAN:** Some efforts were made to allow time for further submissions by the United Farmers and Stockowners to the Council. That is one of the reasons why it is so late in this sitting that we have come to make the decisive steps in relation to the Bill. It was purely because of that that we have made every effort to get it into this Council in an acceptable form so that it would not have the complication of having to be amended in the Assembly and returned to this Council. It may well be that the Hon. Mr DeGaris's advice based on his experience and wisdom is sound, and it may have been a better course of action. However, as we have planned the proceedings, and as we have already extended it as long as we could to make sure that we got the Bill through before the end of this sitting, I am afraid that I cannot accept the honourable member's suggestion, and I intend to vote against the amendment.

**The Hon. M.B. CAMERON:** I do not wish to prolong this debate, but I make one point again, and I am sure that the Hon. Mr DeGaris heard me before: the failure of the Hon. Mr Milne's original Bill to proceed in the last session in no way was intended by this Party on this side. It could have been reproduced on the first day and it could have been debated on the first private members' day of this session.

That was the first Wednesday of the session and the first opportunity for the matter to be considered, so I reject the suggestion that the Opposition intended to vote against the Hon. Mr Gilfillan's Bill. He could have introduced that Bill; nothing would have prevented that.

**The Hon. G.L. BRUCE:** I rise to clear up one point that was made by the Hon. Mr Cameron. The honourable member made great play about the Bill that he introduced and about how I have been obstructing it. He was aware of the Bill that the Hon. Mr Gilfillan introduced and what it contained. The Hon. Mr Cameron realised why I was obstructing his Bill, because I indicated that I supported the Hon. Mr Gilfillan's Bill. It followed that in no way was I looking to have the Hon. Mr Cameron's Bill brought on while the Hon. Mr Gilfillan's Bill was on the Notice Paper. That deals with the reason why I was obstructive, the honourable member having raised the issue again and again. He is now aware of that reason, as are other members of the Council.

I take up the point that the Hon. Mr Cameron made about 90 butchers being unemployed and looking for work, and his suggestion that those butchers would be offered four hours of casual work. Where does one see a gang of full-time butchers employed by—

**The Hon. M.B. Cameron:** The honourable member has good reason to feel embarrassed about this matter!

**The Hon. G.L. BRUCE:** I do not feel embarrassed about this matter at all, as I understand that the organisation which represents the butchers—

**An honourable member:** The employers.

**The Hon. G.L. BRUCE:** Yes; it says that this will work. This Bill is in the interests of harmonious industrial relations— it is a goer. As I understand politics, it is the art of the possible. What the Hon. Martin Cameron and his amendment intend to do is the art of the impossible. While this measure might not be what everybody wants, I believe that it is a step in the right direction. Accordingly, I still oppose the Hon. Mr Cameron's amendment and, in due course, hope to move my own amendments and have them supported by this Council.

**The Hon. M.B. CAMERON:** Some surprising statements are being made. The Hon. Mr Bruce attempted to justify his position but made it worse by what he has said. If he thinks that the only employment that will be offered to butchers by the extension of shopping hours is the four hours of late night trading, the honourable member fails to understand the system of employment in this industry. I can well understand the honourable member's embarrassment and his attempt to justify himself when he knows that this would be an opportunity to gain extra employment in this industry. The reason given for adjourning the debate on my Bill was given to me late in the piece. All I heard was that some sort of a discussion was going on—I had no idea of the basis of that discussion, nor did I inquire. I would have thought that, if there had been a good reason, I would be told that reason.

The Bill that the Hon. Mr Gilfillan introduced did not come on until about 2½ months after my Bill was introduced. No excuse was given to me until that time. When this Bill was introduced, I became aware of it, but that did not excuse the fact that we had had a Bill before us for that period of time and that we could have had this matter debated and brought into being more quickly. The Hon. Mr Bruce cannot opt out by saying 'The industry has not agreed; therefore this is the art of the possible.' In fact, it was the Government that had to agree—not the industry, which does not agree with this Bill because it must include producers, as I have said. Therefore, the Hon. Mr Bruce and his Party are responsible for this crazy Bill and the system that will now cause chaos in the meat trade in Adelaide.

**The Hon. G.L. Bruce:** Are the producers not in favour of this Bill? Do they prefer the *status quo*?

**The Hon. M.B. CAMERON:** That is absolutely correct. I have been informed today that they are not in favour of this Bill and would rather retain the *status quo* and fight for full trading than have this crazy system introduced, because it is of no advantage whatever. Meat sales in this State will not be increased by this time factor, and it will cause chaos in the industry.

**The PRESIDENT:** We have a position where the Hon. Mr Bruce and the Hon. Mr Cameron both have amendments. To enable the Council to consider both amendments, I will put the question that the words proposed to be struck out by the Hon. Mr Bruce from the beginning of new subsection (4) down to and including 'shall' in line 22 stand as printed. If those words are struck out, I then propose to put the further question that the remainder of new subsection (4) stand as printed. If the words stand, the Hon. Mr Cameron can then move his amendment to leave out line 22.

Progress reported; Committee to sit again.

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

**The CHAIRMAN:** The question is that the words proposed to be struck out by the Hon. Mr Bruce from the beginning of subsection (4) down to and including 'shall' in line 22 stand as printed.

The Committee divided on the question:

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

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

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. Anne Levy.

Majority of 1 for the Noes.

Question thus negatived.

**The CHAIRMAN:** I put the question that the remainder of subclause (4) from 'shall' onwards stand as printed.

The Committee divided on the question:

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

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

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. Anne Levy.

Majority of 1 for the Noes.

Question thus negatived.

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

Page 2, lines 11 and 12—Leave out ', after the expiration of one month from the commencement of the Shop Trading Hours Act Amendment Act, 1983,'.

There has been confusion about the way the vote is going and what the amendments are.

**The Hon. R.I. Lucas:** Perhaps on your side.

**The Hon. G.L. BRUCE:** Not on my side. I was going to clear the matter up for the Opposition.

**The Hon. M.B. Cameron:** You explain your amendment.

**The Hon. G.L. BRUCE:** Subsection (4) would have allowed butcher shops and other shops selling red meat to open on either the late night shopping night or Saturday morning for a one month trial period. This amendment seeks to remove that provision as it is considered that such an unlimited extension would not only marginally increase the working time of butchers and employees in that period but also create an expectation of extended trading hours in the minds of the shopping public, which is contrary to the object of the Bill. The hours during the trial period are governed by new subsection (5) *(d)*, which will be moved later. We are seeking to clarify in the mind of the public that butcher shops will not be open on Thursday night, Friday night and Saturday morning. They will only be open at one of those times. This will be worked out during the trial period so that the public will not be confused and will not have their expectations raised that local butcher shops will be open on all these three occasions. Butcher shops will only be open on one of these occasions.

*The Hon. M.B. Cameron interjecting:*

**The Hon. G.L. BRUCE:** While there may be no difference in the hours of trading for the butcher there will be a difference in the hours that the public will be able to buy red meat. I trust that honourable members will support this amendment.

**The Hon. L.H. Davis:** What will happen to Saturday morning shopping?

**The Hon. G.L. BRUCE:** Customers can shop around until they can find a butcher shop that meets their requirements.

**The Hon. M.B. CAMERON:** This has really put the cat among the pigeons. The trial period will be lost to enable butchers to gain an idea of what their trading is likely to be on the late night shopping night or on Saturday morning.

*The Hon. J.R. Cornwall interjecting:*

**The Hon. M.B. CAMERON:** I think that someone said it would make mince meat out of the Bill; it sure has. How is a butcher who opens on Saturday morning going to find out what is likely to happen on late night shopping nights? He has no idea of his likely trade on those nights and has to make a choice straight away. This shows the whole deal to be an absolute shambles.

**The Hon. I. Gilfillan:** That is not the case. Butchers will have the option of changing after one week.

**The Hon. M.B. CAMERON:** What is the point of having an option to change after one week when one does not know how it will all shake out?

**The Hon. I. Gilfillan:** Butchers can change each week in the first month.

**The Hon. M.B. CAMERON:** That will make it worse. It means that every week the butcher can change his mind so that people who came on Saturday morning one week and arrive there on the Saturday morning of the next week will find he has changed his mind and that he is trying late night shopping nights. The next week they will come along and find that the butcher has changed his mind again and is now going to open on Saturday mornings. In the end that butcher will have no trade left at all.

I would find this matter somewhat hilarious, if it were not so serious. We will now have a situation where, for a month, people will not know what late night or Saturday morning their butchers will be open. That will cause more confusion than the original concept. I agree with the United Farmers and Stockowners Association that we would be better off without this Bill. We would be better off forgetting the whole matter, taking the Bill out of the system and going back to the drawing desk and rethinking the whole issue. Butcher shops will not be open for any longer hours. We will create utter confusion in the minds of the people. The Hon. Mr DeGaris is right. It may end up such a shambles that somebody will have to do something about it. The matter should not go forward in this way, as it will create chaos. The Hon. Mr Gilfillan can bring back a Bill in the original form and I think that he will find that the Government will wear it. It will have to. This legislation cannot be put into an already confused shopping hours situation. We will make a laughing stock of ourselves if we pass it and for a month butchers will not know where they are.

The Hon. Mr Bruce said that people will have an opportunity to get meat on late night shopping nights. That is the trick that the Government is pulling because in future it will say, 'Don't worry. You are able to get meat on late night trading days so we do not need to make any further change.' It is a good trick on the part of the Government and I am sorry that some people have fallen for it. The opportunity will be lost for opening it up for all butcher shops in this State. It is a wonder that butchers are not here giving us hell for even considering this measure, as it will create total confusion in their minds. If butchers do not display their hours in the window it will cost them $500 every time they are found out. What will happen to a butcher who will legally be allowed to open on Saturday morning and does not open another night? If he does not put that information in the window he will be fined $500. We will be putting a heavy hand on butcher shops. Red meat is one of our major products and is considered a product that should not be sold after hours.

**The Hon. R.C. DeGARIS:** Can the Hon. Mr Bruce say what the position is with a supermarket which has two butcher shops and one opens on a late night shopping night and the other on Saturday morning? How can a butcher compete with a supermarket which opens for those hours with the two separate butcher shops in that supermarket?

Other than that, can a person who owns two shops open one shop on one day and another shop on a different day? This means that butchers can divide their shops into two and have two shops instead of one shop. Can this occur?

**The Hon. G.L. BRUCE:** I understand that that cannot happen. In regard to a supermarket with two butcher shops, that can be examined if it happens, but it is a hypothetical question and I do not know of any supermarkets with two butcher shops.

**The Hon. M.B. Cameron:** Have you been to Arkaba Village, which has a supermarket and small shops?

**The Hon. G.L. BRUCE:** I am not aware of any supermarkets with two butcher shops. That question will be considered if it arises.

**The Hon. I. GILFILLAN:** I refer to the ultra optimism of the Hon. Mr Cameron. If there was any indication that the Government would accept, it would have accepted his amendment. The month's trial period is an opportunity for outlets to test the market in their local area, and they will have a chance to alter week by week. The incidental factor that has not been taken into account by honourable members criticising the measure is that if there were a total lifting of restrictions there would be no obligation on butchers to open for late night and Saturday morning. I hope that when we soon get the lifting of restrictions butchers will have their legal right to choose when they open. Some will be open on Saturday morning and others for late night shopping. The threat of chaos through some difference in trading hours is a false impression. This is an acceptable way of offering fresh red meat from outlets, and it will be their right to do it.

In regard to the sign in the window, the Hon. Mr Cameron has been critical, yet not long ago he was moaning that no-one would know when butchers would be open. He cannot have it both ways. As he was critical about not knowing, he should be in praise of providing this information. Some criticism is *ad hoc* debate rather than the reflection of a detailed study of the Bill. As this is part of the requirement stipulated by the Government and part of a Bill that it will support, through it we can change an unnecessary restriction and it would not have been too difficult to allow flexibility of hours in the month. As this is a 'oncer', we will soon be through that period and the position will be resolved. Butchers have had a full briefing about the Bill. If they were upset, we would have heard much more about it.

**The Hon. M.B. CAMERON:** If this is an *ad hoc* debate on our part, it is *ad hoc* debate on an *ad hoc* Bill. It is an *ad hoc* Bill, as shown by the Hon. Mr Bruce's introduction of an amendment today after the Bill has been lying around for six weeks. The Hon. Mr Gilfillan should not talk about *ad hoc* debate on such a measure when we have an even more ridiculous amendment to a ridiculous Bill. People will have to read the sign for the first month to see when the shop will be open. They may have to read the butcher's mind to know when he will be open in the following week—in the evening or on Saturday morning. They will have no idea, because he could change his mind during the week. They will come on Saturday morning to find out whether they have missed out. There may be no other butcher nearby. What about a poor old lady without mobility? What about single supporting mothers? It will create chaos.

**The Hon. J.C. Burdett:** It is so ridiculous that it is not funny.

**The Hon. M.B. CAMERON:** It would be funny if it were not so ridiculous. The Hon. Mr Gilfillan claimed that if the Government was going to accept my Bill it would have accepted the amendment. How does he expect it to accept my amendment when it already has an agreement about his Bill? That was a ridiculous statement because there is no way that the Government is going to change its mind unless it is under pressure from the Opposition, which includes the Democrats. They will just not change their minds. To advance that as a reason for not accepting my Bill is ridiculous and shows again, although I hesitate to say it, that the Democrat gentlemen are a little bit if not greatly naive. Again, I ask honourable members to please vote against this amendment and against the Bill now that it is in a form that will create chaos. We will only add to the problems of the shopping hours legislation in this State.

**The Hon. G.L. BRUCE:** It never ceases to amaze me how deliberately dumb the Hon. Mr Cameron can be when he so chooses. He knows what the amendment seeks to do. In the first month it gives the public and the butcher a fair go. The butcher can have a dummy run to see whether it suits him best to open on Saturday morning or at night. If he is open during both sets of hours the public will expect that situation, and that is now how it will be. If the Hon. Mr Cameron gave his full attention to the Bill and tried to be constructive rather than destructive we would get better legislation. We are seeking to give the public a bigger range of times to purchase red meat, not necessarily at the same butcher but at different butchers at different locations. The Hon. Mr Cameron ignores that.

I heard him on talkback radio and he made heavy weather of it when put through his paces by the interviewer. He did not justify his position any more then than he has done today. I see nothing wrong with the amendment. In regard to asking butchers to display a sign, not only is it advice to the public, so that people know where they stand (they know what hours each day and night the shop is open) but it is also a protection for the industry to ensure that everyone plays the game and opens either during late night trading or on Saturday morning. It ensures that the opposition down the road does not cheat and open on both nights. If we are to have order instead of chaos we must have uniformity.

**The Hon. C.M. Hill:** What about the consumer?

**The Hon. G.L. BRUCE:** The consumer has his choice of shopping around and finding what hours will suit his shopping time. We are providing an extension of the hours during which red meat can be sold. I am amazed that the Hon. Mr Cameron, in seeking to advance the position of producers to push more red meat on to the market, can adopt that attitude. Here is an opportunity for four extra hours for the public to purchase red meat without providing extra working hours for butchers while providing extra time for consumers. The Hon. Mr Cameron chooses to deny this and he is stupid. He is not furthering his industry's position. He has not advanced one constructive point in the debate, and I certainly cannot see why he is acting so dumb. Certainly, he is not as dumb as he makes out. In seeking consensus in the industry we have tried to come to a halfway house that gives at least the consumer a choice to purchase red meat during late night trading or on a Saturday morning.

I believe that this is a step in the right direction. The Hon. Mr Cameron thinks that it should be thrown out; that is his choice. I do not believe that it should be. My argument always has been that if consensus can be reached in the industry, good luck.

**An honourable member:** Between whom?

**The Hon. G.L. BRUCE:** The butchers and the employers.

*An honourable member interjecting:*

**The Hon. G.L. BRUCE:** Who will support it if they have a dispute? No butcher shop would be open. I can see the industrial naivety of the member opposite when he thrusts something on an industry which will not accept it. If something can be obtained by consensus that is always better than by force. There would not be any sales of red meat during a dispute. The amendments are good. I support them and urge the Council to do the same.

**The Hon. M.B. CAMERON:** I do not know how far we can go with this stupid debate. I feel very sorry for the Hon. Mr Bruce. As I said this afternoon, basically he is an honest man who is having to get up and defend something that I do not believe he could finally support if he thought it through. To attack me personally—

**The Hon. G.L. Bruce:** I did not attack you personally.

**The Hon. M.B. CAMERON:** The honourable member was getting close to it. I do not even dislike that because in trying to justify his position the honourable member goes further than he normally would. I support him when he says that there should be uniformity, but the uniformity

should come from butchers being open during the same hours throughout the suburbs. That means that every butcher should be open on Thursday nights and Saturday mornings; that is preferable to one-third being open and two-thirds being shut. The honourable member talks about consensus and the industry being involved, but the industry is not being involved because the producers, who are the main section of the industry, have not been consulted. If they have been, they have not agreed. I do not believe that many butchers would agree if they knew what was being done to them. I approached three butchers who had never heard of the Bill. I have a feeling that somewhere along the line a few fellows have got their heads together and decided that this would be a good thing, but they have not talked to the fraternity.

**An honourable member:** They have not talked to the butchers out on Norwood Parade.

**The Hon. M.B. CAMERON:** No, nor in other places.

*Members interjecting:*

**The CHAIRMAN:** Order!

**The Hon. M.B. CAMERON:** This is an *ad hoc* amendment to an *ad hoc* Bill. I could go on arguing all night with the Hon. Mr Bruce.

**The Hon. J.R. Cornwall:** Please don't!

**The Hon. M.B. CAMERON:** I would go on all night if necessary. It is a stupid amendment to a stupid Bill. I urge members again to put both the amendment and the whole Bill aside.

**The Hon. R.C. DeGARIS:** I would still like an answer to the question that I directed to the Hon. Mr Bruce. It is quite clear that large supermarkets will now have two butcher shops—one will open on Thursday night and the other on Saturday morning. I ask the Hon. Mr Bruce when he thinks that the Government will change the Bill when that happens in order to allow butchers to at least be able to compete on the same basis with supermarkets.

**The Hon. G.L. BRUCE:** I imagine that if the situation arose it would be examined very closely by the Government and that some action would be taken to bring equity back into the business.

**The Hon. M.B. Cameron:** That clearly demonstrates the *ad hoc* nature of this matter.

**The Hon. G.L. BRUCE:** Is it not *ad hoc* if the supermarket opens two shops in order to beat the legislation?

The Committee divided on the amendment:

Ayes (10)—The Hons Frank Blevins, G.L. Bruce (teller), B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, 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, C.M. Hill, R.I. Lucas, and R.J. Ritson.

Pair—Aye—The Hon. Anne Levy. No—The Hon. Diana Laidlaw.

Majority of 1 for the Ayes.

Amendment thus carried.

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

Page 3—

Lines 16 and 17—Leave out all words in these lines and insert 'A shopkeeper'.

Line 23—Leave out 'After' and insert 'Subject to subsection (5d), after'.

After line 26—Insert new subsections as follow:

(5d) Subsection (5c) shall not apply to a choice made during the first month after the commencement of the Shop Trading Hours Act Amendment Act (No. 2), 1983, but during that period a shop may not open on a Saturday if it has opened, or remained open, after 5.30 p.m. on a weekday of the same week.

(5e) A shopkeeper of a shop the business of which is solely or predominantly the retail sale of meat shall, at all times at which his shop is open for business, prominently display in his shop the closing times that apply to the shop.

Penalty: Five hundred dollars.

Amendments carried.

**The Hon. I. GILFILLAN:** I move:

Page 3, line 26—Leave out 'one year' and insert 'six months'.

This amendment would have the effect of allowing a fresh red meat outlet to change its pattern of sale hours on a six-monthly term rather than 12 monthly as stipulated in the Bill.

On reflection, I believe that while we will still have this restriction of choice it will be a more flexible and fairer arrangement because shopping circumstances in an environment can change for various reasons. I believe that it is an unjust imposition to insist that a retailer who has made a choice of trading hours be stuck with that choice for 12 months and making the period six months, rather than 12 months, before trading hours can be changed improves that matter.

**The Hon. R.J. RITSON:** I am quite staggered at the new-found policy of deregulation expressed by the Hon. Mr Gilfillan in granting people the freedom of having the new restriction to be imposed upon them reduced from 12 months to six months. I do not know whether to laugh or cry about his view of deregulation.

**The Hon. M.B. CAMERON:** I guess that it does not matter one way or the other. I do not see any great kick about this amendment, which means nothing: it just reduces the stupidity of this legislation to six months instead of 12 months and means that after six months a person can change his mind and confuse his customers for two or three months until they get used to the new system of trading and then six months later he can do the same thing again. Confusion exists, and this will just add to that confusion. However, the Opposition does not intend to divide on this issue.

**The Hon. G.L. BRUCE:** I support the amendment, which I think has a certain amount of merit. There could be reasons why a person wants to change his trading hours—such as another butcher opening a shop in the area. This amendment provides greater flexibility. I do not ridicule it, as members opposite have ridiculed the whole of this Bill, and support the amendment, which deserves the consideration and respect that the Hon. Mr Gilfillan asks for it.

Amendment carried.

**The CHAIRMAN:** There is a clerical amendment to be made to line 11 on page 3. The word 'one' is to be inserted after the word 'which'.

Clause as amended passed.

Title passed.

**The Hon. I. GILFILLAN:** I move:

*That this Bill be now read a third time.*

**The Hon. M.B. CAMERON (Leader of the Opposition):** I wish to say a few words about this piece of legislation. We are about to pass out of this Council what I regard as the craziest piece of shopping hours legislation that will ever be passed by this Parliament. This Bill when it is enacted will create a situation whereby butchers, for one month, can open on either Thursday night, Friday night or Saturday morning, but not both. They can change their mind weekly about their trading hours for the first month. At the end of that month a decision must be made about whether or not they will open on Thursday night, Friday night or Saturday morning, but not both.

**The Hon. C.M. Hill:** Or divide their shop in two.

**The Hon. M.B. CAMERON:** That is another matter. Customers will have a choice of shopping hours provided that they have two butchers in their vicinity who open at different times. If every butcher in the area decides to open for late-night shopping, which is likely, there will be no

Saturday morning shopping for red meat in that area, and the situation will go from one extreme to another. If no butcher takes up the late-night shopping option, there will still be no late-night shopping for red meat.

Either of those things can happen, but it is most likely that we will end up without Saturday morning shopping because most supermarkets open for late-night shopping and butchers close to them and in competition with them, as most single butchers are, will compete with them and will not sit back and see those supermarkets take their business. It is therefore likely that we will soon have a very serious dimunition in Saturday morning shopping for fresh red meat, which I think will be an absolute shame.

This will be caused by a crazy piece of shopping hours legislation which has no credibility at all when one looks at it in terms of common sense. I urge members to vote against this legislation, which producers do not want and about which the consensus that the Hon. Mr Bruce talks was not reached with the producers. All that the producers want is late-night shopping for red meat without the stupid restriction now being placed on butchers and without a restriction that will not increase the number of hours during which red meat can be purchased. This will merely transfer the hours to another time. This makes absolutely no difference in the long run to the number of hours during which fresh red meat can be sold. It is a stupid piece of legislation and should be rejected by this Council because, if it is not, members of this Council will be the laughing stock of this State.

**The Hon. I. GILFILLAN:** It is with some humility that I urge honourable members to vote in favour of this Bill. Far be it from me to claim that it is the most successful or praiseworthy piece of legislation dealing with shop trading hours ever to come before this Council. As I have said already during this debate, there are further measures that I hope will come into effect quickly because they are, in my opinion, an improvement on what is offered in this Bill. However, when the Hon. Mr Cameron was speaking a little while ago he said that this was the most shocking piece of shop trading hours legislation ever passed. The operative word is 'passed'. I am convinced that this legislation will improve matters and will be at least partly effective.

When we fulminate about what the producers want, we realise that they do not own butcher shops: they just want to sell more fresh meat competitively and therefore do better. The aim of this Bill is to make fresh red meat available to consumers so that they will buy more of it, resulting in a benefit to producers. The producers' main interest is not in shopping hours or how shops are set up. I know this because I am a producer and know that there is a demand for fresh red meat.

We have deliberated as sincerely as we can and believe that this legislation will increase the demand for fresh red meat and the opportunity to sell more of it in a better area of competition with products that have had late night trading hours to themselves, because fresh red meat was locked away as though it was some sort of poisonous product—something that one was ashamed to have on sale during late-night shopping hours.

I believe that the Bill, even with its shortcomings, is a major step forward which will be followed shortly by further reforms. I urge honourable members to support it.

The Council divided on the third reading:

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

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

Pair—Aye—The Hon. Anne Levy. No—The Hon. Diana Laidlaw.

Majority of 2 for the Ayes.

Third reading thus carried.

Bill passed.

## LAW OF PROPERTY ACT AMENDMENT BILL (No. 2)

**The Hon. C.J. SUMNER (Attorney-General)** obtained leave and introduced a Bill for an Act to amend the Law of Property Act, 1936. Read a first time.

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

*That this Bill be now read a second time.*

The Law Society has recently highlighted an anomalous situation which continues to apply in South Australia concerning joint tenancies of real property. At common law it is not possible for bodies corporate to be joint tenants of real property with individuals. This rule has a long history and was received into South Australia at its settlement. The rule was abrogated by Statute in England in 1899. The English legislation was followed in New South Wales, Victoria, Queensland and Tasmania. As there is no reason for the rule to continue to have application in South Australia, this amendment to the Law of Property Act has been prepared. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

### Explanation of Clauses

Clause 1 is formal. Clause 2 inserts in the principal Act a new section 24c. The proposed new section provides that a body corporate is capable of acquiring and holding real or personal property in joint tenancy. This is to be subject to any limitations on the capacity of the corporation to hold property in joint tenancy imposed by a Statute or other instrument defining or affecting the capacities of the corporation and any limitations on the capacity of the corporation to hold property that apply whether the property is to be held in joint tenancy or not. The proposed new section goes on to provide that, where a body corporate is a joint tenant of property, the property devolves, on dissolution of the body corporate, on the other joint tenant.

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

## SELECT COMMITTEE ON LOCAL GOVERNMENT BOUNDARIES OF TOWNS OF MOONTA, WALLAROO AND DISTRICT COUNCIL OF KADINA

**The Hon. J.R. CORNWALL (Minister of Health):** I move:

That the joint address to His Excellency the Governor, as recommended by the Select Committee on Local Government Boundaries of Towns of Moonta, Wallaroo and District Council of Kadina in its report, and laid upon the table of this Council on 29 November 1983, be agreed to.

**The Hon. G.L. BRUCE:** I wish to speak very briefly to the motion. I had the distinction of being the Chairman of the Select Committee that considered the council boundaries of Kadina, Wallaroo and Moonta. I believe that the report that has been presented to Parliament by that Select Committee is very thorough and worthy of consideration and support by the Parliament.

I would like to put on record my appreciation of the work of the staff on the machinery side—Mr Trevor Blowes, the Secretary, who undertook a large volume of work and organisation to ensure the smooth running of the committee; and Mr Terry Bell, the research officer, whose advice, interest and unflagging support helped the committee in a great many areas.

Last but not least I would like to place on record my appreciation for the work of *Hansard*. There are some 284 pages of evidence, and that means that *Hansard* produced 284 pages of writing under extreme conditions. *Hansard* reporters went with the committee to Wallaroo, Moonta and Kadina and took down everything that was said. One can refer to the evidence: it is there in black and white. I extend my appreciation to those machinery people in Parliament who stand behind Select Committees and help us to bring down reports for the benefit of the people of South Australia and the members of this Parliament.

I draw to the attention of the Parliament certain matters that the committee considered. We were given a brief to see whether Wallaroo and the other councils should be amalgamated into the one council.

The committee was of the opinion that, at this stage, Wallaroo should not be brought it. I will briefly read three considerations from the committee's report because I believe that, although Wallaroo may be happy with the report brought down, in the long term it will not be to its advantage to remain a lone council in that area with the two other councils amalgamating and forming a strong viable proposition. I believe that the citizens and council of Wallaroo should give full consideration to what is said in the report. I hope that they will read the report and take on board what has been recorded by *Hansard*. The first consideration I will refer to states:

> Your committee considered that a stronger combination of councils in this region will be better able to cope with the infrastructure which is increasingly required for the development of an industrial and commercial base. The Committee was aware that any proposed power-station in the area will require sophisticated and united administrative support from the councils.

This is not just one council, but all the councils. The report continues:

> Your committee considered that a union of councils would also provide a community infrastructure and support for an ageing population base which is a result of the growing retirement population in the coastal areas. There is also a greater potential through a union of councils for the recognition of the historical significance of this area of South Australia and its development for tourism.

Those decisions were not made lightly, and plenty of consideration was given to the matter. As a committee we had the privilege of having an overview of the situation. I believe that when one gets into an area where there are three councils with parochial interests and citizens looking after their own interests, then their view is more limited and narrow than the view of the committee. I hope that the citizens of Wallaroo take on board the comments of the Select Committee and do not take offence at those comments. I hope that, as the future unfolds, they see the benefits of amalgamation and that they, too, will want to be a part of that amalgamation on a voluntary and co-operative basis rather than being in a situation they are forced into. We were made aware of the strong feelings in different areas. The report states:

> Your committee was also aware of the level of opposition to joining the C.T. Wallaroo in this union. The opposition was vocal in the community and obviously has been aggravated by the problems associated with the proposed siting of a major hospital in the region.

In evidence given to the committee the problems with the hospital at Walloroo, the attempt to close it down and the aggravation caused by residents from outside Wallaroo working to have this hospital closed down came up again and again. I believe that it is not in the long-term interests of the community to have such extreme views and be at loggerheads. I hope that they will be able to bury the hatchet eventually and forget past differences. The report further states:

> The committee is of the opinion that it will only be a matter of time before the C.T. Wallaroo should consider unification and that it will be to the advantage of that council and the residents of Wallaroo to begin a process of planning for this unification immediately. The Select Committee believes that the C.T. Wallaroo will be under pressure to produce the standard of community service now required for an ageing population base and to undertake increasing activity to develop infrastructure for commercial undertakings and tourism particularly on a regional basis.

As one can see by the evidence and the report, this matter was thoroughly investigated. I congratulate the members of the committee regarding the way in which they served and the attention they gave to all details presented to them. My faith in the Select Committee system has been proven once again. For the past three or four years I have said that one of the major roles that this Chamber can play is in committee work. I believe that this view was justified by the way in which the committee tackled this problem and I believe that it has come up with the best solution for most people involved. While certain parts of the report will probably not be received with the enthusiasm that it would like, I believe that it is an honest appraisal of what the committee saw in the area. I commend the report to the Parliament and hope it has the support of the whole of the Chamber.

**The Hon. C.W. CREEDON:** I join with other members of the committee in expressing my appreciation to all who were involved in making the task of the committee reasonably easy. After looking at the report it seems that there was no need for the committee's activity because all it did was join Moonta and Kadina, both councils having agreed to this in the first place. Those councils showed progressiveness and willingness to do something for the area. Their philosophy to join is to be commended and this philosophy was enacted throughout their areas. These councils showed the same willingness to co-operate with their ratepayers as they did to join together.

I felt that it was a pity that Wallaroo did not see the logic and reason in the amalgamation. It is now completely hemmed in. There were many hysterical reactions from witnesses and not one of them favoured the amalgamation of Moonta and Kadina. I felt that those witnesses had been well schooled. The sessions reminded me of an earlier Select Committee some 12 or 18 months ago concerning the joining together of the District Council of Pirie and the Corporation of Port Pirie. The opposition to this amalgamation had been programmed beforehand and we had to sit through these continuous repetitious arguments in favour of not amalgamating.

The witnesses from Wallaroo appeared to have an unreasonable fear of Kadina, which I felt was unjustified, although it was probably generated by the thought that they may have to pay extra rates. It is a pity that Wallaroo opted for that attitude. I believe that it would have been a more progressive attitude if they had decided to join with Moonta and Kadina to make a strong local government area in that part of South Australia.

**The Hon. R.I. LUCAS:** I support the motion and will speak briefly as have other members of the committee. As a new member of this Chamber, this Select Committee was my first experience with the Select Committee system. Whilst, the work of this committee was not unduly onerous, I, nevertheless, found it an enjoyable and eye-opening experience. I support the recommendations of the report, in

particular as they relate to a strongly held view of mine that we, as a State Parliament, should not be in the business of compulsorily amalgamating local government councils. Certainly, the Government can encourage, but we should not compel. The recommendations of this Select Committee are consistent with my strongly held view. I thank the staff, as the Chairman has, and fellow committee members for making this an enjoyable committee on which to serve. I thank the Hon. Mr Feleppa for the goodies he provided on our trips and the Hon. Mr Bruce, who chaired the committee in a capable and most affable manner.

**The Hon. M.S. FELEPPA:** I endorse the remarks made by other honourable members. I enjoyed my experience on this committee and sincerely hope that our recommendations will be accepted by this Council and the Government.

Also, I hope that the work carried out by the committee towards the amalgamation of those councils will improve the position in regard to the liabilities of those councils and assist them in becoming more effective in rendering service to the residents of those areas. As with other members who have spoken, I express my gratitude to Mr Blowes, who assisted us in everything we did. I support the motion.

**The Hon. C.M. HILL:** As a member of the Select Committee I also place on record my appreciation to the Chairman and the officers who helped us in our work, as well as the witnesses who showed public-spirited attitudes in giving their views on their particular community problems. I commend particularly the joint councils of Kadina and Moonta who gave us a common submission with a degree of detail which indicated that they had gone deeply into the matter. If one closely peruses the report now before the Council one will see that the committee really accepted every detail included in the joint submission. I wish the new council well.

I express my regret that Wallaroo decided that it did not want to join the proposed union. I thought that that was a pity, but I defend the right of any local council, particularly small councils, to remain independent and separate from amalgamation, although in the long term I believe that the people of Wallaroo will be best served at the local government level if they ultimately decide to become part of the new and large District Council of Northern Yorke Peninsula. I hope that in time some serious consideration will be given by Wallaroo civic leaders to that possible union

Further, I draw attention to the possible problems of other district councils and corporations in South Australia who are interested in joining with their neighbours and who, whilst they would like to act voluntarily, find that it is difficult to make much progress by communicating directly with those neighbours. Such councils have the opportunity to advise the Minister of Local Government that they would like to have a Select Committee of this Chamber looking into their situation. As the years pass, those councils may find that this machinery measure to join councils on a voluntary basis is a means by which their ultimate goal can be achieved and be achieved satisfactorily to the benefit not only of the civic leaders in those districts but also to the benefit of all citizens living within their boundaries. I am pleased to find that this result has now been achieved in regard to the District Council of Kadina and the Corporation of Moonta.

Motion carried.

**The Hon. J.R. CORNWALL (Minister of Health):** I move:

That a message be sent to the House of Assembly transmitting the forementioned address and requesting its concurrence thereto.

Motion carried.

## CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

In Committee.

(Continued from 29 November. Page 2019.)

Clause 9—'Offences.'

**The Hon. K.T. GRIFFIN:** I seek leave to withdraw the amendment I moved yesterday with a view to moving another.

Leave granted; amendment withdrawn.

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

Page 3, after line 32—Insert paragraphs as follows:

*(ab)* by inserting in subsection (1) after the passage 'restricted publication' the passage '(other than a video-tape)';

*(ac)* by inserting after subsection (1) the following subsections:

(1a) A person who sells, delivers or displays a publication, being a video-tape:

*(a)* that is not classified under this Act;

*(b)* that is classified under this Act as suitable for unrestricted distribution but is not classified under the Classification of Films for Public Exhibition Act, 1971;

or

*(c)* in contravention of a condition imposed under this Act,

shall be guilty of an offence and liable to a penalty not exceeding ten thousand dollars of imprisonment for six months.

(1b) A court convicting a person of an offence against subsection (1a) may, in addition to imposing any other penalty in respect of the offence, order that the person shall not engage in the sale of video-tapes for a period not exceeding twelve months specified in the order and a person who fails to comply with such an order shall be guilty of an offence and liable to a penalty not exceeding ten thousand dollars or imprisonment for six months.

(1c) For the purposes of subsection (1a) *(a)* and (1b), 'sell' and 'sale' have the meanings assigned to the terms by section 4 but include to sell or sale otherwise than by retail.

I will deal with the reasons for my amendment later.

Progress reported; Committee to sit again.

## PIPELINES AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 November. Page 1989.)

**The Hon. K.T. GRIFFIN:** For the purpose of considering an amendment to the Bill, I am prepared to support the second reading. The Pipelines Authority and the South Australian Oil and Gas Corporation were established for a particular purpose, which was to assist in South Australia's exploration programme to discover particularly gas, to service the metropolitan community of South Australia. That was necessary at a time when there was very little, if any, incentive to private enterprise to undertake extensive exploration. For the purpose of financing the South Australian oil and gas exploration, a levy was raised on consumers; that financed the exploration programme over a number of years.

During the time of the Liberal Government the amount of funds being made available for exploration purposes through SAOG was increased quite substantially, again for the reason that metropolitan Adelaide was very dependent on adequate gas supplies for its continued development and the private sector was not particularly interested in exploring for gas. So, somebody had to be undertaking an extensive exploration programme. SAOG, and in particular the officers who have served SAOG for the years of its operation, are to be commended for their enterprise in opening up exploration for gas in South Australia. One of the major difficulties

was that the Dunstan Government sold South Australia's entitlement for gas in preference to that of Sydney without ensuring that adequate supplies were available for Adelaide. That was one of the major concerns of the Liberal Government for three years: that in 1987 assured supplies for South Australia would cease, and priority had been given to supplies to New South Wales until well after the year 2000.

I was very pleased to hear only recently the present Minister of Mines and Energy giving assurances about Adelaide's and South Australia's supplies of gas. I hope that the exploration programme will continue, both in the private sector and in the public sector, to ensure that those reserves are increased and that we do not live in such a state of concern about our future gas and energy supplies as we have in the late 1970s and early 1980s.

Since the recent gas price arbitration, there has been an increased incentive for the private sector to embark on exploration for gas, and that will undoubtedly continue, but the difficulty is that there can be no guarantee that the gas supplies discovered will be first directed to South Australia. It is very difficult to place constraints on the private sector, and I certainly would not want to do so in order to compel them both to explore for gas and to make it available to South Australia. So there remains the necessity for an agency like SAOG to undertake exploration in South Australia.

What the principal Act already allows is exploration to 300 kilometres north of the Northern Territory border, 300 kilometres east of the border of South Australia with Queensland, New South Wales and Victoria, and 1 000 kilometres south of our shoreline. I am not yet sure whether anyone wants to go 1 000 kilometres south, but I suppose that that was a good form of insurance. This Bill seeks to widen substantially the area in which SAOG can explore, either by itself or in conjunction with others.

The concern that I have with the Bill is that the area in which it seeks to authorise SAOG to be involved is most extensive and would include areas which are not necessarily directly related to the provision of an adequate supply of gas energy for South Australia. To that extent I would oppose those parts of the Bill which would authorise exploration or other arrangements which are most unlikely ever to have any significant impact on South Australia's supplies and which are not necessary to assure South Australia's supplies.

I propose to support the amendment which the Hon. Mr Cameron will move and which would limit the extent of the area of SAOG's activity, as I understand it, to essentially the Bass Strait area off the coast of Victoria. There is quite a logical link between that area and South Australia because it adjoins, and it is also relevant in respect of potential supplies from that field to South Australia and for other related purposes. So it is directly related to the provision of South Australia's energy supplies and the enhancing of our security in respect of energy resources.

One of the factors which will govern to a significant extent the future development of South Australia is this question of adequate energy resources. We have been very fortunate in the past, but unless a long-term view is taken to ensure adequate supplies well into the next century our development will be lacking. Because it is my concern to see that that is done and for the other reasons to which I have referred I am prepared to support this Bill. Ordinarily, where the Government seeks to compete against private enterprise I do not believe that it can be done as efficiently and effectively as the private sector can do it. In the area of exploration, unless there were a pressing reason linked to the assurance of South Australia's energy supplies, I would not be prepared to allow SAOG to spread its wings, but in the present circumstances I am prepared to do so. Accordingly, I am prepared to support the Bill for the purpose of giving consideration to that later amendment.

**The Hon. L.H. DAVIS:** Like my colleague, the Hon. Mr Griffin, I have admired the work of the Pipelines Authority of South Australia in past years. There is something of a misconception in the minds of many people that statutory bodies, by their very nature, are inherently bad. However, in the Pipelines Authority of South Australia one finds a statutory authority which has been to the benefit of South Australia. Quite clearly the Pipelines Authority of South Australia Act provides that, among other things, the Authority may acquire any interest or share in any licence, permit or authority granted by the State or Commonwealth related to the consideration for or exploitation of a petroleum resource and, further, that the authority may hold or deal with any interest or share in any body corporate having any interest or share in any such licence, permit or authority.

The Authority supplies the natural gas from the Cooper Basin to six principal customers in South Australia, the largest being the Electricity Trust of South Australia which, in 1982, accounted for 67 per cent of total sales. The authority also has (following the South Australian Oil and Gas capital reconstruction, consented to in May 1983) a shareholding of $33.5 million, representing 99.9 per cent of issued capital of South Australian Oil and Gas Corporation Pty Ltd. It is this relationship with the South Australian Oil and Gas Corporation Pty Ltd which is of particular interest in the Bill now before the Council. The Corporation has acted as a Government agency in increasing the rate of exploration since 1978, particularly for gas supplies. As the Hon. Mr Griffin explained, during the late 1970s and early 1980s there was growing concern that there was going to be a shortfall in the availability of gas for the Adelaide market from the Cooper Basin in the north of South Australia. Therefore, an extensive exploration programme in the Cooper Basin was undertaken by a consortium of private enterprise companies led by Santos and Delhi. This was supplemented by South Australian Oil and Gas participation in that programme to ensure adequate supplies of natural gas for South Australian markets.

If one looks at the most recent report of the South Australian Oil and Gas Corporation for the year ended December 1982 one sees that that participation is of no mean order. The corporation participated in some 28 wells during the calendar year 1982. I understand that in 1983 it participated in some 36 wells. By 'participation' I mean that SAOG's involvement has been limited to a financial interest. Santos and Delhi in years past have been the operators of this exploration programme.

**The Hon. R.I. Lucas:** Doesn't the corporation have its own licence?

**The Hon. L.H. DAVIS:** That is correct. South Australian Oil and Gas Corporation's sole risk programme has been very minimal—that is, exploration in its own right. The corporation's participation in the Cooper Basin development includes gas sales to the Sydney and Adelaide markets and more recently, of course, the sale of crude oil condensate following completion of that significant and highly exciting $1.2 billion liquids project centred at Stony Point. The amount of money that was spent by SAOG in 1982 was $17 million. In fact, this was as a result of an accelerated exploration programme specifically launched by the Tonkin Liberal Government. That stepped up programme was announced by the former Minister of Mines and Energy, Mr Goldsworthy. When he first came to office he said that the Government planned a three-year exploration programme involving the expenditure of $31.5 million at the rate of $10 million a year. That was a three-year programme commencing in early 1980.

However, in 1982, because of the pressing need to ensure gas supplies for Adelaide, that expenditure programme was stepped up to an annual rate of $17.7 million for the calendar year 1982. That allowed SAOG to drill eight exploration wells in the Cooper Basin in 1982 compared with only five in 1981. SAOG also undertook substantial seismic work in the Cooper Basin. That accelerated programme was made possible by lifting the exploration levy payable by the Electricity Trust and the South Australian Gas Company. That, of course, is a good example of weighing the cost to the community against long-term benefits and needs of the community.

I am firmly of the belief that the previous Government acted correctly in accelerating that programme in the face of what could have been quite an acute shortage of gas. It is, of course, history now that the present Minister of Mines and Energy has announced that gas supplies to the Adelaide market are now assured into the 1990s. That is a matter of relief to everyone in South Australia of what ever political persuasion they may be. However, the South Australian Oil and Gas Corporation in its operation has essentially been a participant in terms of money rather than in terms of physical activity in its own right. That, of course, comes through in its fifth annual report for the year to 31 December 1982. Its exploration programme, which was extensive, involved a cost of $17.7 million, but was not the only cost in which it was involved. In addition, SAOG entered into an agreement with a syndicate of bankers to borrow $US180 million for the purpose of supporting its share of the Cooper Basin development. That agreement was entered into in August 1982 and arranged by a group of merchant bankers. It made possible SAOG's participation in what is going to be the highly profitable liquids operations which has recently been established at Stony Point.

I have already mentioned that SAOG participates in the Cooper Basin unit agreement arrangements not only in relation to gas but also in relation to oil. In broad terms, it can be said that SAOG's percentage share of total gas production is about 15 per cent. When we are talking about gas liquids, we are including prothane, ethane, and condensate. The company's share of gas liquids in regard to the Cooper Basin is about 10 per cent. That will result in significant profit to SAOG in years to come, and in turn that will help fund an increased exploration programme.

If one looks at SAOG's annual report, one can see that the profit for the financial year to 31 December 1982 was about $6 million, a significant profit, and that can reasonably be expected to grow as the liquids programme comes on stream. The potential which exists in the Cooper Basin and in which SAOG will participate is reflected in the figures for Santos. Santos Limited was first floated in 1954 and paid its first dividend only in 1978. It did not register its first real profit until 1976 (less than $1 million), and it recorded a profit of $9.8 million in 1980. In the first half of this year, the company made a profit of $18.9 million, and one would suspect it will report a net profit of about $40 million for the calendar year 1983.

There have been predictions that the 1983 revenue for Santos, which will be in the order of $110 million or $120 million, will quadruple within two or three years to something like $500 million. That is an enormously significant figure. The explosion in net profit which has been reported by Santos as expected in the near future has been matched in a greatly stepped up exploration programme. In 1979, the costed exploration was less than $5 million; in 1981 it was $15 million; and in the current year and in 1984-85 the company is looking at an annual exploration programme of at least $70 million. Of course, that does not take into account the costs of developing wells that have already been proven up.

One can see from that the excitement which has been associated with the discovery of oil and gas over the past 20 years or so has now been matched by significant profits flowing through from gas and oil to the 10 members of the consortium in this gas and oil unitisation agreement and, in addition, to the Pipelines Authority through SAOG with its interest in this project.

The question is whether SAOG's present geographical boundaries should remain for the purpose of exploration or whether they should be expanded. The Government has suggested that, given the nature of energy and the crisis in which a country may find itself (as we have experienced twice in the past decade), it is prudent for all options to be examined and kept open, not only by private companies but also by Governments, and that SAOG, as an agent of the Government, should have the maximum flexibility in choosing where it should explore.

I have already made the point that SAOG is, for the most part, an associate of this consortium in terms of putting in money and participating in exploration and development of oil and/or gas wells, and of course in the highly lucrative liquids scheme. Through the stepped up exploration programme of the previous Government, the company has certainly entered into sole risk wells in its own name. It is also true to say not only that it has explored in the Cooper Basin, which of course is the central point of its exploration activities, but also that it currently has a 20 per cent interest with Getty Oil and Ampol Exploration in an offshore well near Kangaroo Island. I understand that some seismic work is being undertaken there, and one would hope that a well will be drilled shortly. Depending on the results, further wells may be drilled.

The cost of off-shore exploration, incidentally, is not cheap. One would imagine that it would be in the order of $6 million to $10 million for one well. The company has participated in other wells and in the Murray Basin in Victoria in fairly recent times. I must say that I have some sympathy with the proposition that, if there are opportunities to develop equity positions in prospective areas, they should be taken up, because certainly energy today is far cheaper than it will be in a decade or two or three decades.

The real nub of the argument, however, is whether or not a Government instrumentality should be free to grow and take any opportunity that may exist in Australia, and one can certainly point to Australian Gaslight, which is a semi-governmental instrumentality, not in a definitional sense but in as much as it is like the South Australian Gas Company—something that would never be allowed to be a private creature because it has a public utility role.

It is true that A.G.L. has a share in Santos. It very cleverly (in my view) seized the opportunity to buy Total's interest in that company. Of course, that initiative has paid very handsomely in terms of capital gain for A.G.L, which is a participant, I understand, in some of the wells that have been put down in recent times (or it will be a participant).

For example, the Gas and Fuel Corporation in Victoria has had an active role in the development of the Bass Strait oil and gas field and is itself a participant in the offshore drilling programme in the Bass Strait area, although I am not sure whether it has a mandate or indeed a wish to explore beyond the Victorian boundaries.

One can look at Total which is, of course, French owned and explores far and wide, not only within its country but around the world. So, one can certainly look at precedents and say that State owned instrumentalities do explore and produce oil and gas in their own right. I can see the merit and reason of the proposition before this Council. One must certainly say that it is not a reason that has been put forward

to build empires—to make the Pipelines Authority another monster qango. Obviously, that is not the reason. I think that the reason has been put forward largely in good faith. I do not support that reason on balance. The principal argument to my mind for their going beyond the boundaries now existing that cater for some entre into Northern Territory, Queensland, New South Wales and Victoria, but curiously not west into Western Australia, is that they should, given the nature of energy, have the opportunity to seize an equity position in potential oil and gas areas whilst the exploration programme is still under way. The argument goes that, once an oil or gas province has been established, the price is not the same.

Whilst we all understand that Australia is very much an under-explored nation, clearly with the increased sophistication of seismic work and approaches to exploration, the better areas are being spoken for fairly quickly. As time goes on it can be argued that the potential exploration areas will diminish and the cost of entry into those exploration areas will increase. Certainly, Santos and its nine private sector partners have a bargaining position when it comes to oil and gas prices.

I support the argument that gas prices should be kept reasonably close to a market price. Certainly, with petroleum it is easier to determine what a parity price should be. A formula has been accepted by both the Liberal and Labor Governments at the Federal level in recent years. With gas it is harder and we see a significant difference in the price of gas from State to State. We now have a paradoxical position where the price of South Australian gas in New South Wales will, indeed, be cheaper than the price of South Australian gas in its State of origin. I hope that that position will be corrected in the near future.

The price of gas was 85c per gigajoule on 1 January 1982, and was increased to $1.10 per gigajoule on 10 September 1982. The agreement which has been hammered out for a four-year period on gas prices will see a price of $1.33 per gigajoule in 1984 and a price of $1.62 per gigajoule in 1985. In other words, from 1 January 1982 to 1985, the price will approximately double. That agreement was reached by the previous Government. I believe that it is a reasonable agreement, because one must have a pricing policy that allows for the twin objectives of, first, restraining consumption and, secondly, encouraging and maximising exploration and production of oil and gas.

One of the arguments which I accept is that in recent years there has not been enough encouragement for exploration to proceed to prove up the gas reserves necessary to secure South Australia's needs beyond 1987. If this Bill had come before the Council five years ago, this might well have been a different matter. I believe that, because the price of gas will effectively have doubled from 1982 to 1985 (remembering that it had doubled between something like 1979 and 1982), there is mounting evidence that the private sector members of that consortium are stepping up their exploration programme not only for oil but also for gas. As I have said, the consortium has improved search technology and has a better understanding of the sedimentary basins involved. There was the notable example of where it went back through the data of previously drilled wells and discovered hydro-carbons in the jurassic sandstone of the Great Artesian Basin at a quite different level from where it had been looking for hydrocarbons before.

I am confident that the private sector explorers will continue to find gas and oil in sufficient quantities to satisfy South Australia's needs in the near future and beyond. I am encouraged by recent statements by the Chairman of Santos, Mr Alex Carmichael, reported in the *Financial Review* of Monday 28 November 1983. In his address to the New York Society of International Investors, Mr Carmichael said:

> . . . Santos had rejected offers to move into the coal industry in Australia and had no interest in other areas such as aluminium smelters.
>
> It also believed there was no reason at the moment to move into the oil and gas business outside of Australia.
>
> He said: 'We believe there are many opportunities for us in the Australian oil and gas business.
>
> We are now for the first time (about to get) the sort of cash flows needed to properly explore the Cooper Basin.
>
> Anything we find will be very quickly turned into cash . . . If we get out and do our exploration job sufficiently well, we believe we will be able to maintain 60 to 70 per cent self-sufficiency in Australia.'

When Mr Carmichael is talking about 60 to 70 per cent self-sufficiency, he is talking about oil. So, as I mentioned earlier, Santos is now spending $70 million in one year on exploration when only three years ago it was spending less than $10 million. This is an enormously exciting growth in its commitment to exploration, which is centred in the Cooper Basin and the adjacent Eromanga Basin to the north-east. In conclusion, I state that I do not accept the argument that has been put forward, however well intentioned, regarding the expansion of SAOG's interest to anywhere in Australia.

I really cannot see any intrinsic merit in SAOG's taking a 10 per cent interest in a well in the North-West shelf offshore in Western Australia. However, I can see some merit in SAOG's taking an interest in a well onshore or offshore in Victoria, because one may see in the future the development of a national grid for gas or oil and Victoria, with its existing Bass Strait oil and gas field, is a logical development.

I am inclined to accept the amendment foreshadowed by Hon. Mr Cameron, but I seek some assurance from him that the longitudinal figure of 148 degrees covers adequately the existing Esso-B.H.P. oil and gas field. If we are going to have that amendment to enable SAOG to take up interests in the area with perhaps the Victorian Gas and Fuel Corporation and other private sector partners, they should be allowed the discretion to look at any offers that may come in that field. I doubt whether the amendment does pick up that point.

There are two other points that I wish to make. Although I have said that New South Wales and Victoria both have statutory authorities and/or quasi governmental instrumentalities involved in oil and gas exploration, in the case of the Victorian Gas and Fuel Corporation I understand that it is limited to Victoria, although I am not absolutely sure on that. Whilst the Pipelines Authority of South Australia has been a valuable statutory authority for us and the South Australian Oil and Gas Corporation Pty Ltd has had a unique role in accelerating that exploration programme for gas in recent years, I have been interested to see that no other State to date has set up its own State exploration programme. My political philosophy would lead me to believe that, generally, private sector explorers will always do the job more efficiently than State Government instrumentalities. As I stated, SAOG for the most part is not the explorer in its own right but rather is a participant in exploration programmes. I indicate support for the Hon. Mr Cameron's amendment on file with the reservation that I seek an assurance that the proposal incorporates the full extent of the Esso-B.H.P. Bass Strait oil and gas fields.

**The Hon. R.I. LUCAS:** I oppose this Bill strongly as it seeks to extend significantly the present operations of the Pipelines Authority of South Australia. The Act allows the Authority to operate in a prescribed area. The prescribed area was described by the Hon. Mr Griffin as an area including South Australia and extending 300 km into the

Northern Territory, Queensland, New South Wales and Victoria, and 1 000 km off the southern shore of South Australia. The offshore area follows, I understand, the area defined in the schedule under the Petroleum (Submerged Lands) Act. It is interesting to note that the concept of the prescribed area beyond the borders of South Australia was the result of an amendment moved by the Hon. Don Laidlaw in this Council in 1977. On 20 April *(Hansard* pages 3579 and 3580) the Hon. Don Laidlaw stated:

> My amendment seeks to ensure that the activities of the Pipelines Authority to explore or exploit any hydro-carbon resources, whether gaseous, liquid or solid, are confined to South Australia and adjacent areas.

My understanding is that the original Bill which the Hon. Don Laidlaw sought to amend was for the Pipelines Authority to explore and exploit throughout Australia. On the following page he stated:

> This proposed area will permit the authority to explore and operate reserves in the greater Cooper Basin, the Pedirka Basin, the Amadeus Basin, which includes the Palm Valley deposits, the Officer Basin, the Arckaringa Basin and then, to the south and the east, the Murray Basin and the Otway Basin. This area provides considerable scope and if the authority is to investigate these basins thoroughly, much more than $40 million of Government funds will be required, unless the authority can generate some income in the meantime.

That was the origin of the prescribed area in the Act passed in 1977. This Bill seeks to allow the Authority to operate outside that prescribed area. It appears that PASA could operate anywhere in Australia and, based on the advice that I have taken, it could operate anywhere in the world: there is no limit to where PASA could operate. It could operate in the South China Sea, America, or Africa. If it obtained the Minister's permission it could operate anywhere. Clause 10aa(1) provides:

> The Authority may—
>
> *(a)* acquire, hold and deal with a share or other interest in a licence authorising the exploration for, or exploitation of, a petroleum resource;
>
> *(b)* enter into and carry out agreements and arrangements (which may include provision for the payment of a subsidy) in relation to the exploration for, or exploitation of, a petroleum resource;
>
> or
>
> *(c)* acquire, hold and deal with shares, debentures or other interests in a body corporate that holds a share or other interest in a licence authorising the exploration for, or exploitation of, a petroleum resource.

Clearly, PASA will be able to operate, if it so chooses, its own exploration programme or it could buy into private enterprise groups or any other groups which are currently engaged in an exploration programme. The exercise of powers under any of the proposed new subsections requires the consent of the Minister. I refer to section 10 of the Act, which sets out what the Authority is currently entitled to do:

> (1) Subject to this Act, but without limiting the generality of paragraph *(b)* of subsection (2) of section 4 of this Act, the Authority may—
>
> *(a)* construct, reconstruct or install, cause to be constructed, reconstructed or installed, or facilitate the construction, reconstruction or installation of pipelines for conveying petroleum or any derivative thereof within this State and petroleum storage facilities connected therewith;
>
> *(b)* purchase, take on lease or otherwise by agreement acquire any existing pipeline and sell or otherwise dispose of any pipeline owned by the Authority;
>
> *(c)* hold, maintain, develop and operate any pipeline owned by or under the control of the Authority and convey and deliver through such pipeline petroleum and any derivative thereof;
>
> *(d)* make such charges and impose such fees for the conveyance or delivery of petroleum or any derivative thereof through any such pipeline as it may, with the approval of the Minister, determine;
>
> *(e)* purchase, take on lease, or otherwise by agreement, acquire, hold, maintain, develop and operate any petroleum storages and the necessary facilities, apparatus and equipment for their operation;
>
> *(f)* for purposes of selling or otherwise disposing of the same, purchase or otherwise acquire and store petroleum or any derivative thereof;
>
> *(g)* sell or otherwise dispose of petroleum or any derivative thereof so purchased or acquired;
>
> *(h)* purify and process petroleum or any derivative thereof and treat petroleum or any derivative thereof for the removal of substances forming part thereof or with which it is mixed;
>
> *(i)* for its own use and consumption, purchase or otherwise acquire and store petroleum or any derivative thereof or any other kind of fuel;
>
> *(j)* invest its funds by deposit with the Treasurer or in such other manner as the Treasurer approves;
>
> and
>
> *(k)* enter into contracts and do anything incidental or ancillary to the exercise and performance of its powers and functions.

Clearly, the powers of PASA are considerable. At the moment they can be exercised within South Australia or within the prescribed area that includes South Australia and that area outside that which I have already described. I am very wary, as a member of this Council, of extending the ability of PASA to apply those powers that it has under section 10 of the parent Act throughout the rest of Australia and, in effect, if it gets the consent of the Minister, throughout the rest of the world.

I have considerable doubts about the need for the continuing existence of SAOG, which is the commercial arm of PASA. There is a body of opinion for which I have some sympathy that Governments ought not be involved in areas or functions that private enterprise can adequately handle, especially when we are talking about the high-risk business of exploring for oil and gas. The Hon. Mr Davis gave some figures for the cost of an offshore well. I am not sure whether his figures are right—he is not very often wrong—but I will quote those figures again. He suggested that the cost of one off-shore well would be $6 million to $10 million, which is a considerable amount of money, particularly when we are talking about taxpayers' money.

The SAOG report for the year 1982, to which the Hon. Mr Davis referred earlier, shows that whilst, obviously, it has had its successes as part of a consortium in the Cooper Basin, it has up to the end of 1982 a total of $30.81 million accumulated unsuccessful exploration expenditures—nearly $31 million! In that last year the unproductive exploration costs, as SAOG describes them, were some $9 million. I am not necessarily criticising SAOG for that, because it is a risky business, but that is the point that I make.

Ought an arm of Government be involved in such a high-risk area when private enterprise groups are willing to take the punt and pay the high penalty or reap the high reward if they are successful in exploration? Should we spend that sort of money in this high-risk area when the State Government has clearly indicated that to carry out its programme it is short of money and is looking at all sorts of taxation measures? I am sure that the Government wants to spend money in all sorts of other areas. Is this the way that we ought to spend our money?

There is always the temptation to say that we believe in private enterprise, that private enterprise does its job more efficiently than Government in general, that Government ought not be involved in this sort of area, but then to go on to say, 'This is a special case; whilst in general we support private enterprise and that Governments ought not get involved, on this occasion we can see the particular argument that Government ought to be involved.' There is always that temptation, and it will happen. Clearly, on occasions one has to make such a decision, even if one has a personal view that Governments ought not be involved.

My personal view is that such occasions ought to be minimised to the greatest extent possible. There have been many instances in the past—and the Hon. Mr Goldsworthy's second reading speech in another place listed many of them—where Governments have wasted millions of dollars getting involved in areas where perhaps they ought not to have got themselves involved. He instanced, amongst many, Monarto and the Land Commission; I am sure that all members of this Council could instance in hindsight many cases where Governments ought not to have poked their noses.

I summarise my general philosophical position on this subject by saying that I retain an open mind about the future existence of SAOG, but on balance I would need to be persuaded of the need for it to continue to exist rather than the other way around, but that decision is further down the track. What we are looking at now and in the short term is whether, as proposed in this Bill, a case can be made for the extension of the operations of PASA (and in effect SAOG) beyond the present prescribed area.

The Hon. Mr Goldsworthy (the Deputy Leader of the Liberal Party, present shadow Minister for Mines and Energy, and the former Minister of Mines and Energy in the Tonkin Government) made what I thought was a very good contribution to the second reading debate in another place. I will summarise some of his points. His first major point was that the Opposition would oppose the move by the Government to allow SAOG (PASA) to spread its wings into the areas envisaged by this Bill. The second point was that the original function of SAOG was to prove up South Australia's energy supplies when the position in the Cooper Basin was fairly dicey (to use his words).

Mr Goldsworthy then talked about the exploration programme during the period of the Tonkin Government by the Cooper Basin producers. He said the following:

> The programme delineated was more expensive than that, but they had to spend a minimum of $55 million over three years in looking for gas. That took the pressure off South Australian Oil and Gas—effectively the Government oil company. We no longer had to rustle around and use taxpayers' funds to crank up exploration in the Cooper Basin.

When he said that he was referring to the Cooper Basin producers. Clearly the point the former Minister of Mines and Energy was making was that the original intent of SAOG (when future supplies of gas, to use his words, were fairly dicey), was to prove up energy supplies for South Australia. He points out that the Cooper Basin producers are now going into an extensive exploration programme, and that is taking the pressure off SAOG to do its original task. SAOG does not have to crank up exploration in the Cooper Basin and, in particular, it does not have to use taxpayers' funds to crank up exploration in the Cooper Basin. Mr Goldsworthy continued:

> I can understand the thinking of South Australian Oil and Gas. It wants to act as a normal oil company. The question is whether a Government instrumentality is justified in spending taxpayers' funds and assets on wildcat exploration. A proposal was put to me by that company that it become involved in off-shore oil exploration in South Australia. I understood that that was to give it some interest—something to do. I resisted that approach because other companies from the private sector were prepared to spend money off-shore in South Australia. It is a high risk activity and the chance of success—

He was then interrupted by an interjection. He concluded his remarks by saying:

> Companies were prepared to come here but, as I stated at the time, such companies had to have deep pockets if they wanted to get involved in oil exploration to any degree. The deep pocket in this case was the South Australian taxpayer and I did not believe that that was justified so I urged caution.

The Minister of Mines and Energy under the Liberal Government and on behalf of that Government stopped SAOG exploring off shore because of the problems of its being a high risk area and because of the possibility of using taxpayers' funds in that high risk area when there were private companies prepared to risk their money to do the same task.

Other speakers have referred briefly to the present Minister of Mines and Energy, Mr Payne, being quoted in the *News* of 20 October under the headline 'Gas safe into the next century', as follows:

> South Australia's future gas supplies may be assured until the next century following yesterday's announcement by the developers of the Cooper Basin gas field.
>
> Announcing that supplies had been assured up until 1992—five years longer than previously—the Mines and Energy Minister, Mr Payne, added the Government and the producers were confident reserves eventually could be proved 'in excess of Pipelines of South Australia futures'.
>
> This would give the State guaranteed gas until 2005.

I stress the words in that speech, 'the Government and producers'. The report continued:

> The Premier, Mr Bannon, said this was significant for South Australia.
>
> 'One of the key factors to any long-term development is energy supply,' he said.
>
> 'That assurance of supply is obviously going to be a boost to all concerned'. . . .
>
> The S.A. Gas Co. general manager, Mr D. Polglase, was confident there was even more gas to become available.
>
> 'I've always been confident there is enough gas in the Cooper Basin to last Adelaide,' he said.

Clearly that is in the light of the recent negotiations undertaken relating to the increased price the Cooper Basin producers are going to get. That increased price, of course, will make some reserves which before may not have been recoverable now economically recoverable. So those reserves have now been added to what were known economically recoverable reserves for the producers. As a result of that, there will be, as the Hon. Mr Davis pointed out, an increased exploration programme by the private producers in the Cooper Basin.

The Hon. Mr Davis used a figure I have not seen, but accept, that Santos will be spending $70 million in the year 1983-84 and the same again in 1984-85 in the Cooper Basin.

**The Hon. L.H. Davis:** That will be matched by other producers.

**The Hon. R.I. LUCAS:** The Hon. Mr Davis points out that that amount will be matched by other producers, so clearly there is a significant increase in the exploration programme in the Cooper Basin being undertaken by private enterprise explorers.

I come back to the original question I raised about the doubt I have in my mind as to whether or not we ought to be spending taxpayers' money exploring in the Cooper Basin and elsewhere when, as the Hon. Mr Davis points out, the South Australian producers are going to be spending $70 million, which is likely to be matched by other producers, in the Cooper Basin in one year. Therefore, the essence of what the Hon. Mr Goldsworthy in part suggested and by the Hon. Mr Payne, backed up by the Premier and the Sagasco General Manager, Mr Polglase, are putting to us is that the original need that members in this Chamber obviously conceded existed in the late 1970s for SAOG to help resolve the fairly difficult situation in relation to gas supplies possibly no longer exists. Therefore, I believe that we need to have a look at whether or not the original need for SAOG to become involved still exists.

The Hon. Mr Goldsworthy continued at page 1792 to make the following point in relation to off-shore exploration:

> The Shell Company spent tens of millions of dollars in Bass Strait before relinquishing its areas.

I interpose that they clearly lost that money—they took a punt, spent millions and lost. Mr Goldsworthy continued:

> B.H.P.-Esso happened to be lucky. The point I make is that there is plenty to be done within the defined area (which is to be

struck out) in South Australia's geological basins to prove up energy resource for South Australia

That was the argument mounted in 1977 which still has equal force now. The present shadow Minister of Mines and Energy, the former Minister in the Tonkin Government, is saying that there is plenty to be done within the present prescribed area. He also adds that note of caution that, for example, the Shell Company spent, in his words, 'Tens of million of dollars in off-shore exploration in Bass Strait before relinquishing its areas.' My last quote given by the Hon. Mr Goldsworthy appeared at page 1790 of *Hansard* where he is recorded as follows:

Without far more justification than is indicated in the explanation of this Bill there is no way in which we will support it. As I say, I am very cautious about the operations of a Labor Government in some of these areas where the stakes are high. Rewards can be high, but, when things go wrong, penalties can be high.

I will not be quite so uncharitable. Similar criticisms can be made of Governments of both political persuasions, but in my view the general principle remains. In summary, I believe that the Hon. Mr Goldsworthy put forward a very persuasive case for opposing this Bill. I certainly support his views not only for the reasons that he gave but also for the reasons that I have attempted to outline this evening. As I said previously, I will strongly oppose this Bill.

**The Hon. K.L. MILNE:** I do not believe that I need to go into a great deal of detail, considering the contributions of the eloquent speakers who have come before me. I approve of the Bill in principle, but I would like the opportunity to have further discussions with the Government and the Opposition before the Committee stage is completed. I realise that the directors of SAOG want to broaden their scope, and perhaps it might have been a mistake, looking back, to put a fence around it in the first place. I realise also that the Opposition is inclined to favour retaining most of the fence and extending the area of the company's operations to Bass Strait. If the area is to be extended to Bass Strait, I cannot see why it cannot be extended in other directions. I realise that Bass Strait is a special case, and I am given to understand that, if SAOG was a partner in a consortium, it may well lead to more gas being brought by pipeline to South Australia.

It is interesting to note that SAOG is interested in Bass Strait because it has been invited with others to tender for a position in the consortium that is made up of Beach (Australia), Hudbay (a Canadian company connected with the old Hudson Bay Trading Company) and the Victorian Government. That is an indication that the private sector is possibly interested in finding another organisation with capital which is prepared to take a risk. A map showing the area presently allocated to SAOG shows other areas in which any normal exploration company would be interested and where signs of oil or gas, or both, have been found, such as the Canning Basin and the Aramanga Basin, in particular, in Queensland. The Hon. Mr Lucas referred to others, but I mention those two by way of example. I can well see that the directors of the company may feel that they would like to join consortiums in those areas at some stage for the benefit of the company and of South Australia.

We must realise that, while there are advantages in expanding the areas available to SAOG (which is an exploration company) there are also dangers, because the company is not very big. Any Minister would have to be very cautious before authorising exploration where there was not a clear indication that it was likely to be successful and profitable. An exploration programme undertaken by this company (which is owned by the Government, for the people of South Australia) would have to be treated very carefully indeed. The balance sheet for 31 December 1982 shows that the issued paid up capital is only $33.5 million, the accumulated profits amount to about $19 million, and the total share capital in reserve was about $54.4 million. However, there are accumulated unsuccessful exploration costs of $31 million. This means that capital and reserves attributable to shareholders (as it was put) amount to only $23.6 million.

That company cannot spend a lot of money on exploration, and it has already been unsuccessful to the extent of $30 million on a capital of $54 million. In 1981 the capital and reserves attributable to shareholders was $26.7 million, and a year later it was only $23.6 million. There really is not anything to be tremendously excited about, but on the other hand there is something to be extremely careful about—the company must not waste any of its few assets which are, in fact, State reserves and which are being whittled away out of Budget deficits. In the Committee stage I would like to know the extent to which the Minister anticipates that SAOG will spend taxpayers' money on wildcat exploration as distinct from exploration in proven areas.

**The Hon. L.H. Davis:** There isn't any guarantee, you see.

**The Hon. K.L. MILNE:** No, but I would like to discuss the matter and perhaps ask the Minister to make a statement on what he feels would be the Government's policy on wildcat exploration. A company such as this if uncontrolled could spend tens of millions of dollars or hundreds of millions of dollars on unsuccessful exploration, and the money is not there to spend. The Minister is not likely to be advised by the directors, his colleagues, or the expert, experienced staff of the company to do something unwise, but there is a risk, and we should all be aware that this is not the kind of company that would be able to stand wildcat exploration. I support the Bill in principle. I do not believe it was wise in the beginning to clip the company's wings, but I ask the Minister to tell us what are his intentions when this Bill becomes law.

**The Hon. FRANK BLEVINS (Minister of Agriculture):** I thank honourable members for their coherent contributions to this debate. Whilst obviously I do not agree with all that has been said, I compliment members on the degree of homework that they have done and on the amount of knowledge that they have about this area. I suppose that this is an area of strong philosophical differences as to just how far Governments should be involved in areas that can be completely serviced by the private sector. The debate on where to draw the line will go on endlessly while there is a mixed economy. I would have thought that on an issue such as the energy resource needs of South Australia there could be a measure of agreement. The whole area of energy resource needs is absolutely critical to this State, as it is to any State. All that the Bill does is remove some possible barriers to the Government's having greater control of its energy resources.

I have listened to debate in this Chamber over the past eight years concerning this matter. I remember one famous debate in this Chamber when one wellknown Australian, who is now even better known, was possibly attempting to gain influence in South Australia's energy when the question of the control of energy resources required by South Australians was perceived to be some kind of threat. Basically, that debate and the philosophy related to it have been repeated here tonight. As I say, the debate is fair enough, except concerning the energy needs of South Australia. Then I think it is, as the Hon. Mr Lucas mentioned, a temptation to declare a Government's interest in a particular area to be a special case. Concerning the energy needs of South Australia, the basic requirement of the people of this State is a special case.

The Hon. Mr Griffin commented about the possible shortage of gas in South Australia because of decisions taken

some time ago to allocate significant parts of South Australian reserves to New South Wales when there was a possibility that they would not be sufficient for South Australia, when a large proportion was committed ahead. It is easy for the Hon. Mr Griffin to comment with the benefit of hindsight. I do not concede that that decision was a wrong decision.

**The Hon. M.B. Cameron:** You do not think that that was a mistake?

**The Hon. FRANK BLEVINS:** I am not convinced that it was a mistake, because the effect of doing that was very beneficial in having further work done and being able to finance further work within South Australia which, I think, more than balanced the possible risk. That is my personal belief, which is shared. If one looks at the debate that ensued around the time that the agreement was made, one can see that members of the Liberal Party on the committee were in agreement with it and said that it was a good decision. So, I do not concede for one moment that it was a bad decision.

However, allowing for the purposes of the argument that it was a bad decision, it is easy, with hindsight, to say that such and such a decision taken five, seven or 10 years ago was wrong. I challenge anybody here tonight to guarantee that every decision made will, in 10 years time, hold up as being 100 per cent correct. We are human beings and cannot do that. But, what we can do is to some extent—

**The Hon. M.B. Cameron:** We make mistakes like the red meat Bill.

**The Hon. FRANK BLEVINS:** Yes. To some extent we can learn from our mistakes. I think that the Hon. Mr Milne made a good point when he said that perhaps it was an error in the first place to put, as he described it, a fence around the operations of the South Australian Oil and Gas Corporation. I agree with him. It may well be that that fence was put around it for what, at the time, seemed to be a good reason. However, I do not concede that there are reasons for leaving the fence there any longer.

I think that the implication of some of the speeches of members who addressed themselves to the matter was that the South Australian Oil and Gas Corporation will have the right to roam far and wide. Of course, that is not the case. The Hon. Mr Lucas made the point that it is not a licence to roam far and wide. If one feels that protection is necessary, the protection is that, outside specified areas, it must be done with the permission of the Minister. It seems to me that that is all the protection that is required. No Minister will give permission for any operation by SAOG which is not in the interests of this State.

**The Hon. L.H. Davis:** It is in the interests of the State if you find oil and gas, but it is not in the interests of the State if you miss out. If you are on the North-West Shelf of Western Australia, how do you make that judgment?

**The Hon. FRANK BLEVINS:** The Hon. Mr Davis has said that the North-West of Western Australia should be outside the scope of SAOG's range of activity because how does one make that decision. I am not an expert on oil exploration, nor is the Hon. Mr Davis. It seems to me that in 20 or 30 years time, if we have given up the opportunity to have a significant input of petroleum products throughout South Australia, we will have made a great mistake.

It may well be that there is nothing immediate that is a good prospect. I do not know but, if there are good prospects around, this will ensure that in 20 or 30 years South Australia has a larger measure of control of its energy needs. It would be short sighted indeed for this Parliament not to facilitate that.

The Hon. Mr Davis referred to Total, saying that the Australian Gas Light Company had been clever in buying into South Australia's energy resources through buying Total's interest. However, it was not pointed out by the honourable member (and I am sure the Council would like the whole picture) that the Total company is owned by the Government of France.

Apparently it is legitimate in the Opposition's eyes for a company such as Total controlled by an overseas Government to control resources within South Australia, but it is not legitimate for a South Australian Government-controlled company to have an interest in petroleum resources in other parts of Australia. I cannot follow the logic of that at all. I would like to give another example. British Petroleum is a huge Government owned petroleum company.

**The Hon. L.H. Davis:** It has been privatised.

**The Hon. FRANK BLEVINS:** It may be in the process of being privatised, but I can assure the honourable member that it will be reversed at some time in the future.

**The Hon. R.I. Lucas:** It will be a long time—they have five-year terms there.

**The Hon. FRANK BLEVINS:** The honourable member should not be too sure about that. I do not know how long the honourable member has been involved in politics, but I would not make such a statement. What can appear to be a long way in the future can occur with great speed. British Petroleum is a Government owned company which owns a significant part of the rights to mine copper and uranium at Roxby Downs. It is praised highly by the Opposition. I have no great complaint about that—none at all. Honourable members who have listened to me for eight years would realise that I do not have such hobby horses.

**The Hon. L.H. Davis:** We have never heard you talk about them.

**The Hon. FRANK BLEVINS:** The honourable member does not do his homework. The point remains that British Petroleum is a Government owned company which is applauded for owning a part of South Australia, yet the Opposition wants to restrict a South Australian company from having an interest in areas within Australia when the Minister says that it may have such interests. The Opposition's logic escapes me. It seems that it is all right for the Australian Gas Light Company to own part of South Australia's resources but, as the Hon. Mr Davis indicated, that company is in effect controlled by the Government of New South Wales. Apparently it is not all right for a company controlled by the South Australian Government to have an interest in petroleum resources in New South Wales. The Australian Gas Light Company is praised by the Hon. Mr Davis for the clever way in which it operates under Government control in regard to South Australian resources. I do not argue with that. I am simply asking why, if it is good enough for others, is it not good enough for a South Australian operation. Finally, no-one can foresee the future. As I said earlier, it is easier with the benefit of hindsight to say that we should have done this or that, and it is especially difficult to foresee the future.

In the area of energy resources we must give ourselves as many options as possible, because there is no doubt (and I do not think I will find any disagreement about this in this Council) that energy resources in the future will be the key to whether we can survive as a viable and civilised State and nation. We must give ourselves every possible advantage and opportunity to ensure that in the future South Australia has the benefit of whatever opportunities are available to ensure the stability of our supply.

In regard to the specific questions asked of me by the Hon. Mr Milne, I undertake to bring those specific responses back in Committee. I intend this evening to take the Bill into Committee and then report progress. I undertake to the Hon. Mr Milne that officers will be made available to him, and I will obtain a statement from the Minister of Mines and Energy that I hope will satisfy the honourable member, who indicated that he supported the Bill in prin-

ciple, which pleases me. I thank honourable members for their contributions to the debate. The debate, while I did not agree with it all, was good, and I urge all honourable members to support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

## STATE BANK OF SOUTH AUSTRALIA BILL

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

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

*That this Bill be now read a second time.*

In view of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

### Explanation of Bill

In setting out the Labor Party's economic policy in May 1982, it was said that the Labor Party believed that there was a need for a strong head office bank in South Australia and that the State banking sector should be developed to play this role. This was repeated in the policy speech given by the Premier during the run up to the 1982 election when he said:

> Our banking sector is important as a generator of growth. Labor will initiate a bold new approach to our banking sector. We will bring about closer co-ordination between the State Bank and the Savings Bank. Together, they can be an engine for enconomic growth.

When this Government took office, we began discussions with the boards and management of the two banks. We found that they were keen to pursue the idea of closer co-operation and, indeed, it was not long before it became apparent that a full merger of the two banks was the most appropriate path to follow. Statements by the Opposition since that time have also made it clear that this has bipartisan support.

On 18 May, it was announced that the Government would support proposals put forward by the two banks that they merge. Also announced was the formation of a working group to facilitate the consideration of questions which would necessarily come before the Government. The working group, which included representatives of the boards of both banks, considered the framework required for the operation of the new bank. As a result of this work, the boards of both banks wrote to the Treasurer with recommendations which formed the basis of the legislation now before the Council. The legislation has been discussed with both banks and this Bill represents the results of those discussions, during which agreement was reached on all matters.

For a number of decades, both the State Bank and the Savings Bank of South Australia have been important institutions in the South Australian community. The Government believes that this merger will not in any way diminish the important role that the State banking sector has played, but rather will enable the services and facilities that the banks have provided to South Australians to be further expanded and developed. The principles upon which the legislative framework for the new bank is based are:

1. That the bank should conduct its affairs with a view to promoting the balanced development of the State's economy and the maximum advantage of the people of South Australia. Bearing in mind the traditional emphasis on housing, the bank shall also pay due regard to the importance, both to the State's economy and to the people of the State, of the availability of housing loans.

2. That the bank should operate in accordance with accepted principles of financial management.

3. That the bank should operate in conditions as comparable as practicable with those in which its private sector counterparts operate.

4. That the bank should be able to become an active, innovative and effective participant in the South Australian economy and financial markets, with the flexibility to adjust to the changes which are a feature of these markets.

The first two of these principles appear specifically in clause 15 of the Bill. The third is reflected mainly in clauses 6 and 22 of the Bill. Members will note that the bank is to be subject to all State and Local Government taxes and charges and that it is to pay the equivalent of company tax.

It will also be required to pay a dividend based upon the kinds of considerations which would normally determine the declaration of a dividend by a private sector organisation. However, the Bill provides that the dividend shall be set by the Government upon recommendation of the board of the bank. It further provides a procedure for the bank to make public its disagreement should the dividend determined by the Government differ from that recommended by the board.

The fourth of the principles is embodied in clause 19, which sets out the proposed powers of the bank. The powers are wide in relation to financial transactions, as the Government is determined that the bank should have the flexibility necessary to operate effectively in a rapidly changing financial environment. It also wishes to ensure that the bank is able to play a leading role in strengthening South Australia's financial base.

Members will note that the Bill does not include the detailed provisions related to staffing which are a feature of the Savings Bank of South Australia Act and, to a lesser extend, the State Bank Act. A Bill which incorporates such staffing provisions as may be necessary will be presented to the Council later. The Government believes it is more appropriate that the legislation which sets out the powers, functions and structure of the bank should be separate from that which deals with details of employment conditions, and so on.

The banks have ensured that their staff and the union which represents them have been kept fully informed of the discussions concerning the merging of the two banks. The Australian Bank Employees Union has agreed with the proposal for a second measure which deals with employment conditions and, of course, will be fully involved in discussions concerning its provisions.

All the matters that were addressed by the working group were resolved in the spirit of co-operative consultation rather than one of conflict, and we have every reason to believe that the climate in which these discussions took place has provided a firm basis for the future relationship between the bank and the Government.

Clause 15 makes it clear that consultation is expected between the Government and the bank on matters of mutual concern. Consultation may be initiated by either party and there is no provision for either party to coerce the other into accepting a particular course of action. However, the bank is requird to give serious consideration to any proposals the Government may put to it and to report formally on such proposals if asked to do so.

Even though every effort has been made to ensure that the new bank operates as far as is practicable in the same manner as a private sector organisation, the Government believed that a number of aspects of the current legislation were worth preserving. At the present time, the Savings

Bank of South Australia is not bound by the Unclaimed Monies Act, which means that it can hold monies in accounts which have fallen into disuse and pay them out if clients appear with a valid claim. The Government has agreed with the representatives of the banks that the service to clients which this provision allows should continue. For similar reasons, the Government has also agreed that existing provisions relating to the operation of accounts by minors should be retained.

It is the Government's intention, and the wish of the two banks, that the new bank should come into being on 1 July 1984. While the Bill does not set a specific date of operation, all efforts will be made to ensure that the new bank commences business on that date.

It will need to be operating with common products, a single set of accounts, new identifying symbols, advertising approaches and so on, as from that date. A great deal of detailed work will need to be done in order to bring this about and it is desirable that this work be done within a firm legislative framework. The early passage of the Bill now before members is desirable in order to provide that framework.

Clause 1 is formal. Clause 2 provides that the new Act is to come into operation on a day to be fixed by proclamation. Clause 3 contains the definitions necessary for the purposes of the new Act. Clause 4 provides for the repeal of the Savings Bank of South Australia Act, 1929, and the State Bank Act, 1925. Clause 5 provides that the Crown is to be bound by the new Act.

Clause 6 establishes the new bank and invests it with the powers of a body corporate. It should be observed that while the Bank is an instrumentality of the Crown, the bank is to be liable to rates, taxes and other imposts under the law of the State as if it were not such an instrumentality. Clause 7 provides that there is to be a board of directors consisting of not less than six nor more than nine members. The Chief Executive Officer is to be eligible for appointment as a Director.

Clause 8 provides for a term of office of up to five years for a Director. This limitation would not, however, apply to the Chief Executive Officer if appointed as a Director. Clause 9 deals with casual vacancies. Clause 10 provides for the remuneration of Directors. Clause 11 requires disclosure of interest by Directors. Clause 12 deals with the procedure of the board. Clause 13 is a validating provision relating to vacancies in the membership of the board and defects in the appointment of its members. Clause 14 invests the board with full power to transact any business on behalf of the bank.

Clause 15 deals with the policies that are to be implemented by the board. The board is required to act with a view to promoting the balanced development of the economy of the State and the maximum advantage to the people of the State. The board is required to give proper recognition to the importance of the availability of housing loans both to the economy and to the people of the State. It is required to administer the bank's affairs in accordance with accepted principles of financial management and with a view to making a profit.

Clause 16 provides for the appointment of a Chief Executive Officer of the bank. Clause 17 provides for the appointment of other officers of the bank. Clause 18 provides for delegations by the Board or by the Chief Executive Officer. Clause 19 sets out the powers of the bank to carry on banking and other related business. Clause 20 empowers the Treasurer to make advances by way of grant or loan to the bank. It provides that grants made by the Treasurer are to be treated, for accounting purposes as subscriptions of capital.

Clause 21 provides that the liabilities of the bank are guaranteed by the Treasurer and empowers the Treasurer, after consultation with the board, to fix charges to be paid by the bank in respect of the guarantee. Clause 22 provides for payments to be made from any operating surplus to the general revenue. Clause 23 provides for the keeping of accounts by the bank. Clause 24 provides for the annual audit of those accounts. Clause 25 empowers the Governor to appoint the Auditor-General or some other suitable person to carry out an investigation into any aspects of the operations of the bank.

Clause 26 empowers the bank to make payments to the next-of-kin of a deceased customer from that customer's account. Where a customer is of unsound mind, moneys may also be paid out of his account for his own maintenance or the maintenance, education or advancement of members of his family.

Clause 27 provides for the closure of accounts that have fallen into disuse and for payment of the money standing to the credit of those accounts to the 'Customers Unclaimed Moneys Account'. Clause 28 provides that a minor may give an effective receipt for the payment of money standing to his credit in an account at the bank. Clause 29 confers immunity on the officers of the bank for acts or omissions done in good faith or in the course of carrying out the duties of their respective offices. Clause 30 provides that the bank is not affected by notice of any trust to which moneys deposited or invested with the bank are subject. Clause 31 is a regulation-making power.

**The Hon. K.T. GRIFFIN** secured the adjourment of the debate.

## ADELAIDE FESTIVAL CENTRE TRUST ACT AMENDMENT BILL

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

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

*That this Bill be now read a second time.*

Section 31 of the Adelaide Festival Centre Trust Act, 1971, provides that, for the purpose of assessing water, sewerage and local government rates the trust property is deemed to have an assessed annual value of $50 000 and an assessed capital value of $1 million.

The Festival Theatre, which is not considered to be a marketable property, cannot be valued on the basis of true capital value, and section 31 provides an artificial basis upon which such rates can be determined. The provision was originally to operate for a period of 10 years. An amendment in 1982 extended the operation of the section until 31 December 1983. The adoption of a more realistic basis for assessment would lead to a very large increase in water, sewerage and council rates. The Adelaide Festival Centre Trust would be unable to absorb such an increase in its operating costs.

Similar arts centres in Victoria, Queensland and New South Wales do not pay local government rates. As the State Government presently contributes more than $2 million annually towards the recurrent operations of the Festival Theatre and a further $2 million annually to service debts, the Government considers that the operation of the section should be extended for a further period of 10 years; that is, until 31 December 1993.

Clause 1 is formal. Clause 2 provides for the operation of section 31 to continue until 31 December 1993.

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

## NATURAL DEATH BILL

Returned from the House of Assembly without amendment.

## STOCK DISEASES ACT AMENDMENT BILL

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

## WRONGS ACT AMENDMENT BILL

In Committee.

(Continued from 29 November. Page 1988.)

Clause 2—'Repeal of s. 3.'

**The Hon. ANNE LEVY:** I move:

Page 1, line 14—Leave out clause 2 and substitute new clauses as follows:

2. Section 3 of the principal Act is repealed and the following section is substituted:

3. This Act binds the Crown.

This amendment is to change the current clause 2 and put in a different clause to the extent that section 3 of the principal Act is repealed and a new section substituted. The effect is that this Act binds the Crown. This amendment arises because the original Wrongs Act did not have the Crown bound to all sections of the legislation but only to most of them. As a result of the amendments being suggested following the Select Committee, it is felt appropriate that the Crown should be bound by the whole of the Wrongs Act and this amendment is designed to indicate that. There are a number of amendments being suggested as a result of the Select Committee which all come under clause 10 and which I think will be best discussed when that clause is discussed.

**The Hon. K.T. GRIFFIN:** I support the amendment. I agree with the Hon. Anne Levy that particular references to the work of the Select Committee can best be left for consideration when discussing clause 10, the principal reason for referring the Bill to a Select Committee in the first place. Under section 31 of the principal Act it is only Parts II and III that bind the Crown and instrumentalities of the Crown. Part II deals with wrongful acts or neglect causing death. Part III deals with general provisions.

The effect of this amendment, in conjunction with the later amendment to repeal section 31, will make the whole Act binding upon the Crown including that part relating to defamation and the general provisions relating to definitions. I think that it is appropriate that the Crown be bound by all parts of the Wrongs Act and, accordingly, I am pleased to support the amendment.

Existing clause struck out; new clause inserted.

Clause 3 passed.

Clause 4—'Privilege of newspaper, radio or television reports of legal proceedings.'

**The Hon. K.T. GRIFFIN:** I have a comment in passing about these two clauses which also applies to subsequent clauses. This part of the Bill relates to the extension of privilege in respect of defamatory statements and the extension of that privilege from newspapers to radio and television.

**The CHAIRMAN:** Does this refer to clause 4?

**The Hon. K.T. GRIFFIN:** Yes.

**The CHAIRMAN:** The honourable member should deal with just one clause at a time.

**The Hon. K.T. GRIFFIN:** My remarks relate to the other clauses and are relevant to them all. The proposals are supported by the Opposition. They were supported when the Bill was first before the Council during the last session. The Select Committee received only one submission in respect of this Part of the Bill and that was a submission in favour of the extension of privilege. Undoubtedly, of course, there will be questions of privilege relevant to the debate on the so-called uniform defamation law when that comes before the Parliament, so I do not propose to embark upon any consideration of other deficiencies in respect of privilege at this stage. The Opposition supports those clauses related to extending protection and privilege to radio and television.

Clause passed.

Clauses 5 to 9 passed.

Clause 10—'Insertion of New Part IA.'

**The Hon. ANNE LEVY:** I move:

Pages 2 and 3—Leave out clause 10 and substitute new clause as follows:

10. The following Part is inserted after section 17 of the principal Act:

This amendment is a substantive amendment arising from the deliberations of the Select Committee and is a rewritten version of the clause that went to that committee. The report of the Select Committee was tabled in this Council some weeks ago and is, I think, a very thorough and worthwhile document which can be consulted by a wide variety of people as it discusses a lot more than the technicalities of the particular legal matter referred to the Select Committee. It sets out very clearly what the current law is, what are the many misconceptions about the current law that are prevalent in many parts of the community, and fully justifies the intention of the legislation to remove the *Searle v. Wallbank* rule which has applied in common law for a long time.

I think that anyone who reads the report of the Select Committee will appreciate the clarity with which the situation is set out, both the curent law and the misconceptions about the current law which were evident in many parts of the community. Having dealt with the current law and explained clearly what the current law is not, the report goes on to deal with recommendations regarding the *Searle v. Wallbank* ruling from many Law Reform Commissions around the world. Changes to this ruling have either been recommended or have already occurred in the following places: Canada, New Zealand, Scotland, United Kingdom, New South Wales, Queensland, Tasmania and Victoria. Changes have been recommended by our own South Australian Law Reform Committee.

The amendment before us is a result of the deliberations of the Select Committee and what we felt was a more accurate way of expressing what was intended in the legislation, as stated in proposed new section 17a (1), namely, that damage or loss caused by an animal shall be determined in accordance with the principles of the law of negligence. The *Searle v Wallbank* ruling provided an exception to this basic principle, and it was the opinion of the Select Committee, as of law reform bodies throughout the English speaking world, that the *Searle v Wallbank* ruling was unfair and that new section 17a (1) should clearly state that the principle is that liability for loss caused by an animal should be determined by the principles of the law of negligence as applies in virtually all other areas. The rewording of new section 17a, which is the subject of this amendment, deals with other aspects of the matter.

New subsection (2) abolishes the ancient distinction between *ferae naturae* and *mansuetae naturae* (a little bit of Latin that I, and other members of the Select Committee, learnt fairly rapidly). It states what I believe would be regarded by anyone with common sense that, in determining the standard of care that is to be exercised in relation to

the keeping of animals, one should take account of the nature and disposition of that animal and not have regard to some arbitrary classification of animal according to the species and the particular characteristics that are presumed to apply to that species. In fact, the sensible and common sense approach is to look at the nature and disposition of the animal. New subsection (3) abolishes the old doctrine of *scienter*, whereby one had to previously establish that an owner had prior knowledge of a vicious, dangerous or mischievous propensity of an animal to claim for damage caused by that animal if it was an animal that could previously be classified as *mansuetae naturae*. In other words, we are saying that, if a person has suffered injury, damage or loss because of an animal, the owner of which has been negligent, one does not have to establish that the animal was known to be vicious beforehand. It is simply the normal principles of negligence that will apply.

New subsection (4) specifically abolishes the *Searle v Wallbank* ruling that has applied for so long in common law. It will no longer be possible for the owner of an animal that is straying due to the negligence of the owner not to be liable for the resulting damage. Of course, it will still be necessary for a person to establish that the person with care and control of the animal was negligent before damages can be claimed, but an owner who has been negligent will not be free from the consequences of his negligence.

New subsection (5) is important, and relates to any injury or damage that may be suffered by an employee who is working with animals. It has previously been suggested that an employee who works with animals has chosen the danger that applies to that particular occupation and hence cannot be compensated in any way for injury that may result. This is completely contrary to all modern ideas as to how workers compensation should apply. It is certainly a very old-fashioned principle, and it was the unanimous opinion of the Select Committee that that provision should be abolished.

New subsection (6) sets out the matters to be considered by a court in determining whether an owner was negligent with regard to an animal in a particular case. It states that a court, in determining whether a reasonable standard of care was exercised, shall take into account measures taken for the custody and control of the animal or to warn about the vicious nature that the animal might have. However, new subsection (7) goes on to state clearly that the fact that no particular measures were taken for the custody and control of an animal is not a reason for supposing that a reasonable standard of care was not taken. This was specifically inserted to allay any fears that some people might have that in the pastoral areas of the State, where fencing is not a practical proposition and certainly does not occur, if straying stock from the area caused an accident, it might be said that the owner was negligent because there was no fencing.

New subsection (7) makes quite clear that the fact that there was no fencing or that no particular measures had been taken to control an animal does not of itself indicate negligence and that, if it is not reasonable to expect measures such as fencing to exist, their absence cannot be regarded as lack of reasonable care.

There are other changes further on in the clause. New subsections (8), (9) and (10) make clear that liability for animals other than in negligence is not affected in any way by this amendment in relation to trespass or any other statutory right or remedy that someone may have. It deals only with cases of negligence, and it is not affecting any other rights or obligations that occur elsewhere in the law.

The report of the Select Committee summarises and explains very adequately the suggested amendments that I am now putting forward. The Select Committee worked as a most harmonious team and had valuable assistance from a research officer from the Department. The committee achieved a great deal and was, I hope, able to allay any fears that might have been held in the community that we were imposing an onerous duty where it should not be imposed.

The data, which is also in the Select Committee's report, shows that very few road accidents are caused by animals. In 1980, only 1 per cent of all road accidents were caused by animals, and in 1981 the figure was only 1.1 per cent. Although accidents involving animals are more common in rural areas than in metropolitan areas, these statistics would include accidents involving collisions with wild animals, such as kangaroos or wombats. The number of accidents caused by straying stock will be much less than the total number of accidents caused by animals. Furthermore, there was no information as to which of those accidents caused by stock were as a result of negligence on the part of the owner.

It is unlikely that one would expect negligence on the part of the owner, whether or not there is liability, simply because stock are valuable assets to the owner, and negligent care and control of stock is obviously a disadvantage to the owner and is unlikely to occur except in the very rarest of cases.

South Australia is not the first State to remove the *Searle v. Wallbank* ruling. This occurred in New South Wales in 1977 and, as far as the committee could determine, has caused no problems in that State since then. Most property owners in the country have some form of insurance, anyway, and experience in New South Wales shows that, as a result of the possible extra liability that property owners may have, insurance companies did not raise their premiums at all as a result of the abrogation of the *Searle v. Wallbank* ruling. The Select Committee sincerely hopes that the same will apply in South Australia and recommends this amendment to honourable members.

**The Hon. K.T. GRIFFIN:** The Opposition supports the amendment. The amendment arises from the deliberations of the Select Committee and, as the Hon. Ms Levy said, it was a particularly harmonious Select Committee. The amendment which comes before us, together with the report which has already been tabled, justifies the time that was spent in deliberation by the Select Committee.

The Select Committee has also had the advantage of giving members of the community who were concerned about the Bill as it was introduced in the last session an opportunity to give further consideration to details of the original Bill and to make submissions, including those that caused them concern. It also gave the committee an opportunity to discuss with those persons who presented submissions the range of concerns and the reasons why they have those concerns. So, this is an occassion where a Select Committee worked very well, and I would claim that it has resulted in a much better clause than that which was originally before the Parliament.

The Select Committee had valuable assistance from a legal officer from the Attorney-General's office. The Hon. Ms Levy did not name that person but she is named in the report as Mrs Margaret Cross, and the report recognises the contribution she made. Without the assistance of Mrs Cross, it would not have been possible to fully inform each member of the current state of the law and to prepare such a comprehensive report.

The Select Committee thought it important in this complex area to present a more comprehensive report than one would normally expect from a Select Committee because we believed it important to have some clear and concise statement of the law available, not only to those who made submissions but also to any others who would be affected by the change in the law and who might be interested

enough to want to gain further information about the way in which the law had been operating and the way in which it would operate when the Bill passed.

I suggest that the Select Committee's report is a useful layman's guide for the law regarding liability of damages caused by animals. I hope that it has a wide circulation and I am certainly assisting in that circulation. From all those to whom I have sent the report, I received only two responses, one saying that it met the difficulties which that body saw and the other raising further questions which are understandable but which do not reflect on the quality of the report or the recommendations that were made.

This Part of the Bill originated from the difficulties created by the rule in *Searle v Wallbank*, which really related only to damage caused by animals straying on to the highway. For those who were droving stock along the highway or across the highway the ordinary law did not apply anyway. For caged animals which were not of a domestic kind the liability for damage was strict liability, and negligence did not have to be established. Where there were animals of a domestic nature, liability was dependent on negligence being established.

The clause now provides that any liability for damage caused by animals, whether straying on the highway or being driven along the roads, or wild animals, will be based upon negligence. Much concern was expressed about wild animals, including kangaroos and wombats. Liability for injury or damage caused by such animals kept in captivity would have been strict liability for the person who had caged that animal, and the question of negligence did not enter into it. Where such animals strayed across the highway and there was a collision and damage occurred as a result of the accident, the only way in which liability could have been established was if custody, control or ownership of that animal could be established.

That will be the position under the Bill. The original clause had a number of problems because, although it professed to apply the law in regard to negligence as a basis of establishing liability, there were some variations or apparent variations on that. For example, the keeper of an animal was defined; that created much confusion because it also included an infant who is the owner or who has the custody or control of an animal, and it included a parent or guardian or the person having the actual custody of the infant.

It seemed that there was a divergence from the common law position which established liability in a parent of an infant in certain circumstances according to reasonably well defined rules. That provision in the clause also appeared to create a situation of double liability, involving both the parent and the guardian and the person having actual custody of the infant. It may be that those two persons were quite different. Instances were given of a friend of the family taking a child and a pony to a pony club miles away from the parent and the pony causing loss, injury or damage, and then the question arising under the original Bill as to who was liable: both the friend and the parent—that was the likely outcome of that.

Another difficulty was that the basis for liability was placed upon the person who fails to exercise a proper standard of care to prevent the animal causing loss or injury. That seemed to rely not only upon the ordinary rules of negligence but to place a positive obligation upon the keeper of an animal. The Bill now states quite broadly that liability is to be determined in accordance with the principles of the law of negligence. There is no reference to a proper standard of care or to a keeper, but merely the ordinary principles of negligence applying.

The original clause also provided that the court should take into account in determining whether the proper standards of care had been exercised any measures taken by the keeper to ensure adequate custody and control of the animal and warn against any vicious, dangerous or mischievous propensity that the animal might exhibit. That seemed to place a positive duty upon a keeper or owner to do certain things when the doing of those things might not have been necessary and, if those things were not done, then that might be a presumption of negligence. Fortunately, the clause now before us changes this because it says that the court shall take into account measures taken for the custody and control of the animal and to warn against any vicious, dangerous or mischievous propensity that the animal may exhibit, but also goes on to say that in a particular case where no measures have been taken that does not necessarily show that a reasonable standard of care was not exercised.

That may answer the question in the pastoral areas of the State which are not fenced and which are traversed by members of the public who should know that there is a risk of animals crossing the unfenced highway, and people should take appropriate care. The clause now comes before us as an amendment and relieves the confusion at least in respect of that position. In addition to imposing the ordinary principles of negligence as the basis of liability, the original clause also says that the standard of care to be exercised by the keeper is to be decided having regard to the nature and disposition of the animal. That has been modified to ensure that there is no special test to be applied in respect of animals and again the ordinary principles of negligence apply.

There was some concern about the liability of an employer for injury caused to an employee as a result of working in proximity to animals. There was some doubt about the way in which the subclause was originally drafted and a fear that in fact it absolved the employee from having to take any care at all. The clause has been revised in such a way that the employee is not absolved from taking appropriate care and, if the employee by his or her action shows that he or she is reckless or did not take adequate care, notwithstanding the fact that he or she was working with animals, there could be defence of a counter claim for contributory negligence. There are a number of other matters to which I could refer, but they are the major issues that caused concern. They have all now been dealt with appropriately in the amendment, which does in fact impose only the ordinary principles of negligence in terms of liability for loss or injury caused by animals.

Wild animals are no problem; domestic animals are no problem. The farmer need not worry about wild animals unless he has taken positive steps to demonstrate control and custody. If a kangaroo hops the fence on to the road and causes an accident the farmer from whose property the kangaroo jumped in my view does not have a problem unless it is his pet kangaroo which has got off the leash, and I cannot believe that that is likely to be a set of circumstances that occurs very frequently.

The other point is that the person claiming in respect of the damage by such an animal must establish the ownership of such an animal, and that would be a case which would be high on impossible to do. I support the amendment and record my appreciation for the way in which this Select Committee has worked at arriving at a much better solution to a very difficult problem.

**The Hon. H.P.K. DUNN:** I also support the amendment that has been put forward. First, I concur with all the remarks made by the two previous speakers and thank them for their help during the Select Committee, particularly the Hon. Anne Levy for guiding us through this Select Committee. It was my first Select Committee, and I found it a very educational and enjoyable experience because I came to it with some preconceived ideas and left believing that I understood what we were talking about—a very legal affair—

much better than when I started. As a result of that I have no fear in recommending this report to the rural industry—the people who are the keepers and maintainers of stock, which are the things offending the travellers on the roads—and to the organisations that support those rural keepers. I have no fear of sending the report to them.

I do not wish to go through the amendments clause by clause. All that I wish to say is that we started from a position of uncertainty. I would like also to record my appreciation of the Hon. Mr Griffin for his legal guidance in this case. It was largely due to his probing mind that we came up with something that was nice and clear, along with all the evidence presented by the research officer, Miss Margaret Cross. I publicly thank her for her research and for presenting it in the way in which she did.

Negligence is the fundamental section in this, and I read from the report:

Negligence is simply neglect of some reasonable care which a person is bound to exercise towards someone else.

If we keep it in the backs of our minds and apply it to animals, in this case it will be simpler to understand. *Searle v. Wallbank* is an old case, which applied in old England, and I believe that today the roads are seen by the people as areas on which they have the right to travel and have access to. I believe that they have a right to transfer from point A to point B. It can reasonably be expected that the owner of stock which borders those roads can be reasonably expected to look after and keep those stock in hand. He will be the loser if he lets those stock on the road; first, because they might get killed and, secondly, he is putting himself at some risk if found to be guilty of not trying to contain them.

The Hon. Anne Levy mentioned that there are few accidents—about 1 per cent— that should be taken into context as *ferae naturae.* One per cent is small, and I believe that a number of those are with feral or wild animals—the kangaroo or wombat type of animal. It is difficult, which has been proven in this report, to identify how many accidents have been with those animals. The report points out that, if one lives in a highly urbanised area, one will be required to fence more strictly and sensibly than one would be in the outback or station country; there will be different requirements for those two areas.

This Act makes it clear that the stockowner must show some care in shepherding his stock, and if he exercises reasonable care he should not fear the consequences of the odd stock straying on the roadway. I say that confidently, as I am both a user of a road and the keeper of stock. I hope, as I said before, that local government and the rural organisations observe this report and look at it in the manner in which it is presented. We are dealing with a very legalistic Act, and it is not always easy for a layman to understand. I found it difficult to understand, but this report has a very plain, clear and distinct definition. I thank the Committee, the officers, the witnesses and those people who were on the Committee, and I recommend the amendments.

**The Hon. I. GILFILLAN:** It is really appropriate for me to go through all the details and the interpretation of this Bill and its amendments, but I will desist from doing that. However, the pleasure of mastering Latin phrases like *ferae naturae* really compensated for many bemusing and confusing hours of looking at the problems of this legislation. I congratulate the Hon. Anne Levy on being an excellent Chairperson of the Committee; it was a significnt experience for me. I agree with the Hon. Peter Dunn that as first time participants in a Select Committee we went into it somewhat apprehensive about what would be the atmosphere and procedures. It was reassuring and to the great credit of this excellent instrument of this Parliament that the Select Committee quickly moved into an area of mutual consideration on individual lines with the challenge of the issue that was before us. There was no Party posturing or politicising; I congratulate my fellow members on that committee for enabling that atmosphere to be sustained right through.

Further to congratulating the Chairperson, I add to the Hon. Mr Dunn's remarks my admiration for the Hon. Mr Griffin. I will not be too lavish in my praise of him, but I continue to be amazed at the amount of work that he is able to do with meticulous accuracy and diligence, and I believe that to a large extent the work of this committee benefited in its accuracy from his concentration on detail. He did a lot of the spadework that made it a lot easier for us to bask in the limelight of getting some successful and worthwhile amendments put forward for this Act.

In assessing the Bill and our work, there has been a simple correction of what was often regarded, even in the country, as basically an unjust situation, where a stockowner will now be required to exercise reasonable care.

I do not intend to expand on that point, but it has met with remarkably little disapproval or antagonism from anyone who has discussed it since the early days when we were somewhat appalled by the very suspicious and apprehensive lobby from the rural producers. That apprehension was quickly allayed. I add my thanks to the staff, Margaret Cross and Barry Sargent, who cared for us so well on that committee. I add my support to the amendment moved by the Hon. Anne Levy. I take this opportunity to record how grateful I was to be part of the Select Committee's work.

Existing clause struck out; new clause inserted.

New clause 11—'Repeal of s.31.'

**The Hon. ANNE LEVY:** I move:

Page 3—After line 41, insert new clause as follows:

11. Section 31 of the principal Act is replealed.

This amendment is consequential on the earlier amendment moved to make the whole Act bind the Crown.

New clause inserted.

Title passed.

**The Hon. C.J. SUMNER (Attorney-General):** I move:

*That this Bill be now read a third time.*

I do not wish to prolong consideration of this Bill but merely say that this is a Government measure that was introduced some months ago and was referred to a Select Committee. I am pleased that the Select Committee has completed its deliberations and upheld the Government Bill, with some amendments to its drafting. I commend the Hon. Anne Levy as Chairperson of the Select Committee and the other members who participated on the committee. I thank members of the public who saw fit to present evidence to the committee. I trust that the Bill will leave here and find a clear passage into law through the House of Assembly.

Bill read a third time and passed.

## TRUSTEE ACT AMENDMENT BILL

(Second reaching debate adjourned on 29 November. Page 2020.)

Bill read a second time.

**The Hon. L.H. DAVIS:** I move:

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider a new clause amendment section 5 of the principal Act relating to authorised investments.

Motion carried.

In Committee.

Clause 1 and 2 passed.

Clause 3—'Repeal of s.17 and substitution of new section.'

**The Hon. L.H. DAVIS:** I move:

Page 1, after line 17—Insert clause as follows:

3. Section 5 of the principal Act is amended by striking out from subparagraph (ii) of paragraph *(d)* of subsection (3) the passage 'and repayment of the deposits or the amounts secured by the debentures is unconditionally guaranteed by the bank'.

I explained this clause in some detail during the second reading debate and do not propose to further delay the Committee by explaining it again.

**The Hon. C.J. SUMNER:** The Hon. Mr Davis explained his reasons for this amendment during the second reading debate. The Government believes that it is unlikely that this amendment will do any harm, and it does resolve part of the anomaly that exists of some small companies being acceptable while some large bank-backed finance companies are not.

However, it does not resolve the anomaly that certain strong and well backed companies, notably the International Merchant Bank, are excluded while some smaller companies are included to arrange authorised basic company investments. The basic problem seems to be in the general criteria specified in the legislation, such as dividend history, and so on. The Treasury proposes to present a paper to the Government on these matters in the near future dealing with amendments to section 5 of the Trustee Act. However, we believe that there is nothing in the honourable member's amendment that will cut across what Treasury may recommend to the Government in this regard, and as the amendment partly overcomes an anomaly the Government is happy to support it.

**The Hon. K.T. GRIFFIN:** In the light of the Attorney's indication of a review of section 5 of the principal Act, when the Treasury paper has been prepared I ask that it be made available for public comment, although perhaps not so much for wide public circulation. Obviously, that section, which was widened when I was Attorney-General is of interest to those who are trustees, acting as trustees, legal trustees or investment advisers. I believe that there would be some advantage in reasonable circulation such a paper. I am not averse to the amendment. The very fact that I was responsible for moving significant amendments to widen the range of investment trustees indicates a measure of support, but I hope that there can be consultation with lawyers, industry and others with a specific interest before anything further is done.

**The Hon. L.H. DAVIS:** I appreciate the Attorney's facilitating my moving this amendment without notice. This is a practical way of dealing with an anomaly. I was interested, as was the Hon. Mr Griffin, to hear about companies dealing with trustee investments as defined in section 5 of the Trustee Act. I agree with the suggestion that it would be productive to circulate the Treasury paper to interested parties, such as trustee companies, lawyers who may specialise in the area, investment brokers, banks, and other institutions.

**The Hon. C.J. SUMNER:** I am not sure that I have not made a premature announcement that I should not have made. I cannot give any guarantees as to what might happen when the Treasury paper is presented to the Government. I am not sure of the nature of the paper that is to be presented, whether it will be an *ex officio* document or whether it will contain basic recommendations. However, I am sure that, whether prior to the introduction of the legislation or subsequently, there will be adequate time for consultation. I will certainly take into account the suggestions made by members opposite.

*[Midnight]*

New clause inserted.

Title passed.

Bill read a third time and passed.

## SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 November. Page 2001.)

**The Hon. R.I. LUCAS:** I support the Bill, which implements some of the recommendations of the review of the Ethnic Affairs Commission, which reported in September this year. However, I will also support the amendments foreshadowed by the Hon. Mr Hill. I support the general thrust of the recommended changes which, as I understand, seek to project the Commission as a more forceful mover in influencing other agencies in the provision of services to ethnic people and in providing a service to other agencies.

First, I refer to clause 2, and particularly the definition of 'government department', which is defined as a department or a prescribed instrumentality of the Crown. That definition is important when one looks at later provisions of the Bill, in particular under clause 8, which stipulates what some Government departments will be required to do under the Bill. I would certainly be interested to hear from the Attorney, either in reply to the second reading debate or in Committee, a general indication as to what range of instrumentalities the Crown may be prescribing.

There is a whole range of statutory authorities, on some counts as many as 250. I hope, but I am not sure, that it is not the intention to prescribe all of those statutory authorities and make them all subject to the obligations that are intended under this proposal. Nevertheless, I will be interested in the Attorney's response. The Hon. Mr Hill referred to clause 3, which amends section 6 of the principal Act and relates to the membership of the Commission.

The proposal in the Bill is that there be varying restrictions as to the membership of the commission. It is envisaged that at least two members shall be women, at least two shall be men, at least one an officer of the commission and one a person from the United Trades and Labor Council. I, together with the Hon. Mr Hill, will oppose those provisions. I have a firm view that the criterion in appointments to commissions and boards, or anywhere, in fact, should be the ability of the person. It should not be done on a quota basis or take into account sex, religion or whatever. The provision in this Bill which says that at least two members shall be women and at least two shall be men should be opposed.

The Hon. Mr Hill indicated that when the commission was first appointed there were two women commissioners out of eight commissioners. The same argument could be applied to the requirement under this Bill that there be a nominee from the United Trades and Labor Council. One could well ask, 'Why just the United Trades and Labor Council? Why not the Small Business Association or the Mixed Businesses Association?' Many people of ethnic origin run successful small businesses and are successful land and real estate developers. Why should there be a restricton that there be one member from the United Trades and Labor Council? If the Minister is to make the decisions regarding the appointments, so be it. If the Minister wants to appoint three people from the United Trades and Labor Council and six women, that will be a decision for the Minister of the day. He will have to wear the flack for whatever decision he takes in that regard.

It is offensive to assume that most ethnic people are, in effect, employees—and not just employees but employees and members of trade unions—rather than employers, perhaps professional people or employees who are not members of a trade union. I suspect that the membership of trade unions amongst ethnic people is much lower than from other groups in our community. Why do we need legislation

with these restrictions and provisions when the Minister can appoint whomever he chooses?

I now refer to subsections (4), (5) and (6) of new section 6, which relates to the appointment of the Chairman, the Deputy Chairman and members of the Commission. Under each of those new subsections is a provision which states that the particular person shall be appointed upon such conditions as may be specified in the instrument of his appointment. I have some doubts regarding this provision. I wonder whether or not it is needed. Can the Attorney-General inform the Committee of the conditions that will be specified in these appointments?

**The Hon. C.J. Sumner:** It might be in regard to salary and the type of work.

**The Hon. R.I. LUCAS:** Does the condition of salary have to be provided in the legislation?

**The Hon. C.J. Sumner:** You are not providing salary: you are saying that he is appointed to the job and the salary is so much.

**The Hon. R.I. LUCAS:** That can be done administratively.

**The Hon. C.J. Sumner:** It's not in the legislation.

**The Hon. R.I. LUCAS:** I agree that the actual salary is not being written in.

**The Hon. C.M. Hill:** There is not a salary—it involves sitting fees. I think the Hon. Mr Lucas is referring more to the members of the committee than to the Chairman and Deputy Chairman.

**The Hon. R.I. LUCAS:** The honourable member is right. In the parent Act a condition is placed on the full-time member. There is a provision for conditions to be placed on the appointment of full-time members, but there is not a similar provision for part-time members, and I question this requirement.

**The Hon. C.M. Hill:** It could be a real leg rope on a member of the commission, and placed there by the Minister.

**The Hon. R.I. LUCAS:** I hope that is not the case. Shortly we will be debating another Bill in regard to the Savings Bank wherein an attempt will be made to include a similar provision in the Act. Such provisions are creeping into legislation, and I seek from the Attorney information about the need for this provision.

**The Hon. C.J. Sumner:** I would have thought it was obvious.

**The Hon. R.I. LUCAS:** Perhaps it is in regard to sitting fees and the number of meetings that one is required to attend. The Attorney knows that 'upon such conditions' does not limit it just to that. There may be a Minister less honest than the present Minister.

**The Hon. C.J. Sumner:** To do what?

**The Hon. R.I. LUCAS:** To place restrictions on the conditions of employment.

**The Hon. C.J. Sumner:** What sort of conditions?

**The Hon. R.I. LUCAS:** I do not know, which is why I am asking the Attorney.

**The Hon. K.L. Milne:** There are matters dealing with holidays, promotions and other matters in regard to such an appointment that must be included in an agreement.

**The Hon. R.I. LUCAS:** The Hon. Mr Milne is right, but that does not have to be included in legislation.

**The Hon. C.J. Sumner:** Get on with it—

**The Hon. R.I. LUCAS:** The more the Attorney interjects the longer we will be here. Clause 7, which amends section 15 of the principal Act, provides:

> The Commission should ensure as far as practicable that the various ethnic groups in the community are fairly represented on the advisory committees appointed under this section.

Although that is a nice phrase, what will be its practical effect? The Attorney is aware of the number of ethnic groups in South Australia. I will be interested to see how the various groups will be fairly represented on these advisory committees. I refer to the continuing problems of representation of smaller ethnic groups. Can the Minister say what is intended under clause 7? Membership of advisory committees should be on the basis of ability to do the job that needs to be done, and an attempt to legislate to achieve fair representation on an advisory committee leaves me with some doubts.

The major provision to which I wish to refer and which is probably the substantive provision in the Bill is in clause 8, which repeals section 22 and substitutes a new section 22. New subsection (1) provides:

> Each Government department—

that is not only Government departments but also prescribed instrumentalities of the Crown—

> shall—

there is no option there—

> formulate a policy governing its relationship with the various ethnic groups in the community and the members of those groups.

Clearly, the Government of the day could place that sort of task on Government departments, and I take that in with the first point I raised: which Government instrumentalities are likely to be prescribed and under that provision will have to bear that the responsibility of formulating ethnic affairs policy?

Whilst I will not be opposing this clause, particularly as the Hon. Mr Hill has an amendment on file to place an emphasis on ensuring that the needs of differing ethnic groups are met, particularly in the delivery of services by Government instrumentalities to those ethnic groups, I am sure that all honourable members are aware of the problems that members of ethnic communities have and can have in understanding the particular Government services provided by Government departments.

Clearly, any policy which would make Government services more readily understandable and more useable by a wider range of members of ethnic communities has obviously to be supported. This hinges on the availability of members of the Public Service who can speak a number of languages and on the availability, perhaps at short notice, of translators and interpreters in the provision of Government services.

For that reason, I believe that the Hon. Mr Hill's amendment makes clearer what I think the major emphasis would be in the ethnic affairs policy, whereas the Attorney's phrase, about formulating a policy governing its relationship with various ethnic groups, sounds very nice but what does it mean?

That phrase raises a number of questions as to exactly what the Attorney means or intends to be covered by these policies of Government departments. I will seek some information from the Attorney on that matter. A possible answer as to what might be envisaged in an ethnic affairs policy for a department is suggested by the recent report by D.H. Rimmington, entitled *The Ethnic Composition of the South Australian Public Service,* which was dated November 1982 and to which the Hon. Mr Feleppa has referred on many occasions.

That report makes a statement that the ethnic composition of the South Australian Public Service is not representative of the South Australian population. It argues:

> 14.7 per cent of officers currently employed under the South Australian Public Service Act are either migrants from non Anglo-Celtic countries (9.5 per cent) or are the first generation Australian born children of migrants from these countries (5.2 per cent).

It then goes on to say that the comparative percentage of the South Australian population is 20.3 per cent. This report argues and makes recommendations to which I wish to refer. On page 97 of the report it argues that:

> A study of the ethnic origin of applicants for positions advertised outside the Service should be undertaken. Particular attention should be directed at the intake of base grade recruits. This study should involve an investigation of possible cultural bias in selection tests and selection criteria. The study should aim to devise an

information system to monitor the ethnic composition of future staff intake on a regular and permanent basis.

The report goes on to argue:

There is a marked under-representation of these officers at managerial levels (that is, administrative and executive positions). Thus persons of non Anglo-Celtic ethnic origin have little input into managerial decisions, particularly those relating to staff and personnel functions.

On page 98 the report recommends:

Current and future line management undertake a mandatory equal opportunities training course. The implementation of a training course of this type is justified not only in terms of the numbers of non Anglo-Celtic officers employed under the South Australian Public Service Act, but also because it would increase the efficiency of decisions relating to the weekly paid employees and contact with the general public.

This course should place particular emphasis on imparting an understanding of the unique problems which confront persons from other cultures in their workplace. Data should be collected annually on the ethnic background of all officers newly appointed to the ranks of administrative and executive Staff. This information should be obtained on a voluntary basis by means of a confidential letter from the Senior Equal Opportunities Officer.

The report goes on to argue:

There is also a widespread lack of understanding of equal opportunities policy throughout the service and this is frequently associated with the misapprehension that the policy confers unfair promotional advantages on members of specific groups.

In support of that, the report argues or recommends that:

An information campaign be undertaken to increase the level of equal employment opportunity information regarding overseas born officers in the service. The emphasis of this campaign should be placed on explaining the benefits to be gained from equal employment opportunity practices and to reassure all officers that equal employment opportunity does not confer unfair advantages on any groups.

A mandatory equal employment opportunity training course be instituted for all line management officers and all supervisors responsible for staffing decisions. Emphasis should be placed on understanding of a multicultural society and improved communication with overseas born staff, weekly paid employees, and members of the general public. Participation from ethnic groups should be sought.

That a review of the effectiveness of the circulation and distribution mechanisms of the newsletter *Equity* be undertaken with a view to improving the coverage and regular readership of this newsletter.

**The Hon. Barbara Wiese:** Just give us the reference and we will read it tomorrow.

**The Hon. R.I. LUCAS:** I am sure that if I do not put it into *Hansard* honourable members will not go back and check it.

**The Hon. C.J. Sumner:** The report has been tabled.

**The Hon. R.I. LUCAS:** At least you are listening to it this way.

**The Hon. C.J. Sumner:** I am not listening to it.

**The ACTING PRESIDENT (Hon. C.M. Hill):** Order! Honourable members can make their own contributions.

**The Hon. R.I. LUCAS:** I have a captive audience with the Hon. Barbara Wiese and the Hon. Frank Blevins here. I am sure that this is—

*The Hon. C.J. Sumner interjecting:*

**The ACTING PRESIDENT:** Order! Continuous interjections are out of order.

**The Hon. C.J. Sumner:** It is very boring.

**The Hon. R.I. LUCAS:** It is for the pleasure of the Attorney and others. The official recommendations to which I wish to refer are on page 101 of the report. I repeat for the Attorney's sake that the question I am putting is this: exactly what is he talking about with respect to these ethnic affairs policies that we are putting in clause 8? The clause he is putting is very wide. The Hon. Mr Hill is seeking to move an amendment which is a little prescriptive with respect as to the provision of services. This most recent report, I am sure, will be used in the future in the formulation of ethnic affairs policy. The official recommendations to which I wish to refer are at page 101. The report recommends:

The now defunct ethnic liaison officer scheme be studied in depth with a view to revitalising the system to provide personal counselling and guidance facilities for non Anglo-Celtic officers. A new system of this type should incorporate responsibility for furthering equal employment opportunities amongst both officers employed under the South Australian Public Service Act and weekly paid employees of the South Australian Public Service.

A review of the part-time interpreter scheme be undertaken with a view to upgrading the allowance available. A review of occupational classification, where both skills in language and cultural understanding might be utilized, be undertaken. The aim of this review should be to specify those classifications where skills in a community language and/or familiarity with community cultural groups are a desirable job qualification.

Many of those recommendations I would agree with. However, some of them I would certainly have doubts about. I think that they would need further thought before they should be implemented by any Government. Whilst that report did not strictly recommend, it does raise the question of the policy of positive discrimination within the Public Service (that is, positive discrimination not just at the service delivery point), and clearly there is an argument there which I accept as to the need for interpreters, translators, etc. That is a mild form of positive discrimination, but the report raises the question of whether these ethnic affairs policies in the future may well include positive discrimination for the employment throughout the whole Public Service for members of ethnic groups. As with the argument with respect to the numbers of women on the Commission, equally—and I put the argument forcefully—we ought not support a policy of positive discrimination to that degree throughout the whole Public Service; that is, as Rimmington argues, that there are only 14.5 per cent of people of ethnic origin in the Public Service, and there are over 20 per cent in the population.

A simple extrapolation of the argument is that there ought to be positive discrimination in the Public Service to increase that proportion to reflect more accurately the percentage of people of ethnic origin in the community at large. When one starts talking about positive discrimination of people of ethnic origin one becomes involved also with equal opportunity policies and the question of positive discrimination not just for people of ethnic origin but also on the grounds of sex or religion. I am sure that one would find on checking that the percentage of Catholic people in the Director-General's department is not in proportion to the number of Catholics in the community. I could go through a whole range and find what one would see as discrimination. I oppose the quota type system and the positive discrimination system being raised federally at the moment that may well be raised in this State. I support the Bill and will support the amendments put on file by the Hon. Mr Hill.

**The Hon. M.S. FELEPPA:** I intend to be brief. I support the Bill. I commend the Bill to the Minister and am pleased about the Government's expeditious response to the recommendations of the report of the Review of the Ethnic Affairs Commission and the Government's introduction of the necessary legislative amendments to enable the implementation of the relevant recommendations. I support the proposed amendments contained in the Bill now before the Council. I consider it a pity that the Hon. Mr Hill has suggested the complete omission of subclause (2) on page 2 of the Bill, where it refers particularly to the fact that one person shall be a person proposed for nomination as a member of the Commission by the United Trades and Labor Council. That does not necessarily mean that that person would be the Secretary or a member of the Trades and Labor Council—it is simply a nomination forwarded by the Trades and Labor Council.

The subsection supports the wishes of the great majority of the migrant work force. It must be remembered that, according to Dr Ford's study, 60 per cent of the work force in our factories are migrants. By excluding this subclause the Hon. Murray Hill will deny these people, to whom quite often the Hon. Mr Hill seems to be strongly sympathetic, their legislative aspirations of having somebody to directly represent them on this very important statutory body, namely, the South Australian Commission. I hope that the Hon. Mr Hill will consider my remarks in due course and rethink his position in relation to this subclause. I praise the Government for its action and I recommend the report.

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

## ADJOURNMENT

At 12.36 a.m. the Council adjourned until Thursday 1 December at 2.15 p.m.