

LEGISLATIVE COUNCIL

Tuesday 6 June 1995

The **PRESIDENT (Hon. Peter Dunn)** took the Chair at 2.15 p.m. and read prayers.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

The **Hon. K.T. GRIFFIN (Attorney-General)**: I move:
That the sitting of the Council be not suspended during the continuation of the conference on the Bill.

Motion carried.

VENNING, MR H.M., DEATH

The **Hon. R.I. LUCAS (Minister for Education and Children's Services)**: I move:

That the Legislative Council expresses its deep regret at the recent death of Mr Howard Maxwell Venning, former member for the seat of Rocky River in the House of Assembly, and places on record its appreciation of his distinguished public service.

Many members will know that prior to coming into Parliament Mr Howard Venning was a wheat farmer from the Crystal Brook region. He served with some distinction in the broad area of agro-politics: he held State office with the wheat and wool growers federation for 30 years and was involved with the United Farmers and Stock Owners Association for a number of years as well. He served on the board of South Australian Cooperative Bulk Handling Limited for 20 years and was Chair of that body for some four years prior to his coming into Parliament.

He was elected to the House of Assembly seat of Rocky River in the State's Mid North in 1968 and served the seat of Rocky River and its constituents for some 11 years until 1979. He was succeeded in that seat by Mr John Olsen, who is still a member of the State Parliament. As most members would know, Rocky River as a name and a seat no longer exists, but give or take a few boundary changes the seats of Custance and Frome broadly cover much of that particular area.

When one looks at the early contributions made by Mr Venning, in particular his questions in his first three or four years in the Parliament from 1968 through to 1971, and his maiden speech delivered on 25 July 1968, one can see that the most important general issue for Mr Venning encompassed all matters affecting rural communities and his very strong interest in matters that affected his constituents in that electorate of Rocky River. His maiden speech covered a whole range of issues, from schooling through to health services and the local gaol in his electorate.

My colleague the Hon. Diana Laidlaw will be delighted to know that he was talking about the imperative need for rail standardisation throughout Australia in 1968. He also referred to the parlous state of roads in the Upper Mid North electorate of Rocky River. I am sure that my colleague the Hon. Diana Laidlaw will know also that his son, Ivan Venning, has continued that interest in terms of the quality of roads within country areas in general but in his electorate in particular.

The **Hon. Diana Laidlaw**: He is now getting what he wanted.

The **Hon. R.I. LUCAS**: The Hon. Diana Laidlaw says that there have been significant improvements in the quality

of roads in that area. A number of other issues were mentioned in his maiden contribution. The questions that the honourable member asked of Government Ministers in his first three or four years clearly indicated his strong interest in all issues that affected his rural constituents in particular. Quite proudly, he concluded his maiden speech by stating:

It is most obvious from my remarks in supporting the Address in Reply that I represent a rural area, proud to be myself the third generation on the family's original holding at Crystal Brook. I wish in this my maiden speech in this House to acknowledge with appreciation those generations who were responsible for my being here, and particularly my mother and father.

I knew Howard Venning, who was known as 'Rocky' to his friends. Briefly through that period of the 1970s—he finished his parliamentary service before I entered the Parliament in 1982—I served as research officer to then Leader of the Opposition, David Tonkin, in 1976 and 1977 and came into contact with Mr Venning quite often.

As with a number of former members of Parliament who have now sadly passed away, Howard Venning was equally unfailingly courteous in terms of his day to day dealings with members of staff and other colleagues. He always had a smile on his face and, I am told, a great love of music and singing. One of his former colleagues recounted today the story that, having shared an office with Howard Venning, often whilst he was deep in conversation on the telephone in his office, Howard would come bowling through the door singing 'Onward Christian Soldiers' or some other hymn. He had a great love not only of singing but also of his church and of singing hymns in particular, evidently, during that period.

I am sure that Mr Venning will be sadly missed by all his friends and family and, on behalf of all Liberal members in this Chamber, I express our condolences to his wife Shirley and his family.

The **Hon. CAROLYN PICKLES (Leader of the Opposition)**: I second the motion. Mr Venning had obviously left Parliament before I entered it in 1985 and, although I know his son reasonably well, I did not know Mr Howard Venning. There are only two members in this Chamber on this side of the House who would recall him—the Hons Anne Levy and Barbara Wiese.

In the obituary in the *Advertiser* it was stated that he was known obviously as the cocky from Rocky. Members who knew him would know that that title was fairly apt. Mr Venning was a third generation farmer from the Mid North, entering Parliament in 1968 and retiring in 1979, to be succeeded by the Hon. John Olsen.

During his period as a farmer, and obviously during his period in office in Parliament, he was on the board of South Australian Cooperative Bulk Handling Limited for 20 years and for at least four of those years he was its Chairman. He held State office in the wheat and wool growers organisation and later in the United Farmers and Stockowners, which he served for more than 30 years.

It is interesting that it is stated in the obituary that he saw many changes in farming techniques from horse teams to four-wheel drives, from trolleys to 40-tonne trucks and from fully protected industry to a completely deregulated one. Mr Venning was of a great age when he died; he was 80 years old. As a farmer in that area and as he represented his electorate, he had seen many changes. As has been mentioned by the honourable member, after a period he has been succeeded by his son, the member for Custance, Mr Ivan Venning. The Opposition would like to record its commiser-

ations to his widow Shirley and to the five children, and especially to Mr Ivan Venning.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2.26 to 2.37 p.m.]

BANK OF SOUTH AUSTRALIA

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to lay on the table a copy of a ministerial statement made by the Deputy Premier and Treasurer in another place today on the subject of the BankSA sale.

Leave granted.

QUESTION TIME

EDUCATION BUDGET

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the education budget.

Leave granted.

The Hon. CAROLYN PICKLES: Last week the Minister's media statement carried the headline, '\$29 million increase to education budget'.

Members interjecting:

The Hon. CAROLYN PICKLES: Just wait!

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES: The same statement was headlined in the Government's budget pamphlet propaganda, 'We are coming into the home straight'—and more about that later. This statement is not accurate and shows the extent to which this Minister will go to hide the truth on how he has broken Mr Brown's promises on education. In the case of comparing apples with oranges, the \$29 million was calculated by comparing it with this year's poor spending figure and not the budget. The \$29 million includes \$22 million not spent on capital works this year. The real situation is that cash for education this year has actually been cut by \$15 million. This is right on target to meet the Minister's promise to reduce spending on education by \$40 million over three years. If inflation of 3 per cent is taken into account, the real reduction is \$49 million, and that is a bit closer to the mark.

Why did the Minister announce that 250 school service officer jobs will be axed in January next year and that another 50 to 100 teachers' jobs will be cut from special programs? In the same media release it said that spending on education was being increased. Do these cuts simply confirm that his claim of increased spending on education is wrong?

The Hon. R.I. LUCAS: I am delighted to have that question from the Leader of the Opposition, because last Thursday when the Government increased spending on education by \$29 million it ruined a good story for the leadership of the Institute of Teachers and the Labor Party in South Australia. They have been running around the traps for weeks and weeks talking about multi-million dollar cuts to the 1995 education budget. Lo and behold, when the figures came out there was a \$29 million increase, an increase of almost 3 per cent in the Education and Children's Services budget.

The simple facts of life—and this might be unpalatable to the Leader of the Opposition—are that the allocation for 1995-96 is \$1 138 million, and the amount of money that will be spent in 1994-95 is \$1 109 million. If you subtract one from the other—

The Hon. T.G. Cameron: We can count.

The Hon. R.I. LUCAS: The Hon. Mr Cameron can count, but clearly his Leader can't. I am delighted to hear that the Hon. Mr Cameron can count, because he can see—

Members interjecting:

The Hon. R.I. LUCAS: Yes, they can count.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: As my colleague says, the Hon. Mr Cameron is counting all the time. He is exactly right: the difference between what is spent in one year and what is allocated in the next year is \$29 million. It is a very simple calculation: that sort of difficult subtraction is being done by grade 3, 4 and 5 students. The difference between the allocation and what is actually spent is \$29 million: it is as simple as that. As the Hon. Mr Cameron has indicated, he understands that you just take one from the other.

The Leader of the Opposition and others have been trying to run an interesting yarn around the traps over the past few days. They have referred to under expenditure in terms of capital works, but what the Leader of the Opposition has not indicated is that we actually overspent on the recurrent side of the budget by about \$15 million. So, in the 1994-95 budget there was a balancing item of under expenditure on capital works and over expenditure on recurrent—and it balanced out. If you look at the difference between what was actually estimated for 1994-95 and what was spent, it is only \$4 million or \$5 million. The allocation was about \$1 114 million and the actual amount to be spent is \$1 109 million. So, whether you look at the allocation or at what is actually spent, there is very little difference, because the under expenditure in one part of the budget is balanced out by over expenditure in the other.

This notion that money has been squirreled away in some sort of Machiavellian and false way to inflate spending for 1995-96 is an outrage. It is an outrage that the Leader of the Opposition would even suggest that that sort of thing would come from this Government or certainly from me as Minister.

The budget papers, signed off by the Treasurer and Treasury officers, clearly indicate a \$29 million increase in terms of allocation of what is being spent in this particular year. When one does a calculation on an inflation rate of just under 3 per cent—in the high 2 point whatever—then \$29 million comes out very nicely in terms of about that order on the \$1 109 million. As to the notion that there is a \$45 million cut, the Leader of the Opposition is even outdoing SAIT at the moment. It is only claiming \$14 million, but the Leader of the Opposition has it up to \$45 million in some way. That is indeed an extraordinary effort to, in effect, outbid the Institute of Teachers by \$31 million in terms of what the cut was to be. I can assure you that the Institute of Teachers has been going over the budget papers with a fine-tooth comb trying to find holes with respect to this budget. The allocations are quite clear that there is a \$29 million increase. That is the reason why the press statement summarises it as a \$29 million increase and why the leaflet being sent out to schools on the fax net has also indicated a \$29 million increase in terms of allocations to schools.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No, there is a fax net that has gone out to schools—the normal education budget notice.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: That has been provided to all members. In the interest of public information, if the Hon. Mr Cameron would like extra copies, I would be only too happy to provide him, or his colleagues, with additional copies of that information which is important for people of South Australia to understand. In terms of the reduction in school service officer positions and above formula teacher salaries, I have indicated before the reasons for that. It is, in effect, to make some sensible provision for projected salary increases for teachers and other staff. The Government has offered a \$35 million increase. The Institute of Teachers through the Federal award claim is seeking \$137 million, and, clearly, the Government has had to make some sensible provision in the budget in terms of meeting those projected salary increases.

RURAL COUNSELLING SERVICE

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about the provision of motor vehicles for the South Australian Rural Counselling Service.

Leave granted.

The Hon. R.R. ROBERTS: Mr President, you would be well aware, as would other members of the Legislative Council from the country areas, of the outstanding work conducted by the South Australian Rural Counselling Service. Rural counselling services are located throughout the State and offer free and confidential advice and assistance to farming families with financial problems, including assisting farmers in making the decision whether to stay on the land or to discontinue farming. These services are primarily funded by the Federal Government with an amount also provided by the State Government, local communities and the business sector through a trust fund.

The service these counselling organisations provide is outstanding and it is these services which have borne the full brunt of the despair and the anger in rural communities brought about by droughts, locust and mouse plagues, high interest rates, falling commodity prices, the rural recession and other disasters outside the control of farmers and their families. Indeed, in his budget speech delivered only last Thursday the Treasurer stated under the section headed 'Economic Development':

Assistance to the rural sector to counter the effects of the drought and other factors adversely affecting the rural economy remains a priority.

It is therefore disturbing to be informed that the very Government which claims to treat rural difficulties as a priority has informed many of the rural counselling services that they will no longer have access to State Fleet vehicles to carry out their duties. This is at a time when the Government is dishing out tens of millions of dollars to their business mates in the name of economic development.

I am informed that, from 1 July, all rural counselling services in South Australia will have their State Fleet vehicles withdrawn and will have to make their own arrangements for transport. Considering that most rural counsellors cover many thousands of kilometres each week to carry out their duties, this will be an enormous strain on their limited resources. What is most disturbing is that the rural counselling services have been given a little over a month to organise and fund

alternative transport arrangements. I am informed that counselling services have been told that they will have to raise their own funds to provide vehicles from within the cash-strapped rural communities they service. If ever the courage of some of the Liberal Party's country members is needed, it is now. My questions are:

1. Will the Minister act immediately to have this heartless decision overturned and, if not, why not?

2. If the Government will not provide State Fleet vehicles, will it provide additional funding through the trust fund to finance private leasing arrangements and, if not, why not?

3. Will the Minister's Cabinet and backbench colleagues have the courage to force him to overturn this disgraceful decision?

The PRESIDENT: Order! I remind the honourable member that there was a considerable amount of opinion in that question. The Attorney-General.

The Hon. K.T. GRIFFIN: I was going to say that, Mr President. There seemed to be a lot of opinion in that question. Notwithstanding that, I will refer it to my colleague in another place and bring back a reply.

ARID LANDS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for the Environment and Natural Resources, a question about overgrazing in arid lands.

Leave granted.

The Hon. L.H. Davis: This is about Trades Hall, is it?

The Hon. T.G. ROBERTS: No, it is something more to do with the arid lands rather than the Trades Hall fertile lands. Recently the Pastoral Board ordered the lessee to remove all cattle and imposed a fine of \$10 000 on the lessee of Pandie Pandie station. The fine was imposed for failure to comply with the Pastoral Land Management and Conservation Act. The de-stocking was completed in August last year and these actions were taken only after it had been widely known in the region that, for many years, the station was being seriously overgrazed. The whole of the land management program in these regions relies on peer group pressure to make sure that individuals comply with the stocking rates for arid lands. Unfortunately, that pressure did not work and the Pastoral Board had to intervene and impose a fine. It is obvious that the lessee cannot be relied on to manage the station responsibly and he is regarded by other pastoralists as an embarrassment. I am told by other informants that there is a possibility that there will be a generational change and, perhaps, an attitudinal change to that station.

There have been great advances in recent years in the knowledge among rangeland ecologists of the effects of overgrazing on arid environments. It is known that overgrazing changes the composition of plant communities and, because some species of plant are less able than others to survive it, it is important that the balance is kept in check and overgrazing does not occur. Thus, the result of overgrazing is a decline in the diversity of native species of plants, and that means a decline in the native fauna that depend on native plant communities. Overgrazing also tends to cause serious soil erosion. Australia has a disastrous record in terms of the extinction of native species, especially in arid areas. With the national strategy for rangeland management to appear shortly, public attention is increasingly focused on the need to conserve what is left of native flora and fauna in arid lands.

Abuses such as the overgrazing of Pandie Pandie can no longer be overlooked. My questions are:

1. Why was the Pastoral Board so slow to order the de-stocking of this cattle station?
2. What role did the District Soil Conservation Board play in exerting pressure on the lessee to behave more responsibly?
3. What has the Pastoral Management Branch done to assess the condition of land and the process of recovery?
4. What substance is there to the rumours now circulating in the North-East that the station is about to be restocked?
5. Why has no information about this been made available to the public?

The Hon. DIANA LAIDLAW: I will direct the honourable member's questions to the Minister and bring back a reply.

POLICE BUDGET

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Emergency Services, a question about cuts to Police Force personnel.

Leave granted.

The Hon. SANDRA KANCK: I refer the Minister to an article on page 11 of the *Advertiser* of Saturday 3 June entitled 'Police Consider Industrial Action'. The article discusses a confidential Police Department document which states that at least 185 police and 65 support staff will be cut from the 3 500 police who currently comprise the force. Not surprisingly, there is a great deal of concern that this will increase the amount of administrative work for operational police.

Prior to the last election, the Minister screamed from the rooftops that, as part of the then Opposition's crime strategy, a Liberal Government would place another 200 police on active duty. My questions to the Minister are as follows:

1. Is the Government's announcement of cuts to Police Force personnel an admission of failure on its part to meet its pre-election commitment to boost by 200 the number of police on active duty?
2. Can the Minister inform the Council in which administrative and operational areas of the Police Department there is excess 'fat' to 'trim', and what is the breakdown by operational and administrative unit of the Government's planned staff cuts?
3. Will the Minister be consulting with the Police Association over the cuts, or can South Australians expect a repeat of the industrial unrest which followed the Government's broken promises on WorkCover and previous public sector cutbacks?

The Hon. K.T. GRIFFIN: The answer to the first question is 'No.' I will refer the other two questions to my colleague in another place and bring back a reply. The assumption in the honourable member's third question is that there was some lack of consultation in relation to WorkCover and other legislation which caused the difficulties that we faced in the Parliament and which were being talked about publicly. However, there was extensive consultation in relation to those issues so I will not accept the implicit criticism in respect of the honourable member's third question.

With regard to the policy promise, the Minister for Emergency Services indicated only in the past few days that, by the end of this month, there will be 135 extra operational

police on active duty and that he is well on target to meet the pre-election commitment of 200 additional operational police on the beat. That is where the focus should be: it should be on the number of police on the work front on operational activities. I will refer the questions to my colleague in another place and bring back a reply.

SCHOOL SERVICE OFFICERS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about school service officers.

Leave granted.

The Hon. G. WEATHERILL: I have been told—so this is not my opinion, in case anyone thinks that it is—that 250 SSOs are anticipated to leave in the next few months. I am also told that a much larger number are anticipated to leave. Who will do the work that those people have been doing? When new computer programs are introduced in schools, those people must use their own time, as they are given no extra time for such duties. What will happen to children with learning difficulties? Will they be sat at the back of the classroom and forgotten about? Teachers will not have the time to spend on those young people.

If we are talking about dollars and cents when it comes to children's education, we must take a serious look at the matter. I have no problem with teachers receiving a pay increase, but, my God, I have a problem if children with learning difficulties are discriminated against. I ask the Minister who will perform these duties.

The Hon. R.I. LUCAS: I thank the honourable member for his question; I know that he has a particular personal interest in the issue of school service officers. First, I must point out that at least in part the honourable member has been misinformed, as no school service officers will be leaving in the next few months. As we indicated in last year's budget, it makes no sense from the students' viewpoint to reduce teacher or school service officer numbers half way through a school year. So, the appropriate time to make reductions, should Governments decide to do so, is obviously at the end of the school year and before the start of the following school year.

Members interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Roberts chuckles at that comment. However, there are two options: we can take away teachers and school service officers from classrooms in the middle of the school year, thereby disadvantaging those students half way through a school year, or we make a judgment—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: Even the Leader of the Opposition would have to concede that taking a teacher out of a classroom in the middle of a school year would obviously be a disadvantage to the students within that particular classroom. So, whoever has advised the honourable member that school service officers will be removed in the next few months is wrong: it will be done at the end of the school year and prior to the start of the next school year.

The second point I make is that South Australia has about 3 000 full-time equivalent school service officers. At the moment we have almost 20 per cent more school service officers than the national average and, even after the change, we will still have almost 10 per cent more school service officers than the national average and the best education

system in Australia, as indicated by the most recent figures produced by the only independent umpire in this area, namely, the Australian Bureau of Statistics' National School of Statistics Collection of 1994. That publication is the only independent judgment and it indicates that, even after this change, we will still be almost 10 per cent more generous as a community and as a Government in terms of the provision of school service officers to schools within South Australia.

I acknowledge the undoubted hard work done by our school service officers within our schools. Indeed, in many respects they form the backbone of any productive and enterprising school. That is why the Government will continue to provide almost 10 per cent more school service officers than the national average: because it believes that it is important to maintain that sort of additional resource to schools.

The third point I make is that the taxpayers of South Australia have just spent \$16 million on a new administrative computing package called EDSAS. That program was commenced under the previous Government and has been continued by this Government. The previous Government and Ministers approved that expenditure of \$16 million on the basis that it would reduce the administrative workload of school service officers within schools.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No; we have continued with that program. The introduction of the new EDSAS package was indeed one of the issues that the Audit Commission supported in terms of policy of the previous Government. However, the commission said that the process should be hastened and, as a result of that, in its first budget the Government allocated the additional expenditure to introduce it to schools.

The former Labor Government employed consultants to look at the reduction in workload as a result of this new \$16 million computing package, and it found that, when the system is up and going, the reduction in workload for an average high school will be the equivalent of about 30 to 50 hours and, in an average primary school, the reduction will be about 10 to 15 hours.

This year is a difficult one for school service officers in implementing that package, getting used to it and getting the training and development, as the honourable member has indicated. However, even if the report of the consultants to the previous Government has over-estimated the savings, through this \$16 million expenditure on EDSAS at least in part the Government and the taxpayers are, in effect, providing an offset in terms of the reduction in hours catered for in the budget announcement, in terms of 250 fewer SSOs within our schools.

I acknowledge the concern of SSOs in relation to the decision that the Government has had to take in terms of providing for the salary increase that has to be provided to teachers. As I have indicated, we have offered \$35 million a year but, in this hungry grab for a Federal award, the Institute of Teachers' leadership is looking for taxpayers to hand over \$137 million in terms of improved salary and conditions for staff. The taxpayers and the Government of South Australia must in some way make sensible provision for some form of salary increase in the next year.

PARLIAMENT HOUSE REFURBISHMENT

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the President a question about the Parliament House refurbishment.

Leave granted.

The Hon. BARBARA WIESE: I am sure that all members and staff who have worked in this building for any period of time will agree that the refurbishment which is currently under way is both overdue and desirable. The new and refurbished accommodation for Labor and Liberal members of Parliament on the second floor of this building is comfortable without being lavish or ostentatious, and it is expected that work currently under way in the basement will meet similar standards and objectives.

However, the extent of work taking place in the basement, exactly who will be accommodated there and which other functions will be performed there seems unclear. Every person to whom I have spoken about this matter has a different version or idea of what is intended. My questions are:

1. Will you, Sir, provide a full report to members of the Council on exactly what is planned for all floors of the Parliament House building?

2. Will you include in your report floor plans and details of proposed functions of various parts of the building?

3. Will you indicate whether the recommendations of the Joint Committee on Women in Parliament to provide a family room or suite of rooms has been taken into account in these plans?

4. Is it intended that all parliamentary committees will be rehoused in this building following its renovation?

5. What is the relationship between the refurbishment of this building and that of the Old Parliament House next door?

6. What is the projected cost of the alterations and refurbishment of each of the Parliament House and Old Parliament House buildings?

The PRESIDENT: I thank the honourable member for her question. The facts are that work is continuing at the moment, and it will take some time for that to be finalised, as we still have a couple of floors to refurbish. I cannot give the honourable member any specifics as to who will go where other than to say that it will be roughly the same as it is now. Ministers will go back into the lower ground floor.

A decision as to who will go into the Old Parliament House building is yet to be made; there is nothing concrete in that respect at this stage. It is hoped that we can consolidate the Parliament to a degree so that it becomes more efficient and so that it is easier for *Hansard* and for people working in the Parliament. I will get a more extensive answer for the honourable member and bring back a reply.

JUSTICE STATEMENT

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Attorney-General a question about the justice statement.

Leave granted.

The Hon. R.D. LAWSON: In May the Prime Minister delivered a package of measures entitled 'The Justice Statement'. Just recently the Federal Attorney-General and the Minister for Justice distributed widely a pamphlet entitled 'Balancing the Scales', on the subject of the justice statement. In the latest pamphlet those Federal Ministers say:

The Australian justice system is undergoing profound change for the better. The Federal Government is driving these reforms and making justice more accessible to all Australians.

The pamphlet goes on to say:

The justice statement sets out ways to break down existing barriers to justice through reform to courts, the legal profession and sources of legal assistance.

It claims that the justice package is the most significant legal reform package in decades. Under the heading 'Removing Barriers to Justice' it is said that amongst the reforms proposed are that legal aid will receive an additional \$16.9 million in funds over the next four years. It mentions support for pay-if-you-win fee arrangements and also supports the end of advertising restrictions on lawyers. My questions to the Attorney are:

1. Does he agree that the Federal Government is driving reform in relation to this matter?

2. What part of this \$16.9 million of additional funds will be received by the South Australian Legal Services Commission and is that additional amount adequate for the purposes of that commission?

3. So far as this State is concerned, is there anything new in the justice statement which need be adopted here in order to improve the delivery of legal services?

The Hon. K.T. GRIFFIN: The justice statement is a very weighty tome in the sense of weight rather than necessary action. One might say that it is more rhetoric than substance. I have endeavoured to come to grips with aspects of it, but the fact is that much of it is vague, and a lot of it does talk in generalities and does not seek to put any substance on the very basic framework. We have had this argument on a number of occasions, but with respect to the legal profession the Federal Government seems to be motivated by what is happening in Melbourne, Sydney and Brisbane rather than what has been happening in Adelaide, Western Australia and Tasmania.

In South Australia the legal profession has been an amalgamated profession since it was first established just after the colony was established. Although there is a separate bar in this State, all practitioners are admitted as barristers and solicitors and a separate bar is a matter of choice. Any restrictive or anti-competitive practices that may have been in place in respect of access to barristers have quite some time ago been eliminated by action of the profession itself, whereas in New South Wales and Victoria in particular legislation specifically dealt with the very real tensions between the bar and the solicitors.

It is all very well for the Commonwealth to be suggesting that it is taking the lead in relation to the reform of the legal profession, but in fact it has done nothing in relation to the tensions which have existed between the bar and the solicitors in the eastern States. Action has been taken by both the Victorian Government with the present Attorney-General, Jan Wade, and by the previous Liberal Government in New South Wales (and I presume to be continued by the present Government in New South Wales) to address these issues, well ahead of the debate on the Hilmer package of reforms relating to competition policy. So, it is very much at the tail end that the Federal Government is beginning to claim credit for that.

With respect to legal aid, it is not clear from the justice statement how much if any of that amount will come to South Australia. We are still trying to ascertain information on that. With respect to pay as you win, or something akin to contingency fees—

The Hon. A.J. Redford: Pie in the sky.

The Hon. K.T. GRIFFIN: I think they are pie in the sky because they do not take into account the fact that, if someone prosecutes a civil case and loses and has an arrangement with his or her lawyer about the payment of fees only if he or she

should win, what happens to the costs of the successful litigant which may be awarded against that party? It may be that the party that fails ends up in bankruptcy, having to pay the costs of the other side. It is pie in the sky but, in terms of contingency fees, South Australia was among the leaders of the profession in Australia in allowing an uplift in fees and it is under the supervision of the court. It is not the rampant contingency fee system of the United States, which will provoke possibly unnecessary litigation rather than trying to approach it on a balanced basis.

A number of other issues are addressed in the justice statement on which I will touch on other occasions. One of special interest is that of tackling crime. I was at a conference with the Australian Institute of Criminology in Canberra yesterday at which the Federal Minister for Justice spoke and made some rather important statements about the way in which we perceive crime and the way in which we deal with it—very much at odds with the statements being made in this State by the Leader of the Opposition (Mr Rann), who seems to have become rather red necked, quite contrary to the approach of the Government of which he was a part and which was led by my predecessor, the Hon. Mr Sumner. That approach was, sure, be tough, apprehend criminals and bring them to justice, but give attention to crime prevention as much as to the other end of the system.

It was interesting that, in the justice statement in relation to tackling crime, the Commonwealth is making a rather belated entry into the field of crime prevention in trying to subvert the decisions taken by the Chief Ministers and Premiers in December last year and further progressed in February of this year that they would develop a coordinated approach to crime prevention and tackling crime across Australia. The Commonwealth belatedly seeks to enter the field but does not seem to have taken any notice of the experience in this State under the previous Labor Administration or under our Administration in relation to crime prevention, nor does it appear to have drawn upon a whole range of experience and information already available about crime prevention.

It seems that, with a Safer Australia Board to be appointed by the Federal Minister for Justice, it will engage in projects at the local community level dealing with crime prevention. There will be some confusing messages coming out about crime prevention if the Commonwealth does not get its own act in order and work both in cooperation with the States and through the States. It is another area in which the Commonwealth thinks it knows what is best for everybody when in fact throughout Australia the States and Territories are themselves embarking upon quite innovative projects, in this instance with respect to crime prevention, which demonstrate that they have a measure of expertise which the Commonwealth should not seek to either confuse or subvert.

So, in a number of areas covered by the justice statement (other issues will arise over a period of time) I do not think it is progressive, nor does it demonstrate as much as the Commonwealth claims that it is driving the process. The States have been taking initiatives in relation to a whole range of areas covered by the justice statement for quite a few years, and the Commonwealth becomes a somewhat belated participant in a number of those areas.

OLD PARLIAMENT HOUSE

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the Old Parliament House Museum.

Leave granted.

The Hon. ANNE LEVY: Last week the Minister told us that, just a few hours before the public announcement that Old Parliament House Museum was to close, the staff were informed. I have been told that the casual staff were not informed at all and had the extremely unpleasant experience of learning about the loss of their job by reading the *Advertiser*. These casual staff are not blow-ins who have no association with the place; they have all worked at Old Parliament House for at least three years on a rostered basis, and one of them has eight years' service. I would have thought that proper consideration should be given to these people. Last week, I mentioned that the restaurant lessees were not informed of the museum's closure before it was announced, and they had 10 cancellations on the day on which it was announced. They are far from happy regarding the lack of consultation with them.

I understand, too, that a study of visitors to Old Parliament House has shown that on week days a large number of tourists from interstate and overseas visit Old Parliament House but that on weekends it is overwhelmingly South Australians who are visiting the museum and benefiting from it in very large numbers. In fact, members may not be aware that, on the last two Sundays, Old Parliament House has advertised that there will be free entry on Sundays until the museum closes at the end of the month and that the response from the South Australian public to the two free Sundays which have so far been held has been absolutely overwhelming. Extra volunteers have had to be called in because the number of South Australians who have turned up to see the museum has been so great. I understand that Old Parliament House staff have prepared a banner which they wish to hang outside Old Parliament House, advertising its existence for the remaining three weeks. This banner says in large letters, 'We're history; see us while you can.' They have been told that they cannot hang that banner until the Minister has seen it and approved it, but she did not visit the museum as expected last week to look at this banner. So as yet they are unable to hang it.

For a long time Old Parliament House has had an A-frame outside on which it advertises the exhibitions in Old Parliament House. Since its closure was announced, I think it was on the 10 or 11 May, it has had cuttings there relating to the closure of the museum. It has had cuttings of the original announcement of the closure, and editorials from the *Advertiser* which state things like:

In another move to make Adelaide a duller place, the Brown Government is to close Old Parliament House as a museum.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I stress that I am not expressing an opinion: I am quoting from the *Advertiser*. They go on and say:

The decision is as extraordinary as it is bad.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: They had other copies of letters to the editor relating to the closure of Old Parliament House, but I understand that last Thursday the Minister became

aware of these cuttings on the A-frame outside Old Parliament House and expressed her extreme displeasure that they should be so displayed, thus putting pressure on the staff to remove the A-frame, with its attendant cuttings. Perhaps she was aware that the *Advertiser*—and I stress that it was the *Advertiser*—next day was to describe her as 'the museum crusher' and 'the Minister for closing things'. I ask the Minister: will there be—

Members interjecting:

The PRESIDENT: Order! The honourable member is entitled to be heard in relative silence.

The Hon. ANNE LEVY:—access to Old Parliament House by the public at weekends once the museum has closed, weekends being the time when South Australians have shown they like to visit that venue? Secondly, did the Minister express great displeasure and put pressure on Old Parliament House to remove the cuttings from the A-frame outside? Thirdly, would she object if the cuttings were put up again and brought up to date? Fourthly, will she give permission for the banner to be displayed and, if so, when will she give that permission and, if not, why not?

The Hon. DIANA LAIDLAW: First, I indicate that I regret that casual staff were not informed of the decision and were left to read it in the paper. When I spoke to the board at about 1 or 1.30 that day, it was my understanding that there was ample time; there was the remainder of the day for management to speak with the staff. That is of considerable concern to me, and I suspect to the board and management as a whole. I will follow that issue further. With respect to the restaurant leases, I am aware of those concerns and will be meeting with John Lambrinos later today. In relation to the A-frames, I did ring the Director of Old Parliament House last week when they were drawn to my attention. I have walked past them several times, and my attention was not drawn to them. I learnt from the Director that recently they had been drawn to his attention, and he had already made the decision that they should be removed. So there was no pressure from me and the decision had been made earlier than my ringing. That can be confirmed—

Members interjecting:

The Hon. DIANA LAIDLAW: Well, it was not for me; it was the Manager's decision.

Members interjecting:

The Hon. DIANA LAIDLAW: Well, I will not overrule the Manager's decision. Secondly—

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Well, if you want to put pressure on the Manager, that's your business, but I don't intend—

The Hon. Anne Levy: I have asked you—

The Hon. DIANA LAIDLAW: You've accused me of putting pressure on the management.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: I have not. The former Minister for the Arts, who left such a shambles in arts, is getting hysterical, because I am trying to fix up the mess she left. The point is that I did not pressure the General Manager.

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: You just helped to bankrupt the State. I did not pressure the General Manager, and I will not pressure him now to change his decision. If the former Minister (Hon. Ms Levy) wishes to do that, that is her prerogative, but I do not think it is an appropriate action to take in this case.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order, members on my left! The Hon. Ron Roberts.

The Hon. DIANA LAIDLAW: In respect of the banner, I spoke to the Manager late on Friday. I thought it was extraordinary to be asked to approve it when on that same day the museum had asked me to advertise the current exhibition. There is a big banner outside the museum that advertises the Women's Exhibition, and I was asked whether I would help to advertise that exhibition. With the approval of my office, I have circulated through the Office of the Status of Women a considerable number of fliers advertising the current exhibition. As the banner that is outside also advertises that exhibition, I thought it ridiculous at one moment to be asked by someone in Old Parliament House to advertise an exhibition, including the signage that is outside that highlights the exhibition, and at the next moment to be asked to put up another banner which is not relevant to the exhibition. In that case, my argument was supported, because I did what the staff of Old Parliament House asked of me, which was to circulate information highlighting exhibitions in Old Parliament House. The matter of access on weekends will be considered when a few other matters are considered during the next few weeks. I hope that I will be in a position to make a more detailed response shortly.

Members interjecting:

The PRESIDENT: Order!

YELLOW-TAILED ROCK WALLABIES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister for the Environment and Natural Resources a question about yellow-tailed rock wallabies.

Leave granted.

The Hon. M.J. ELLIOTT: In a publication put out by the South Australian Tourism Commission entitled *South Australian Country Holidays* there is an article on the Flinders Ranges in the Outback which states, in part:

Not far from Quorn are more spectacular gorges—such as Yarrah Vale, Warren, Buckaringa and Middle Gorge—with bushwalking trails leading to majestic views, and perhaps a glimpse of the many yellow-tailed rock wallabies who live here.

This raises a number of questions. First, is the Minister aware of this new species of rock wallaby which has recently arrived in the Flinders Ranges? If not, is it possible that the South Australian Tourism Commission means the yellow-footed rock wallaby? This raises more serious questions about, first, the credibility of the publication and, secondly, if we are encouraging tourists to view a species which is considered to be endangered, which is in decline and which is losing colonies, does the Department of Environment and Natural Resources have any sort of plan regarding the overall protection of that particular species which is targeted in this publication as being worth seeing—and I note that it is?

The Hon. DIANA LAIDLAW: I will refer the honourable member's question to the Minister and bring back a reply.

UNEMPLOYMENT

In reply to **Hon. M.S. FELEPPA** (11 April).

The Hon. R.I. LUCAS: My colleague, the Minister for Employment, Training and Further Education, has provided the following response.

1. I would draw the honourable member's attention to the fact that the Australian Statistician has found that between the March quarter 1994 and the March quarter 1995 full-time employment in South Australia rose by 1.4 per cent.

The Morgan and Banks report was based on a sample of only about 200 medium to large firms in South Australia. It excludes the small business sector—the widely acknowledged source of future job growth. The Morgan and Banks sample also includes State and Federal Government departments. Given the degree of ongoing rationalisation in this area, it would hardly be surprising if the level of public sector recruitment was found by an employment agency to be minimal.

2. Economic commentators are in general agreement that the current interest rate policies of the Federal Government are dampening activity levels in the interest rate sensitive construction industry and will continue to do so. Housing approvals for example, have been trending downwards in all States since the last quarter of 1994.

Activity levels in the housing industry (often termed the litmus test of the economy) are widely acknowledged to lead economic conditions in the wider economy. Reduced levels of activity are expected to be translated into a slowdown in job growth in the construction industry nationally, not just in South Australia, and it is the expectation of almost all commentators, including the Commonwealth Treasury, that reduced housing demand will soon be reflected in slower economic and employment growth throughout Australia.

CRIMINAL LAW (UNDERCOVER OPERATIONS) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to authorise the use of undercover operations for the purposes of criminal investigation; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

Earlier this year, the High Court decided an appeal in the case of *Ridgeway* in favour of the accused. In brief, Ridgeway had served time in prison with a man named Lee. Lee was released and deported to Malaysia. Unknown to Ridgeway, Lee then became a registered informer for the Malaysian police. When Ridgeway was released, he arranged with Lee for the importation of heroin into Australia for commercial gain. Lee informed the Malaysian police who then contacted Australian Federal Police. The relevant authorities arranged for the 'controlled' importation of the heroin into Australia and its delivery to Ridgeway, who was then arrested and charged with possession of prohibited imports which had been illegally imported.

In general terms, the High Court held that the police had committed the serious crime of importing the heroin into Australia and that their criminal behaviour so tainted the evidence of the commission of the crime that all of that evidence would be excluded. There being no admissible evidence against Ridgeway left, the prosecution was stayed as being legally impossible to continue.

On 30 May, 1995, in a trial in the District Court for the sale of heroin, Bishop J has held that the principle in *Ridgeway* applies to the trial and has excluded all of the

evidence. Inevitably, that will mean that the prosecution will fail. This case concerned what is known as 'controlled buying'. In general terms, when police are given information that a person is selling drugs, they pretend to be a buyer and determine whether the person will sell drugs to them. If so, they may make a number of 'buys' with a view to identifying the seller's source of supply. That was the method used in this case. Bishop J, applying *Ridgeway*, has held that the purchasing police officers have committed the crime of procuring or aiding the sale, and that therefore the evidence is tainted and should not be admitted.

It is arguable that this is not a correct application of the principles in *Ridgeway*. But, even if that be so, the doubts about this area of law require clarification. It is intolerable that a principal method by which police obtain evidence against drug sellers should be left in doubt, particularly because it is otherwise very difficult to obtain sufficient evidence in other ways. Obviously, the matter is urgent.

The Government has decided upon a two part response. The DPP will have the ruling reviewed. That may be by way of judicial review or it may be by way of case stated. Either way, no resolution of the issues could be expected for several months. In the meantime, out of an abundance of caution, the Government has decided upon an immediate legislative response which can be reviewed and, if necessary, refined at a later date once the situation has been preserved.

The High Court itself contemplated that legislation was necessary. Mason CJ, Deane and Dawson JJ said:

... the fact that deceit and infiltration are of particular importance to the effective investigation and punishment of trafficking in illegal drugs such as heroin, it is arguable that a strict observance of the criminal law by those entrusted with its enforcement undesirably hinders law enforcement. Such an argument must, however, be addressed to the Legislature and not to the courts. If it be desired that those responsible for the investigation of crime should be freed from the restraints of some provisions of the criminal law, a legislative regime should be introduced exempting them from those requirements.

Brennan J also made a similar statement.

A legislative response is not unprecedented. The Victorian Drugs, Poisons and Controlled Substances Act says:

No member of the police force or person if the member or person is acting under instructions given in writing in relation to a particular case by a member of the police force not below the rank of senior sergeant shall be deemed to be an offender or accomplice in the commission of an offence against this Act although that first-mentioned member or person might but for this section have been deemed to be such an offender or accomplice.

This provision is limited to drug offences. However the *Ridgeway* ruling may appear in the context of the policing of other consensual crimes such as gambling, corruption, prostitution and so on. The law of entrapment prior to *Ridgeway* contained a distinction which the Government thinks represents a defensible position. In essence, the law has tended to say that it is legitimate for police to present an opportunity for an intending criminal to commit an offence, but that it is not legitimate for the police to encourage or induce the commission of an offence which would not otherwise have been committed or would not have likely been committed. In short, the distinction involved is one between the unwary innocent and the unwary—or wary—criminal. Police would receive an exemption from criminal responsibility if the conduct was legitimate, but not if it was not legitimate. This distinction has the advantage that it is general in its coverage to all offences, it enacts a test familiar to the courts and concerning which there is existing case law and

the general principle involved is more likely to be understood—and approved—by the general public.

There is, however, a further complicating factor. There are strong arguments to be made that the legislation should also be retrospective. The Government has accepted those arguments. Police have been using 'controlled buys' operationally for many years in the reasonable and legitimate belief that this course of action is perfectly legal. Police have established general policies and procedures governing the appropriate employment of 'controlled buys'. Between 1 June 1992 and 1 May 1995, there had been 88 'controlled buys', resulting in 110 apprehensions and 52 prosecutions. Confiscations and restraining orders resulting from these cases total \$340 000. The DPP has 10 such cases pending currently. The Government does not propose, for obvious reasons, to comment on whether there are current investigations and, if so, how many there might be. The decision of the High Court in *Ridgeway* operates retrospectively, because the court purports to declare the law as it has always been. It follows that all of these past and current prosecutions are now at risk.

If the validating legislation is to be retrospective, then it should reflect the past police practice. It therefore follows that the legislation should take the form of the Victorian model, but detailed to proper, reasonable and appropriate police practice. The Bill aims to do precisely that. As it turns out, police instructions on 'controlled buys' include the instruction that the operation must be aimed at the intending criminal and not an enticement of the unwary innocent, and so the familiar distinction detailed above has been included in the Bill.

As a general rule, retrospective legislation, particularly in the area of the criminal law, should be avoided. It is contrary to the rule of law to alter the criminal liability of individuals after they have committed the conduct which is the subject of the legislation. The retrospective operation proposed for this statute is however justified because:

(a) the Bill is drafted in such a way as to incorporate reasonable and defensible past police procedures which were genuinely and reasonably thought to be the law at the time; and

(b) therefore the Bill does not, in its retrospectivity, defeat the legitimate expectations of any person who was caught by the 'controlled buy' technique.

This Bill is necessary and urgent. Proper and reasonable police investigations into drug trafficking should not be brought to a halt. I commend the Bill to the House and 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: Short title

Clause 2: Interpretation

Clause 3: Approval of undercover operations

Undercover operations (which may include conduct that is apart from the Bill illegal) of which the intended purpose is to encourage persons who are suspected of serious criminal behaviour to manifest that behaviour or to provide other evidence of that behaviour may be approved by a police officer of or above the rank of Superintendent (a senior police officer) for the purpose of gathering evidence of behaviour involving the commission of an indictable offence, an offence against the *Controlled Substances Act 1984* or a prescribed offence (serious criminal behaviour).

Before giving approval, the officer is required to be satisfied on reasonable grounds—

- that the means are proportionate to the end (that is, that the operations are justified by the social harm of the serious criminal behaviour against which they are directed); and

that the operations are properly designed to provide persons who are reasonably suspected of engaging in serious criminal behaviour an opportunity to manifest that behaviour or to provide other evidence of that behaviour, without undue risk that persons without a predisposition to serious criminal behaviour will be encouraged into serious criminal behaviour that they would otherwise have avoided.

The officer is also required to consider whether a similar approval has previously been refused and, if so, the reasons for the refusal.

An approval must specify who is authorised to take part in the operations (authorised participants) and how they may take part.

An approval operates for a period specified in the approval, not exceeding three months, but may be renewed from time to time for a further period not exceeding three months.

A copy of each approval or renewal of approval must be given to the Attorney-General.

Clause 4: Legal immunity of persons taking part in approved undercover operations

No criminal liability is incurred by authorised participants.

Clause 5: Report on approvals

The Attorney-General is required to table an annual report in Parliament specifying the number of approvals given or renewed under the Act.

Clause 6: Regulations

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

MISREPRESENTATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Misrepresentation Act 1972. Read a first time.

I move:

That this Bill be now read a second time.

The Misrepresentation Act, enacted in 1972, was designed to provide criminal sanctions against representations in certain commercial transactions and to expand the remedies available at common law and in equity for misrepresentation. The Act has not been the subject of any major amendment since its proclamation. The Act's penalties were adequate in their day, but after 23 years they are in need of an overhaul.

The purpose of this Bill is to bring the penalties in this Act into line with those imposed for misrepresentations under the Fair Trading Act 1987, and to make a number of minor housekeeping amendments.

It is proposed in the Bill that defendants found guilty of an offence will be liable to a maximum penalty of \$20 000 in the case of individuals and \$100 000 in the case of a body corporate. These penalties are the same as those provided under the Fair Trading Act 1987, and are far more appropriate than the \$500 penalty which currently exists in the Act.

One of the minor housekeeping amendments proposed in the Bill is the striking out of the references in section 6 of the Act to the repealed legislation referred to therein and the substitution of the names of four Acts passed in 1994, namely the Land Agents Act 1994, the Conveyancers Act 1994, the Land Valuers Act 1994 and the Land and Business (Sale and Conveyancing) Act 1994.

The Bill also takes the opportunity to update the language and drafting style of the Act, by the inclusion of a Statute Law Revision Schedule. The amendments proposed in this schedule will eliminate gender specific and other outdated statutory expressions. It will also make the Act more consistent with modern drafting standards.

I commend this Bill to the House and submit that the proposed amendments will benefit consumers by ensuring uniformity in the penalties for misrepresentation and by

providing a significant deterrent for 'would-be' offenders against the Act. 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: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement on a day to be fixed by proclamation.

Clause 3: Amendment of s. 4—Misrepresentation made in the course of a trade or business

This clause amends section 4 of the principal Act to increase the penalty for the offence of misrepresentation in the course of a trade or business from a maximum fine of \$500 to a maximum fine of \$100 000 in the case of a body corporate or \$20 000 in any other case. It also increases the penalty imposed on any member of the governing body of a corporation who knowingly authorised or permitted the commission of the offence from a maximum fine of \$500 to a maximum fine of \$20 000.

Clause 4: Amendment of s. 6—Removal of certain bars to rescission

This clause amends section 6 of the principal Act to remove a reference to a number of Acts that are no longer in force. It substitutes a reference to the relevant replacement Acts.

Clause 5 and Schedule: Statute Law Revision Amendments

Clause 5 and the schedule of the Bill make various amendments to the principal Act that are non-substantive and relate to such matters as gender-neutral and modern drafting language.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL

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

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

That this Bill be now read a second time.

This Bill proposes amendments to shop trading hour laws in South Australia as a consequence of a decision of the High Court of Australia on 10 May 1995 declaring invalid certain certificates of exemption issued pursuant to section 5 of the Shop Trading Hours Act 1977. The primary purpose of this Bill is, so far as is necessary and desirable, to maintain existing shop trading hour arrangements which have operated since the mid 1980s pursuant to section 5 certificates of exemption (other than the existing additional day of late night trading in the metropolitan shopping district).

The primary focus of the case brought before the High Court, and likewise the primary focus of this Bill, is the proposal that shops in the central shopping district (defined as the Adelaide city centre) be permitted to trade between the hours of 11 a.m. and 5 p.m. on Sundays.

Sunday trading in the Adelaide city centre for non-exempt shops has operated since 6 November 1994 pursuant to section 5, certificates of exemption. In implementing this policy decision last year, the State Government implemented one of the central recommendations of the Independent Committee of Inquiry into Shop Trading Hours in South Australia, which had been established in February 1994 and which had reported to the Government in June 1994. In total, 51 certificates of exemption were issued to non-exempt shops in the central shopping District, and as consequence of the High Court's recent decision those certificates have been declared invalid.

In the seven months that Sunday trading for non-exempt shops in the Adelaide city centre has been in operation, the

extended hours have been well received by both the retail industry and the South Australian community. An average of 72 000 people per week have taken advantage of Sunday shopping in the Adelaide city centre. These extended hours have also materially contributed to the combined strategies of the State Government and the Adelaide City Council to revitalise the Adelaide city centre and to project South Australia and its capital both nationally and internationally as a desirable destination for investment and tourism.

The Government introduces this Bill in the public interest and in the interests of the continuing development of our State. Without this proposed amendment, South Australia's capital, Adelaide, would be the only mainland capital city in Australia which does not permit the opening of its city heart for Sunday retail trading.

The proposal in this Bill which would permit Sunday trading in the Adelaide city centre only is made by way of amendment to section 13 of the Act. That section does not compel any retailer to trade during the hours which would be legally available to a shopkeeper. These provisions, together with recent retail tenancy legislation introduced by the Government and passed by this Parliament, will ensure that the interests of retailers, and in particular small Adelaide city centre retailers, who do not wish to trade on any or all of the available Sundays or available hours on Sundays cannot be required to do so.

In introducing this Bill, the Government is confident that its proposals represent the overwhelming view of the community and the majority view of retailers and employees working in retail shops. In the past two weeks, an independent market research company, Harrison Market Research Pty Ltd, has been commissioned to undertake representative surveys of public and retail industry opinion on the issue of Sunday trading in the Adelaide city centre. The results released on 31 May 1995 by the Retail Traders Association of South Australia related to a survey of public opinion within the general community living in Adelaide. The results of 1 000 interviews of the general public conducted at random on 27 May 1995 indicated that 86.4 per cent of the public agreed that they should have the choice to shop in the Adelaide city centre on a Sunday if they wished to; 41.8 per cent of the Adelaide public had already taken advantage of Sunday shopping in the Adelaide city centre in the short space of seven months since its introduction. Importantly, that survey showed a common response across all Party political lines and all age groups.

In addition to this general survey of public opinion, the results of three more specific surveys conducted in the past week by Harrison Market Research have been released today. These specific surveys have sought out the views of retailers trading in the Adelaide city centre, shop assistants working in the Adelaide city centre and residents of the Adelaide city centre. The results of these additional surveys are that 72.5 per cent of retailers in the Adelaide city centre believe they should have the choice to open their shop on Sunday if they wish to. Even amongst small retailers trading in the Adelaide city centre, 64.3 per cent believe they should have the choice to open their shop on Sunday if they wish to; 80.2 per cent of shop assistants working in shops in the Adelaide city centre believe that retailers should have the choice to open their shops on Sundays in the Adelaide city centre if they wish to. Further, 90.4 per cent of residents in the Adelaide city centre believe that retailers should have the choice to open their shops on Sunday in the city centre if they wish to.

The result of this independent market research is consistent with the support recently expressed for the Government's Bill by almost all major retail industry groups in South Australia, including the Retail Traders Association, the Newsagents Association, the Hardware Association, the Furniture Retailers Council, the Motor Trade Association, the Employers Chamber of Commerce and Industry, the Hairdressers and Cosmologists Employers Association, the Australian Hotel and Hospitality Industry Association, the Rundle Mall Committee, the East End Traders Association and the Pharmacy Guild.

In introducing this Bill the Government reaffirms its decision of August 1994 to limit general Sunday trading to the Adelaide city centre. The Government is not satisfied that a case has been made out for permanent Sunday trading in the Metropolitan shopping district (Adelaide suburbs), and this Bill quite deliberately does not do so. This approach is also consistent with the Government's actions in consistently refusing in the past seven months to issue section 5 certificates of exemption for permanent Sunday trading in the Adelaide metropolitan area.

The High Court's decision has had wider ramifications for retail trading in South Australia than simply declaring invalid Sunday trading certificates in the Adelaide city centre. For the first time since section 5 of the Act came into operation in the early 1980s, a court has interpreted the power to issue certificates of exemption in a highly restricted fashion. In the period 1987 to 1993 Labor Governments in South Australia issued 883 such certificates of exemption, with 568 of these certificates permitting permanent trading hour exemptions.

As a consequence of the High Court's decision, many of these certificates of exemption issued since the mid 1980s by both Labor and Liberal Governments permitting existing Sunday trading and public holiday trading by some hardware retailers, furniture retailers, floor covering retailers, automotive spare part retailers, garden retailers and hairdresser shops are, on the advice available to the State Government, also invalid.

This Bill recognises that Sunday and public holiday retailing by these categories of specialist retailers has been generally well received by the public and each industry sector. The Bill proposes to remove the uncertainty of these retailers having to trade on Sundays pursuant to certificates of exemption, and to remove anomalies arising from the fact that some specialist retailers be permitted to trade on Sundays between the hours 9 a.m. and 5 p.m. and on most public holidays.

In the case of hairdresser and garden shops the Bill proposes that these shops be permitted to trade as exempt shops, given that certain categories of garden shops and hairdresser shops are already exempt pursuant to provisions of section 4 of the Act. The Bill also proposes that the definition of nursery and garden shops be redefined to reflect conditions applicable in existing certificates of exemption.

In considering the legal effect of the recent High Court decision the State Government has also received advice in relation to the legal status of trading by shops in petrol stations. Since 1986, the State Government has issued licences pursuant to section 17 permitting deregulated trading by petrol stations. Advice now received by the State Government is that the sale by petrol stations of general retail products outside the hours regulated by the Act is not permitted as a consequence of existing provisions in section 4 of the Act. Accordingly, the Bill proposes amendments to the Act which would permit petrol stations to continue to sell

general retail products, but not on any broader basis than other exempt shops selling those same products.

In introducing this Bill the Government proposes to address one further anomaly with respect to the operation of the Act. A number of provisions of the Act impose restrictions on the number of employees who can be employed by exempt retailers. The Government considers these anti-employment restrictions to be outdated and unjustified on policy grounds. Removal of these restraints on employment is unlikely to have any broader trading significance within the industry, as exempt retailers would still be subject to existing restrictions on the floor area of shops and the nature of products to be sold.

One further matter addressed in this Bill is the need to enable section 5 certificates of exemption to be issued on conditions which limit the hours or days of exemption. One consequence of the High Court decision is that certificates of exemption could be lawfully issued to individual shopkeepers on a basis which totally deregulated trading hours for that retailer but not on a basis which allowed for a partial exemption of a limited nature. There are a variety of circumstances which have justified the issuing of section 5 certificates of exemption for localised and in-store activities but where the exemption sought and granted has been for limited hours only. The Bill proposes the necessary amendment to Section 5 to accommodate this requirement. It also creates an offence for a breach of conditions in section 5 certificates. Furthermore, the Bill proposes an amendment to the interim proclamation power, section 13(9) of the Act, so as to enable conditions to be imposed in such proclamations, for example, conditions relating to voluntary employment by employees.

In introducing this Bill the Government has not proposed amendments to late night trading in the metropolitan shopping district, notwithstanding that section 5 certificates of exemption have permitted additional Friday night trading in the Adelaide metropolitan area since 4 November 1994. The Government has been advised that the reasoning of the High Court decision has had the effect of invalidating those certificates. In these circumstances the Government has decided not to permit those arrangements to continue, given that the majority of non-exempt retailers have elected not to trade on the additional late night.

This Bill is a package of commonsense reforms to the Shop Trading Hours Act which are consistent with consumer opinion and retail industry operations. They are designed to bring about increased trading certainty within the retail industry, its employees and consumers. They are also designed to overcome the uncertainty and adverse consequences which have arisen as a result of the recent High Court proceedings, and to improve the general operation of the Act. I commend the Bill to this House and seek leave to have the detailed explanation of the clauses incorporated in *Hansard* without my reading them.

Leave granted.

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of long title

This clause amends the long title of the principal Act so that it refers to the regulation of opening and closing times of shops, where currently it refers only to regulation of closing times. This amendment is consequential to the amendments to section 13 of the principal Act.

Clause 3: Amendment of s. 4—Interpretation

This clause makes a number of amendments to section 4 of the principal Act.

Paragraph (a) of the definition of "exempt shop" is amended to remove the reference to hairdresser's shops (because the proposed

amendment to paragraph (c) of the definition would result in all hairdresser's shops being exempt) and by removing the restriction as to staff levels contained in subparagraph (iii).

Subparagraph (ix) of paragraph (b) of the definition of "exempt shop", which currently lists various products commonly sold by garden supply shops, is to be replaced so that it simply refers to "garden supplies". That term, however, is to be defined elsewhere in subsection (1) to include the items currently listed and some other items that are commonly sold by garden shops.

As referred to above, paragraph (c) of the definition of "exempt shop" is to be replaced so that all hairdresser's shops will be exempt shops.

Subparagraph (ii) of paragraph (d) of the definition of "exempt shop" is replaced so that a shop will satisfy that subparagraph if it has a floor area of 400 square metres or less, regardless of the numbers of staff in the shop.

A new paragraph (g) is inserted so that the definition of "exempt shop" will also include those garden shops referred to in new subsection (3) (see below).

As referred to above, a new definition of "garden supplies" is inserted in subsection (1) of the principal Act. The new definition includes garden tools, machinery or equipment, garden ornaments and other garden accessories as well as the items currently listed in subparagraph (ix) of paragraph (b) of the definition of "exempt shop".

A new definition of "public holiday" is inserted so that term, itself, will not include Sundays.

A definition of "trading day" is inserted (because that term is used in new section 13(5c) as well as in section 4(2)) although the new definition does not differ substantively from the explanation of that term contained in the current subsection (3).

The current subsection (3) is repealed and a new subsection substituted which provides that where a non-exempt shop sells garden supplies in a separate area of the shop (the "garden shop"), that area of the shop will be taken to be an exempt shop if 80 per cent or more of the total price of goods sold from the garden shop during the preceding seven trading days was for garden supplies, provided that the public does not have access to any other part of the shop at any time at which that part of the shop must be closed under this Act.

Clause 4: Amendment of s. 5—Certificate as to exempt shop

This clause inserts new subsection (2a) into section 5 of the principal Act. The new subsection specifies that a certificate under section 5 may be subject to a condition specifying hours during which the shop must be closed.

For consistency with section 14 (which makes it an offence to open a non-exempt shop at any time that the Act requires that shop to be closed) a new subsection (4) is also inserted which makes it an offence (with a maximum penalty of \$10 000) to breach a condition imposed in a certificate under this section.

Clause 5: Amendment of s. 13—Hours during which shops may be open

This clause makes a number of amendments to section 13 of the principal Act. Current subsections (1)-(3a) are replaced with new subsections as follows:

- New subsection (1) deals with trading hours in the Central Shopping District and provides that a shop situated in that district may open until 6 p.m. on every weekday other than a Friday, until 9 p.m. on a Friday, until 5 p.m. on a Saturday and from 11 a.m. until 5 p.m. on a Sunday.
- New subsection (2) deals with the trading hours of shops situated in all other shopping districts and provides that they may open until 6.00 p.m. on every weekday other than a Thursday, until 9 p.m. on a Thursday and until 5.00 p.m. on a Saturday.
- New subsections (3) and (4) deal with shops selling caravans, trailers or boats and shops selling motor vehicles (other than caravans and trailers) respectively. The new subsections do not make any substantive change from current subsections (3) and (3a) but have been reworded to match up with the other new subsections and to make it clear that they are subject to new subsection (5d) and to any proclamation made under the section.
- New subsection (5) simply makes it clear that a proclamation under subsection (4)(c) (which is equivalent to the current subsection (3a)(c)) must apply to all shops selling motor vehicles (other than caravans and trailers) and may be revoked.

- New subsection (5a) makes it clear that subsection (1)(d) does not entitle the shopkeeper of a shop referred to in subsection (3) or (4) to open the shop on a Sunday.
- New subsection (5b) provides that a shop the business of which is the retail sale of hardware and building materials, furniture, floor coverings or motor vehicle parts and accessories, may also open from 9.00 a.m. until 5.00 p.m. on a Sunday or public holiday except Good Friday and Christmas Day. This is qualified, however, by new subsection (5c) which provides that subsection (5b) only applies to a shop if the total price of the goods sold that fall within any one or more of the specified classes is 80 per cent or more of the price of all goods sold at the shop during the previous seven trading days.
- Subsection (5c) also requires that in the case of hardware and building materials not more than the prescribed percentage of prescribed categories of hardware and building materials make up the total quantity of hardware and building materials sold at the shop during the preceding 7 trading days. The purpose of this requirement is in line with the condition on existing permits for hardware shops which regulate the proportion of their sales of the hardware and building materials set out in schedule 2 of the regulations under the Act.
- New subsection (5d) provides that, subject to subsection (5b) and to any proclamation made under this section, shops situated within shopping districts must be closed on public holidays. The prohibition against trading on public holidays is currently covered by section 14(3), but has been moved into section 13 so that section will cover both trading on Sundays and public holidays and will give a more complete picture of allowed trading times under the Act.

Subsection (6) is consequentially amended to refer to opening and closing times (where currently it refers just to closing times).

Subsection (10) is amended to enable a proclamation under subsection (9) to be subject to restrictions or conditions.

Clause 6: Repeal of s. 13A

This clause repeals section 13A of the principal Act, which deals with permits for hardware stores to trade on Sundays and certain public holidays (now covered by section 13(5b)).

Clause 7: Amendment of s. 14—Offences

This clause consequentially amends section 14 of the principal Act. Subsections (1), (3), (5) and (6) are repealed and two new subsections are substituted as follows:

- New subsection (1) provides that it is an offence (punishable by a maximum fine of \$10 000) for a shopkeeper to open his or her shop for admission of members of the public at any time except those at which he or she is entitled to open the shop under the Act. This is essentially the same as the current subsection (1) but is expressed in terms which are appropriate for the regulation of both opening and closing times.
- New subsection (2) provides that it is an offence (punishable by a maximum fine of \$10 000) to sell or cause or permit to be sold, any goods in or about a shop at a time when the shop is required to be closed. This is essentially the same as the current subsection (5) but does not refer to Sundays and public holidays (because that is dealt with in the amendments to section 13) and is expressed in terms which are appropriate for the regulation of both opening and closing times.

Subsections (8), (9) and (10) are also consequentially amended to remove the references to hairdressing shops (which would be exempt shops under the proposed amendments to section 4).

Clause 8: Amendment of s. 17—Licence to sell motor spirit and lubricants

This clause amends section 17 of the principal Act. Subsection (1) is amended to make the wording of the subsection consistent with the new definition of "public holiday".

Subsection (4) is replaced with two new subsections as follows:

- New subsection (4) provides that a shopkeeper who holds a licence may open the shop to which the licence relates for the purpose of selling motor spirit and lubricants in accordance with the licence. This is essentially the same as current subsection (4) but is expressed in simpler language.
- New subsection (4a) provides that a shopkeeper licensed under this section may also sell, in accordance with the

licence, any other goods that are normally sold at the shop provided that—

- (a) the retail sale of motor spirit and lubricants constitutes a prescribed percentage of the total business carried on at the shop;
- (b) the shop is one that would fall within the definition of "exempt shop" in section 4 if the business carried on at the shop did not include the retail sale of motor spirit and lubricants.

The Hon. BERNICE PFITZNER: It is with some amazement that I observe the stance of the Opposition and the Democrats against trading on Sundays. Looking back on the Opposition's position, we notice that, initially, Labor introduced late night shopping in 1977. It deregulated hardware stores in the mid-1980s. It deregulated furniture shop trading and floor covering shops in 1988. It introduced Saturday afternoon shopping in 1990. In October 1993, Minister Gregory said:

The extension of shopping hours for supermarkets and grocery stores will mean more jobs and greater customer service for South Australia.

In April 1988, Minister Sumner said:

At some time this extension to shop trading hours will happen because it has to happen because of the imperatives that are driving Australia at present.

In February 1990, Minister Wiese said:

We are rapidly coming to the point at which most people agree that more flexible trading hours should be introduced. It is just a matter of when.

I therefore find it very difficult to comprehend the incredible double standard with regard to the entire issue. When I first arrived in Australia 30 years ago, I was amazed that shops were not open for trading on Sundays, and I was told that that was by law. The question which I ask now and which I asked then is why shop traders cannot open when they wish, as traders have always done in Singapore, my country of origin.

Thirty years down the track, I observe that other Australian States trade on Sundays and they have no difficulty with that. Those States must be amazed at how parochial and protective South Australia is of keeping the *status quo*, and how nervous it is of moving to work on Sundays, which is completely against our State and national push towards competition as recommended by the Hilmer report. If we do not allow the Bill to pass and if we want to mark time to the beat of the union drum, South Australia will indeed be left behind with regard to progress in the economic field.

Let us consider some of the Bill's major features. One of these is to permit Sunday trading in the Adelaide city centre between 11 a.m. and 5 p.m. I cannot imagine what is more reasonable than that. The Bill permits trading on Sundays and some public holidays between 9 a.m. and 5 p.m. by hardware shops, furniture shops, floor covering shops and automotive spare parts shops. The Bill includes all garden shops and hairdressers shops as exempt shops under section 4 of the Act and permits petrol stations to sell general retail products during extended trading hours, but with the same restrictions on floor area and product range applicable to other exempt shops. All those things sound eminently reasonable to me.

Some additional items have also been included. Briefly, they include employment restrictions on small traders. It is proposed that existing provisions in the Act which restrict the number of employees who can be employed by small exempt retailers be removed on the basis that they are anti-employment and unduly restrict the flexibility sought by small

businesses. Small retailers of less than 200 square metres and small supermarkets of less than 400 square metres have been prohibited from employing more than three employees at any one time in the shop. Exempt hairdressers can employ only the owner/operator of the shop. The issue is important, and several employees contacted me directly while I was shopping on a Sunday to complain about the issue.

Another item which should be taken into account is the spread of hours for specialist retailers. The Bill proposes that garden shops and hairdressers shops which hold certificates of exemption should be totally exempt under section 4, given that section 4 already gives permanent statutory exempt status to most nurseries and some hairdressers shops.

The next item is public holiday trading by specialist retailers. The Bill proposes a compromise arrangement which prohibits trading on Good Friday and Christmas Day. Another issue is whether the definition of garden shops should be updated. The Bill proposes to continue to permit the sale of those products by garden shops and it amends the section 4 definition accordingly.

With regard to partial certificates of exemption, the High Court's decision demands clarification of section 5. Accordingly, the Bill proposes that a condition limiting trading hours can be specified in a section 5 certificate of exemption and it also creates an offence for a breach of such conditions. Those are the salient features of a most important Bill about whether or not to permit trading on Sundays.

Let us consider some of the statistics with regard to the issue. The Attorney-General has alluded to some of the statistics which I will include as the statistics are most relevant and important in supporting trading on Sundays. I cannot believe how we do not and will not trade on Sundays, even though the statistics confirm that there should be no difficulty with trading on Sundays.

A statistical survey was carried out by Harrison, an independent market research company, and involved a telephone interview of 1 000 people about two weeks ago. The relevant findings include:

1. Some 95.7 per cent of people were aware that city shops have been opening on Sundays since the beginning of this year.

2. A similar number, 94.9 per cent, were aware that the future of Sunday trading in the city is now in doubt.

3. The vast majority of people, 86.4 per cent, thought that people should have the choice of being able to shop in the city on Sunday if they so wished. This included 90.6 per cent of respondents who favoured the Liberal Party, 85.2 per cent who favoured Labor and 79.7 per cent who favoured the Democrats. So these 1 000 people who support the choice of being able to shop in the city on a Sunday demonstrate no bias in support of the Liberal Party.

4. Nine in every 10 respondents (91.1 per cent) believe that city shopkeepers should have the choice of being able to open their shops on a Sunday if they so desire. A slightly larger proportion of Liberal (94.8 per cent) than Democrat (81.3 per cent) supporters felt this way. In any case, 81.3 per cent is a huge majority.

5. When asked what negatives or disadvantages people saw in having city shops open on a Sunday, most people (58.5 per cent) said they could not see any disadvantage and, of those who said that they could, 41.5 per cent were concerned mainly for the shop assistants, who they thought were required to work or would be coerced into working on Sundays.

6. The majority (70.1 per cent) of respondents were unaware that shop assistants are not required to work in the shops in the city on a Sunday if they do not wish to do so.

7. More than three-quarters (78.5 per cent) of respondents agreed that Sunday shopping in the city was important from a tourism point of view. There were some differences when the findings were separated by political Party lines—82.6 per cent of Liberal supporters, 79.9 per cent of Labor supporters and 67.2 per cent of Democrats supporters agreed with the notion of the importance of Sunday shopping from the tourism point of view. Again, in that area there is a high percentage of both Labor supporters (79.9) and Democrat supporters.

In relation to the importance of Sunday shopping to the area of tourism, I cannot emphasise enough that, if we are to lure our more affluent Asian neighbours to our cities, we must take into account the fact that one of their favourite hobbies, pastimes and means of relaxation is shopping, particularly within the female gender. It is a pastime that I, myself, find interesting and relaxing; it is a great way of meeting people in foreign countries and a great mechanism for socialising, not to mention the amount of financial benefit that such an activity will engender for the country. I can visualise now plane-loads of Asian tourists—in particular Japanese, Singaporeans, Taiwanese, Koreans, Malaysians and Indonesians—all now very affluent, catching the next plane out if perchance they arrive in Adelaide on a Sunday and all the shops are closed. I have direct evidence of this happening within my own circle of overseas friends. Off they go to Sydney, and do they spend! They spend money on clothes, on food, on wine and on the good life.

Sunday is also a day when their husbands do not have business commitments, so wives and the whole family are able to go somewhere together. At a function I recently attended I communicated this difficulty to Mr Ralph Clarke who, as members know, is a member of Parliament in the other place. It was interesting that his only reaction was a most disinterested response: he said that they should land in Adelaide on any day except Sunday; they should organise their itineraries so that they would not arrive on Sunday. Do members not think that that is a very parochial view and the sign of a very small mind? If we truly want to be an international city such as Sydney we must have shops open and trading to suit our international customers.

The Hon. Diana Laidlaw: It is not only Sydney: it is every other Australian State of comparable size to Adelaide. It is not only the big cities.

The Hon. A.J. Redford: And Port Pirie. Don't forget Port Pirie.

The PRESIDENT: Order!

The Hon. BERNICE PFITZNER: The Hon. Diana Laidlaw has mentioned that it is not just Sydney, and that is quite true. I have chosen the example of Sydney because that is the city to which tourists quickly go after visiting Adelaide. They come to Adelaide on a Saturday night at 9 o'clock and there is nothing to do on a Sunday so far as shopping is concerned. If the shops are not going to open, I feel very concerned for our State. If we do not trade on Sundays we are consigning Adelaide and South Australia to the backwaters where we will stagnate, and cities such as Sydney and Perth, which are the two cities favoured by my Asian friends, will move along with rapidity, leaving us far behind.

The unions tell us that we should ask the city residents, the small traders and the shop assistants but I do not understand

why we need to ask them. It seems to be so obvious that the shops should stay open.

The Hon. R.R. Roberts interjecting:

The Hon. BERNICE PFITZNER: The Hon. Ron Roberts says that we have to—

The Hon. R.R. Roberts: It says so in the Act.

The Hon. BERNICE PFITZNER: Of course, and if the Act says that we will do so. However, I am just confirming what everyone except the Opposition knows. I hope that the Democrats do not follow suit because it will be a tremendously negative and backward stance if we do not open shops on a Sunday. I just cannot tell members what a depressing situation that will be.

I understand that there is now support for Sunday trading by these three groups, and I note that the percentage for retailers was 72 per cent and for small retailers, 64 per cent. The percentage of shop assistants who wanted Sunday trading was 80.2 per cent and the percentage of residents of the city of Adelaide was a whopping big 90.4 per cent. What more do we want? It does not seem that any of these three groups—the traders, the employees or the residents—are coerced into trading on Sundays. It seems to me that it comes down to their freedom of choice, and they indicate that we surely should have and want Sunday trading. If this Bill is defeated South Australia will be lost, particularly to the international market. Surely the Democrats who have travelled overseas will note that Sunday trading is the norm in all international capital cities, and we are trying to work very hard to make Adelaide an international city. What is the use of building extra airports and extra runways and having bigger Boeing jets bringing in tourists if we close our shops on a Sunday?

If the Bill is passed we will it will be a progressive step, and in five years we will wonder what all the fuss was about and how some people could have been so myopic as to try to prevent Sunday shopping. Needless to say, I find the energy put into trying to prevent Sunday shopping just incredible. I support this Bill strongly and I hope that my colleagues will widen their horizon and do likewise.

The Hon. A.J. REDFORD: I support the second reading of this Bill and I am reminded of a statement made by the Leader of the Opposition in another place when, in May 1995, in an article under the headline 'SA, the way ahead, united front the key', he stated:

When I became Labor Leader just a few months ago I promised I would lead a positive and patriotic Opposition. I stand by that pledge. There are times to oppose, but there are also times when South Australia needs a united front. Ultimately we must all put South Australia before Party political concerns. The stakes for our future and our kids are too big to allow the bigger States to leave us behind.

The Hon. Diana Laidlaw: Who said that?

The Hon. A.J. REDFORD: That was said by the Leader of the Opposition in another place and it is no wonder that he is becoming widely known throughout the community as the fabricator. There is nothing in the course of the conduct of his leadership of the Labor Party, or indeed in his position in the former Government's Cabinet, which would indicate any of the intent and the high position that he took in that statement, particularly so when one looks at the Labor Party's approach in protecting its union mates and at its double standards in relation to this legislation.

In the time I have available, I should take members through some of the history of the administration of the old Act by the previous Labor Government. It is important that

we acknowledge the record of previous Labor Governments in the area of shop deregulation, commencing in 1977. In 1977 the Labor Party introduced late night trading. In the mid-1980s it deregulated hardware shops. In 1988 it went on and deregulated furniture shop trading. In 1988 Labor deregulated floor covering shops. In 1990 Labor introduced Saturday afternoon shopping. In 1993 Labor introduced five nights a week trading for supermarkets. Labor made all these changes in the same way as the current Minister did in introducing Sunday trading prior to Christmas last year.

One would have to acknowledge that, in the period 1977 through to 1993, the Australian Labor Party, in dealing with the area of deregulating shop trading hours, was forward thinking. But, amongst the changes that occurred following the last election and the purge that the Labor Party had in bouncing out the former Attorney-General, it introduced the most forward thinking Opposition in Australian Parliaments. I remind the Hon. Ron Roberts that he was quoted in the *Port Pirie Recorder* as indicating that his elevation to the deputy leadership of the Labor Party in this place was to make the Labor Party the most forward thinking Opposition in this country. I would have to say that I suspect that the Hon. Ron Roberts has been spun around in a circle so many times that he does not know which way is forward or back. Indeed, when one looks at the whole approach of the Australian Labor Party on this issue in the past six months, it has been one of looking back. That is what it is doing: looking back.

In previous debates on this topic in the Upper House, and particularly in relation to private members' Bills introduced by the Hon. Michael Elliott and the Opposition, members opposite took great delight in relying upon certain survey figures extracted from the Wheatland committee, commissioned by the current Minister. They quite gleefully and happily pointed to the public opinion figures published in that document, saying that 80 per cent were happy with the trading hours as they then existed or with fewer trading hours. In fact, they gleefully pointed to the fact that 68.5 per cent of people were happy with existing trading hours. They went on to say that, therefore, there should be no Sunday trading.

In another gigantic back flip, when confronted by the overwhelming evidence that the South Australian public want Sunday trading, they choose to ignore it. In other words, it is all right when they get it in one position but not in the other.

The Hon. Caroline Schaefer interjecting:

The Hon. A.J. REDFORD: As my friend the Hon. Caroline Schaefer interjects, it is called 'maximum mischief'. It is all coming from an Opposition led by a Leader who says he will lead a positive and patriotic Opposition. The proof is certainly not in the pudding.

I will continue along with some of the comments made on various occasions in the past by members opposite or their colleagues. First, the then Minister (Hon. Frank Blevins) on 7 December in a press release stated:

Cabinet today gave approval for the issuing of certificates of exemption to furniture and floor covering retailers to enable them to trade at any time they want. The relaxation of trading hours for these retailers will be of great benefit to all consumers, particularly families where both spouses work, by providing them with more time to make joint decisions on major household purchases.

I defy the Opposition to stand up and point out where Mr Blevins was wrong on 7 December 1987 when he said that it was important—

The Hon. R.R. Roberts: Why did you oppose it?

The Hon. A.J. REDFORD: There was no opposition. In any event, the relaxation of trading hours to enable consumers

to achieve a benefit was what then Minister Blevins wanted from the legislation and that was received with some support. On 26 October 1993, then Premier Arnold (I admit that it was in the dying days of his Administration and in some respects he was prone to thrashing around in some desperation in an attempt to improve his falling stocks), in his press release stated:

Premier Arnold today announced that shop trading hours will be extended to allow late night shopping from Monday to Friday. This initiative means that supermarkets and grocery stores will be able to stay open every week night until 9 p.m. The decision will provide greater customer service to the public—

I think that customer service to the public is something that has been completely overlooked by the current Opposition—

who will now have the convenience of late night shopping throughout the week. Mr Arnold says the extended shopping hours is a fair result for all South Australians. He says the decision will mean new business growth and employment opportunities.

Where was the Hon. Ron Roberts in those days yelling out, 'Hang on Premier, you've got it wrong—it does not mean new business growth and it doesn't mean new employment opportunities'? Where was the Hon. Ron Roberts then? Where was our Leader of the Opposition, Mr Rann, who is on record as opposing this legislation? Where was the then President of the Australian Labor Party, Mr Ralph Clarke, shouting that there would be no new business growth or employment opportunities? It is absolutely clear that this is a stunt. It goes further. It involved not only the then Minister Blevins and the then Premier Arnold. In his press release of 26 October 1993 Minister Gregory said the following:

The extension of shopping hours for supermarkets and grocery stores will mean more jobs and greater customer service for South Australians.

Minister Sumner, who was sadly dumped by the Labor Party last year, said (*Hansard* 6 April 1988):

I am not sure whether the Liberals will or Labor will or whether it will be next year, the year after or three, five or 10 years' time but the reality is that in some point in time Adelaide will become part of the world. I suspect that what we will be faced with now, after this peculiar debate, is a situation where every other capital city in this country will have shopping on Saturday afternoon. . . we want to shut ourselves from the rest of Australia by not having any extended trading hours, despite the fact that every other State in Australia will probably have them. . . at some time this extension to shop trading hours will happen because it has to happen because of the imperatives that are driving Australia at present.

I note that there has been a cessation of interjections, because what the then Attorney-General said in April 1988 is a fact, it is a truism, and it is one that this Government recognises and acknowledges. But I must say that the forward thinking Opposition of 1995 seems to have missed the point. On 16 October—

The Hon. R.R. Roberts interjecting:

The Hon. A.J. REDFORD: I'll come to that in a minute. I am just dealing with the extensive hypocrisy shown by this so-called consultative, unreasonable Leader of the Opposition in the other place—the fabricator, as he is called. But Minister Wiese, who sits just behind the Hon. Ron Roberts and who ought to pass him advice more than she does, said in October 1990:

I believe that it would be of assistance to tourism for certain categories of store to be opened on Sunday.

Minister Wiese also said (*Hansard* 28 February 1990):

We are rapidly coming to the point at which most people agree that more flexible trading hours should be introduced. It is just a matter of when.

So during this whole period a number of certificates of exemption were issued. Indeed, from 1988 to 1993 the Labor Governments of those days granted 883 certificates of exemption. In 1993, 417 certificates of exemption were granted.

The Hon. Diana Laidlaw: So Labor granted double.

The Hon. A.J. REDFORD: That's right; 417 in 1993. I will come to some of the reasons why it might have done it. It was certainly not in the interests of South Australia. It might have been getting it right, but it had nothing to do with the interests of South Australia. It had a lot to do with your bankrupt coffers, and I will come to that later. The High Court decision in May this year has rebounded badly on the union and on the Labor Party. It has exposed the fact that Labor Governments which have consistently used this pattern of exemptions and which have failed to comply with those principles that were set down by the High Court have become completely bankrupt in their thought processes and are really a group of political opportunists who ought to be exposed for what they are.

I want to deal with some of the issues raised by the Hon. Michael Elliott on a previous occasion. I will raise these points and ask him to perhaps reconsider his position. I know that the Hon. Michael Elliott is constantly in a position of reconsidering his decisions. I know that he constantly retains a fluid position on a number of issues. With that in mind, I will offer some suggestions to him for his thought processes. The first point he made was that he relied upon the Wheatland committee's survey. He said that that came to the conclusion that 68.5 per cent of people were happy with shop trading hours as they then were.

We have had Sunday trading in the city for a period of time, and it has received the overwhelming support, first, of the retailers in the city and, secondly, of the people who shop in those shops. It has received the overwhelming support of retailers because they do open on Sundays and, secondly—and most importantly—customers want shopping on Sundays. If that is the case, then it is my view that the Hon. Michael Elliott might consider changing his position, having regard to the fact that the opinion polls commissioned by the Wheatland committee were so important in coming to the position where he opposed Sunday trading at that stage.

He also made the point, 'It really is not that significant, because 94 per cent of shops are free to open on Sundays in any event.' Let me remind members opposite that this union challenge by the SDA means that very few shops will be free to open on Sundays, if this legislation is not passed. So, without this legislation he can no longer say that 94 per cent of shops are free to open on Sundays. But I can also go further. If 94 per cent of shops are free to open on Sundays and the sky has not fallen in in any retail or economic sense, can we not allow those few additional shops in the centre of the city to open so that they can properly service the public demand that is so clearly there?

The third point he made is that he believes that the tourism argument is nonsense. The Hon. Michael Elliott is a busy man and obviously does not have the opportunity to talk to some of the people to whom I have had the opportunity of talking. Indeed, I note that at the recent Business Asia Conference he was conspicuous by his absence. I make no criticism of him. He obviously has other more important issues to consider, such as the legalisation of marijuana—but that is another topic. However, a number of speakers at that conference talked about the attraction of tourism to Adelaide and to South Australia. I remind members that currently

South Australia attracts about 2 per cent of overseas tourists to this State and to this city, which is way out of kilter with the share that we should attract. Given that our population is 9 per cent of this country, I can see no reason why we should not be aiming to achieve 9 per cent of overseas tourists. That would be a growth factor of some 300 per cent in terms of overseas tourists arriving in Australia now.

Every single speaker at the Business Asia Conference who talked about the attraction to this country of overseas tourists from South-east Asia and Asia said that the single most important factor in choosing a destination by an Asian tourist is the question of shopping. That fact was made by four speakers: one, an Australian tourist expert; one, the head of the tourism trade body—the name escapes me for the moment—from Malaysia; one, from Hong Kong; and one, from Korea. In relation to those statements by the Hon. Michael Elliott that the tourism argument is nonsense, I urge him to reconsider that viewpoint, particularly in the light of international experts saying that, unless adequate shopping facilities and products are available and unless those shops and facilities are accessible at all times, Asians will not consider Adelaide and South Australia as a tourist destination. That point cannot be made strongly enough.

I note also that the Hon. Ron Roberts said that he believes that the tourism argument is nonsense. Some commentators in the press have said that you hardly see large numbers of Asians going up and down Rundle Mall, therefore the tourism argument is no justification for the opening of the shops. That is analogous to the argument that Reg Ansett used to put forward when he was criticised about having very high air fares. He was told that if he reduced his air fares he would get more passengers and make more money. He responded, 'I will reduce my air fares when I get more passengers, and not before.' That argument uses the same sort of logic. You will not gain the confidence of Asian tourists by some quick-fix method. We will have to work very hard to create an environment in this State, which will attract and encourage those tourists. Quite frankly, it is ridiculous to think that because we open a shop tomorrow Asian tourists will suddenly become aware of that fact and start to fly into this State by their thousands.

The Hon. Diana Laidlaw interjecting:

The Hon. A.J. REDFORD: Absolutely. The Hon. Bernice Pfitzner referred to the Deputy Leader of the Opposition, who said, 'They can come here for six days a week.' The Japanese economy is working significantly better under the Japanese Government than is the Australian economy under the Keating Government, and the Japanese work practice is to have much shorter holidays than we, so they do not have the time when they travel half way around the world to sit and look at the grass grow if they happen to be unfortunate enough to visit this beautiful city on a Sunday.

I turn quickly to the issue of the union and the Labor Party's position, because this highlights the absolute hypocrisy of the position advanced by members opposite. I remind members of the extraordinary deal that was done before the last election. I know that from time to time political Parties become short of funds and that without those funds many of us would not be able to be members of Parliament. Whether or not that is a good thing is for others to judge. But the fact of the matter is that the Labor Party found that it was short of funds, so it hatched a plan that was very simple. It was what you would call a win-win-win situation. There were three parties involved: first, the union; secondly, the large retailer (Coles-Myer); and, thirdly, the Australian Labor

Party. I may not have it absolutely right, but the deal went something like this.

The Hon. G. Weatherill interjecting:

The Hon. A.J. REDFORD: I appreciate the Hon. George Weatherill's interjection that he will excuse me on this occasion. The deal went something like this. The then Secretary of the Australian Labor Party obviously reported to his Executive and said, 'Look fellas, we have a financial problem and we need to fix this up.' The then Minister for Industrial Relations (Hon. Bob Gregory) said, 'I have a good idea.' He trotted down to see his mates at the union (the SDA). They sat down and said, 'We'll tell you what we'll do. We'll go down to Coles-Myer and we'll let them open on Sundays provided they agree to our going into the Federal award.' So, the deal was hatched without anyone knowing about it. The arrangement was to shift the SDA into the Federal award. That deal, having been hatched, was then launched. There were winners everywhere. The Australian Labor Party got a massive donation from Coles-Myer, the union got into the Federal award and got some shift penalties as a result, and Coles-Myer got various trade monopolies.

That is what this is all about: various trade monopolies, because they had the field to themselves. All the other retailers who were competing with Coles-Myer could not get the same benefits unless they, too, joined the Federal system. Quite frankly, I am not sure what the current union strategy is, but it is certainly not wholeheartedly in support of its members. It is my view that this whole exercise has been a sham by the union in an attempt to try to force itself into the Federal system.

I will point to a number of facts that might assist members opposite, perhaps not publicly but when they talk to each other. Obviously, there must be some members opposite who are concerned about the level and degree of hypocrisy shown by the current leadership of the Australian Labor Party. Among their number would be the Hon. Frank Blevins, who has quite openly run around the corridors of Parliament saying that we must have Sunday trading, but of course he was frogmarched over to the correct side of the House to oppose this legislation.

The fact of the matter is that the union has never challenged the extension of shop trading hours implemented by Labor Governments during the past 10 years. As far as the union was concerned, it was okay for Labor Government Ministers to exceed their power and issue illegal certificates.

The Hon. R.R. Roberts interjecting:

The ACTING PRESIDENT (Hon. T. Crothers): I ask the Hon. Ron Roberts to stop interjecting.

The Hon. A.J. REDFORD: The position is quite clear and has been documented on many occasions regarding the hypocrisy of the union in conjunction with both the former and the existing Labor Governments. So that it is on the record I ought to deal with the question of so-called broken election promises raised by the Minister. I think it is important that my understanding of the position be put on the public record. The Liberal Party issued a media release in October 1993. In that media release there were three clear commitments. The first was to revoke Labor certificates of exemption for five nights per week issued only a few days earlier. The Liberal Government's response was to honour that promise. That promise was honoured by the State Liberal Government on 2 January 1994. The second promise made in that media release was that the Liberal Government would pass new industrial laws allowing all retailers, not just Coles and Woolworths, to make enterprise agreements. Again, this

promise was kept and—despite the troglodyte head in the sand type approach adopted by members opposite to those new industrial laws—they came into operation on 8 August 1994.

I remind members opposite that back in those days we were told that the sky would fall in if this legislation came in and, I must say, I am not surprised but delighted at the way in which this legislation has been accepted and the way in which the more enlightened members of the union movement have approached the whole area.

The Hon. T.G. Cameron: That is tongue in cheek.

The Hon. A.J. REDFORD: It is not tongue in cheek. The union movement is not full of troglodytes: there are progressive members within the union movement. Indeed, there are some unions out there that understand what their core business is and are getting on and doing it, unlike a couple of other unions, one of which is the SDA.

The third commitment made in that media release in October 1993 was to establish an independent committee of inquiry into the retail industry to advise on whether shop trading hours should be extended and, if so, to what extent and how this should be implemented. The committee was established in February 1994 and reported to the Government in June 1994, and its findings were subject to an eight week period of public consultation. The State Government's decision was announced on 9 August 1994.

The Hon. R.R. Roberts: Prevarication!

The Hon. A.J. REDFORD: The Hon. Ron Roberts talks about prevarication. His answer to the fact that it was okay for a Labor Government to break the law on 883 occasions was that the Labor Party consulted. It is all right for the Labor Party to consult but, when the Liberal Government does it, it is not consultation: it is prevarication—another double standard, another back flip. You have been spun around once too often; you are still looking backwards.

In addition, the Liberal Government, as promised, reviewed all retail leasing laws and has successfully created a new Shop Leases Act which was passed earlier this year. The Liberal Government has not implemented general Sunday trading in South Australia. The only Sunday trading which has been implemented and which the Government seeks to continue has been Sunday trading within the square mile around the Adelaide city centre. It is therefore hard to understand some of the predictions of mass job losses and the like that have been proffered and run around by that bankrupt of ideas Leader of the Opposition in another place. Let me put one furphy to rest because there are occasions when members opposite need a simple lesson and a simple understanding of simple economics.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: The Hon. Terry Cameron interjects that I am just the man to do it. It may be that I can put economics into simple language because my understanding of economics is simple, but let me put this very simple analogy to honourable members. When I awake on a Sunday morning under the current Government I have a limited amount of money to spend and I say to my children, 'Well, we have a number of choices. We can go to the pictures; we can go down to the park; we can go to the zoo; we can go down to the beach; or we can go shopping but, kids, I have only \$60 to spend.' I would think that even members opposite, even those troglodyte-like economists, would realise that shopping in that context is not a matter of a limited amount of dollars. A person in my position when he

wakes up on Sunday morning can spend that \$60 in any of a number of ways.

Members opposite would take that right of spending that \$60 in a shop away from me and take that excursion away from my children. The fact is that they would prevent what I would call the normal family shopping outing on a Sunday: they would prevent that from happening. They would far prefer that that \$60 be spent on other things.

Quite frankly, to say that there is a limited shopping dollar is absolute rubbish, and they ought to be told that and know that. The fact is that there is not a limited amount of shopping dollars; there are choices to consumers, and consumers are entitled to that choice. Whether they spend their money going to the pictures or going shopping is a matter for the consumer and not a matter for regulated economies, and particularly not a matter for some of the economic troglodytes who happen to sit opposite.

Members interjecting:

The ACTING PRESIDENT (Hon. T. Crothers): Order!

The Hon. A.J. REDFORD: The Hon. Ron Roberts interjects and says, 'Why don't we allow Sunday shopping?'

The ACTING PRESIDENT: Order! If the Hon. Mr Cameron wishes to contribute to this debate, I would ask him not to do it by interjecting; I would ask him to do it by making a contribution at the appropriate time. We have a speaker on his feet, and I remind the Hon. Mr Redford that he should address his remarks to the Chair and not bother with interjectors.

The Hon. A.J. REDFORD: I thank you for your protection, Mr Acting President. The Hon. Ron Roberts has suggested that there ought to be Sunday trading at Arndale. Quite frankly, in the longer term, that is something that this Government would consider. I hope that is an indication and a sign of some weakening of attitude and perhaps some enlightenment on the part of members opposite. Perhaps in that dizzy process last year, when everybody changed chairs and the honourable member got spun around, there is some opportunity for him to turn around and see the way forward.

I remind members of the recent survey by Harrison Market Research Pty Ltd and of the important findings that it has made. I might say before going into those figures that there was a small article in the Messenger Press today indicating that the Small Retailers Association did a survey in Adelaide in which it showed that a large number of people were opposed to Sunday shopping. I do not want to get into an argument about my survey being bigger or better than someone else's, but I do question the veracity and the means by which it carried out its research.

I am sure that if the Hon. Terry Cameron, in his former position as Secretary of the Labor Party, had presented to him a survey that was conducted in the same way as that of the Small Retailers Association, he would be quickly telling the Labor Party Executive not to build up its hopes, and not to get too excited, because when you leave these survey forms out on your shop counter you ask your customer 'What is your view and, if it is against Sunday shopping, you do everything, including perhaps giving a bigger discount, to get that person to sign that survey. Certainly the integrity of that survey, I suggest, leaves some large amount to be desired.

In closing, I must state that it is important to note that 72.5 per cent of retailers in the Adelaide city centre believe that they should have the choice to open their shop on Sunday if they so desire. That is what small business is about. That is what enterprise is about. This is a survey conducted by

Harrison Market Research Pty Ltd and the figures were released, as I understand it, today.

The Hon. R.R. Roberts: What was the sample?

The Hon. A.J. REDFORD: The Hon. Ron Roberts asked what the sample was. I do not have that information with me but, if I can get it, I will provide it to the honourable member. I know that, somewhere, there is always the chance of converting him to a free market style attitude in the area of retail sales. I must say that, even amongst the small retailers trading in the Adelaide city centre, 64.3 per cent believe that they should have the choice whether or not they can open their shop on a Sunday.

Interestingly enough, some 80.2 per cent of shop assistants working in shops in the Adelaide city centre believe that retailers should have the choice to open their shops on Sunday in the city centre if they wish to. Finally, 90.4 per cent of residents in the Adelaide city centre believe that retailers should have the choice to open their shops on Sunday in the city centre if they so desire. Those figures tell me a number of things. First, the figure of 80.2 per cent of shop assistants indicates that the SDA does not represent the ordinary person working in shops in Adelaide, that they are not members of that union, or that it is completely out of touch with its membership. It tells me something else about the state of the Australian Labor Party. Perhaps at some stage—not some few months ago and, I suspect, not some few months ahead—it represents an approximate percentage of support that the Labor Party has in the community. From those figures, the Labor Party would get about 27 per cent of retailers voting for it, about 35 per cent of the small retailers in the Adelaide city centre voting for it, about 18 per cent of shop assistants voting for it and about 9 per cent of residents in the Adelaide city centre voting for it. That might be a target to which the Labor Party aspires, but the way in which it has approached this issue and sought to turn back the clock 20 years indicates that that is the level of support it currently enjoys. While it continues with this troglodyte-type management, that is likely to continue.

[Sitting suspended from 5.5 to 8 p.m.]

The Hon. R.D. LAWSON: I rise to support this sensible statutory response to the decision of the High Court. The history of shop trading hours in this State is one long rearguard action against the liberalisation of shopping restrictions and I propose to go through some of that history because it does show the bizarre way in which this matter has been approached over a very long time and those in the Opposition and the Australian Democrats seem hellbent on perpetuating what is a very undesirable state of affairs. There are recurrent themes in the various events, which I will go through. On each occasion there have been many such themes. When Governments and private members have sought to amend the shop trading legislation to liberalise shop hours, one of those recurrent themes (and one of the most striking) is that the opponents of any liberalisation always claim that there is no demand for extended hours. One sees that in the reports of the royal commission, select committees and all the rest. Always the opponents say that there is no demand for these extended hours, but when the hours are ultimately extended, as they always are and as they will be in future, it is found that there is a demand.

The Hon. A.J. Redford: Except for Friday night.

The Hon. R.D. LAWSON: There is a demand. The public and the inquirers said that there was no demand for

extended petrol trading in South Australia—no reason at all why petrol pumps should be open in the metropolitan area after 5.30 p.m. Eventually they allowed self-service bowsers on a number of sites. They said that that extension was really unnecessary. But, of course, now we have virtually unrestricted trading in that area and it is taken as a given and a good thing.

The opponents of extended trading hours said that there was no demand for small supermarkets to open in the suburbs; no demand for anything other than delicatessens. Eventually, they were allowed and they are a successful part of our retailing scheme. The opponents have always claimed that there is no demand for extending the range of exempt goods; no demand at all. Various inquirers and royal commissions have said 'Nobody came forward and said that they could not buy this product during ordinary hours.' But it is found that when hours are extended people take advantage of them and exercise the freedom which citizens ought have. The community said that there was no demand for Friday night trading in the city and indeed there was a referendum on the subject and it was not carried. Ultimately, reason prevailed and Friday night trading was allowed in the city. The list is endless.

Another recurrent theme has run through all of these inquiries over the years, namely, that most traders are opposed to change. In a sense this is only human nature. If you carve out a business under a certain regime, you do not want to change the regime so as to allow your competitors to get some advantage. Nowhere has that been more obvious than in the current debate where small traders in the suburbs, who are able to open and do trade on Sundays, are hellbent on preventing their competitors in the city from trading.

They have no interest in their employees, the wider community or the consumers nor in whether or not this city stagnates or develops. Their only interest is in preventing a competitor obtaining some competitive advantage. That is human nature and we have to expect that, but as a Parliament and a Government these things ought to be overlooked and the wider picture examined. The other recurrent theme has been the paralysis of the Labor Party to do anything about shop trading hours over the years. It has simply failed, and yet again, by the attitude demonstrated here, it is failing to adopt a constructive and sensible approach.

It is worth placing on the record where we have come from in this State over the past 95 years, because it was in the Early Closing Act of 1900 that shop trading hours were first regulated in this State. It is unnecessary to go into those hours, but they were rather more liberal than they became, and the most restrictive of all arrived in 1945. There was a new Early Closing Act in 1911, which provided basically for 6 o'clock closing on Monday, Tuesday, Wednesday, and Thursday, 9 o'clock on Friday and 1 o'clock on Saturday. There were different trading hours for tobacconists and butchers.

There were amendments in the Early Closing Act of 1926, but the hours basically remained unchanged until 1940, when they were shortened slightly from 6 to 5.30 p.m. during the week, 9 p.m. on Friday and 12.30 p.m. on Saturday. During the Second World War Friday night shopping was suspended and after the war in 1945 the new Early Closing Act of that year was passed and the ordinary closing time in a Saturday closing district was 5.30 p.m. on weekdays and 12.30 p.m. on Saturday. There was no late night shopping.

In 1966 the Government of the day commissioned a report. The Hon. A.F. Kneebone, Minister of Labour and

Industry, commissioned the report. The Chairman of the committee was Mr Bowes. It had on it members representing the unions, the Country Women's Association and other interest groups, including employers and industry. The report of 1966 is illustrative because the issue before the committee was whether or not there should be introduced a new class of 'small shops' in South Australia. The committee noted that the legislation in New South Wales, Queensland, Western Australia and Tasmania had created a new class of 'small shops' and these shops had extended opening hours. The ultimate result of this report was that, after taking evidence, members of the committee opposed any extension of the class of shops. The report said:

The main support for the introduction of a new class of 'small shops' in South Australia came from individual shopkeepers and some local governing authorities. There was no support for this proposal from any other organisation. While some were anxious to help the small shopkeeper in the circumstance in which he now finds himself, it was suggested that an unlimited extension of trading hours was not the answer. It was pointed out that the very idea of a small shop connotes a restriction in size and this of itself would discourage initiative and stifle growth because as business prospered the owner would have the alternative of limiting its size and therefore his opportunity of expanding his earnings or restricting the hours at which he could trade because he would no longer qualify as a 'small shop'.

By this piece of sophistry this committee opposed the introduction of a new class of 'small shops', which would have been competing with the delicatessens. The minutiae in which this committee buried itself can be seen in a submission relating to newsagencies. At that time newsagencies could not sell after hours items of stationery such as writing paper, exercise books and ink. Under the regime that existed, those items would have to be locked away at 5.30 on weekdays or at 12.30 on Saturdays if the newsagent was to remain open, and many did remain open after those hours. The Authorised Newsagents' Association put forward a submission that newsagents ought to be permitted to sell those ordinary items of stationery after ordinary closing hours. However, the committee was not convinced by this. The submission states:

It was pointed out that these are the type of goods normally stocked by a newsagent and it is extremely difficult to divide the stock of that shop between exempted and non-exempt goods, just for a few hours in order that the non-exempt goods can be locked away after 5.30 p.m. on Mondays to Fridays and at 12.30 p.m. on Saturdays. However, if we recommend that stationery lines should be added to the list of exempt goods, the effect would be that any exempted shop could sell these goods at any time and this could be to the detriment of the newsagent.

So the committee solemnly resolved that there should be no exemption for items of stationery. However, after hearing a good deal of evidence, mostly from the Senior Industrial Inspector of the Department of Labour and Industry, it was agreed that the list of exempt goods should be extended by the inclusion of granulated sugar, infants' toilet and feeding requisites, toilet paper, talcum powder, hair combs, sunglasses, wreaths and souvenirs, provided however that the souvenirs were representative of the tribal life of the Aborigines of Australia or identified by inscription or marking, a keepsake of Australia or of South Australia, or of any city or town or part thereof. The result of this report to the Minister of Labour and Industry in 1966 was that there be no small shops in South Australia similar to those that had opened elsewhere because there was no demand for them and there were other evils perceived in such developments, and the list of exempt goods would be extended by a few almost derisory categories. That is what happened in 1966.

After 1945 and in the 1950s, the growth of metropolitan Adelaide meant that there were metropolitan areas outside the metropolitan shopping district, most notably in Elizabeth. There were no restrictions in these outer metropolitan areas, and most shops opened until 9 o'clock on Friday night. But there were complaints from inner area shoppers and some shopkeepers that the hours ought to be uniform. Obviously, one is quite entitled to suspect the motives of any shopkeepers who were pressing for the limitation of outer hours. In 1970, there was a referendum which asked all metropolitan area voters the question:

Are you in favour of shops in the metropolitan planning area and the municipality of Gawler being permitted to remain open for trading until 9 p.m. on Fridays?

The overall result was 41 per cent against the question. Those people in Elizabeth voted very heavily in favour of the question. Ten per cent were informal, and 11 per cent did not vote. The Government of the day legislated to give effect to this overall result, and the metropolitan shopping district was extended to include the new areas. So the people of Elizabeth lost their 9 o'clock shopping on Friday night. The provisions previously contained in the old Early Closing Act were now incorporated in the Industrial Code. Shop closing hours was not really a consumer issue at all; it was actually an industrial issue. The community generally was not able to shop, by reason of industrial considerations.

The Hon. R.R. Roberts interjecting:

The Hon. R.D. LAWSON: Well, if the union would talk sense to the Minister, I am sure he would be quite happy to talk to them. The Minister has had nothing but obstruction from the union and from the union's friends in this place. In October 1971, the then Leader of the Opposition, Mr Steele Hall, introduced a Bill to amend the Industrial Code to provide for shops to open until 9 o'clock on Friday nights. This Bill was defeated on Party lines at the second reading. In 1972, the Minister of Labour and Industry introduced a Bill to provide for 9 o'clock trading on Friday nights and 12.30 on Saturdays. Amendments were proposed in this Chamber for closing time to be at 11.30, not 12.30 on Saturdays. Those amendments were not acceptable, and the Bill lapsed. Once again the amendments failed over what seems to be a fairly simple thing.

In August the same year the Minister again introduced a Bill providing for the same trading hours as he had previously provided for, and for the ordinary hours of work of shop assistants to be 5.30 Monday to Thursday, and until 9 o'clock on Friday. The Bill also included a 50 per cent penalty rate payable for work done after 5.30 p.m. on Friday. The Legislative Council proposed amendments similar to those that it had proposed in relation to the Bill in March. On that occasion this House also sought to allow butcher shops to open on Friday nights. Heaven forbid, butcher shops, read meat, available for members of the public on Friday night! The amendments proposed in this Chamber would have left to the Industrial Commission or the relevant conciliation committee the question of what additional hourly rates of pay were payable after 5.30. Again, these amendments were unacceptable to the Government, and the Bill lapsed.

A couple of questions were asked in the Assembly in 1973 and 1974 but nothing much seems to have happened. Then in August 1975, Mr R.R. Millhouse, the predecessor of the Hon. Michael Elliott, introduced a Private Member's Bill—one of the few sensible measures that that member ever proposed. He proposed that there be unrestricted trading hours. Mr Millhouse, in supporting his amendments to the

Industrial Code, pointed out that the traders in the east end of Rundle Street were trading after-hours on Friday nights, and he considered it appropriate that they do so. He said:

Do you realise that certain shops can open but cannot sell their goods—

for example certain handicrafts—

while others cannot open, but can sell their goods? Fishing tackle and bait can be sold after 5.30 p.m., but a fishing tackle shop cannot open after that time.

He said that 25 shops were opening in the east end of Rundle Street on Friday night but only six of them were permitted to do so by law. Mr Millhouse went on to say:

The present system having failed, I can see no alternative to allowing traders to make up their own minds when they open and when they close. It is also in accord with my political philosophy of liberalism that people should be allowed the greatest degree of personal freedom and, therefore, responsibility.

The Hon. M.J. Elliott interjecting:

The Hon. R.D. LAWSON: No, he was one of your lot at that stage.

The Hon. M.J. Elliott: No, he wasn't then.

The Hon. R.D. LAWSON: In 1975 he was.

The Hon. M.J. Elliott: No, he wasn't; the Party hadn't formed then.

The Hon. R.D. LAWSON: Well, he was about to.

The Hon. M.J. Elliott: He reformed that one before he changed over.

The Hon. R.D. LAWSON: No. He said:

They should be allowed to decide for themselves such matters as trading hours and not be told what to do by being trapped in a system which is as artificial as it is absurd.

The Hon. M.J. Elliott: Do you support him on prostitution or do you support him only on some things?

The Hon. R.D. LAWSON: Well, I support him on this. He pointed out that we had a referendum in 1970, when the question was idiotically phrased. He pointed out that following the answers to the idiotically phrased referendum the Government sought to make amendments to the law, both of which did not succeed. Mr Millhouse's Bill was negatived 41:2 at the second reading stage, so I assume that he was a Democrat at that stage.

In the following year, in October 1976, the Hon. J.A. Carnie introduced in the Council a Bill to amend the Industrial Code, providing for the suspension of all trading hours for the period from 1 to 31 December, in order to see whether extended trading hours had public acceptance. The Bill was carried in this Chamber but rejected in the Lower House by a vote of 29:13, eight members of the Opposition joining with the Government to defeat the measure.

In April 1977, the Minister of Labour and Industry introduced a Bill to amend the Industrial Code to transfer to the Industrial Commission the power to determine shop trading hours and to make various other amendments. Amendments were also made to this measure in this Chamber, but the Bill subsequently lapsed when no agreement could be reached between the Houses. That is the situation up to 1977.

From 1980 onwards, there has been a painfully slow liberalisation of trading hours. The Act of 1977 was passed following the recommendations of the Royal Commission into Shop Trading Hours. Once again, in the Commissioner's recommendations, the question was asked: where is the support for this measure? But, as I said before, it was not until 9 o'clock closing was implemented as a result of that royal commission that it was found that it was popular.

I might mention that in 1978 a select committee of the House of Assembly was established to look into certain arrangements relating to petrol reselling arising from the recommendations of the royal commission. Once again, we saw a negative response from, in this case, a select committee to sensible suggestions for amendment. The conclusion is worth quoting, as follows:

In the past, the general approach to petrol availability after normal trading hours in the Adelaide metropolitan area has been to permit a 24 hour service on the main outlets to the city, that is, in the outer metropolitan area, and to provide an emergency service in the inner metropolitan area through a network of coin operated pumps. The South Australian public appears to have adjusted to these arrangements, and in view of a lack of evidence given to the committee by members of the public the committee is of the view that no public demand exists for further extension of service station trading hours in Adelaide. In coming to this conclusion, the committee is mindful of petitions comprising 3 600 signatures against and only one petition in support of the Bill.

So, it was recommended that the Bill to extend petrol trading hours, which had been brought into the Council pursuant to the recommendations of a royal commission, be rejected.

The Hon. T.G. Roberts: The people's voice won.

The Hon. R.D. LAWSON: It wasn't the people's voice; it was actually the voice of the service station proprietors. It was said that the committee considered that any extension of trading hours must lead to a rationalisation and conversion to self-service marketing and a decline in employment in the industry. The committee was concerned that the quality of life of service station proprietors ought to be maintained. The attitude was, 'Damn the public; don't worry about them. If they want to shop or buy petrol after hours, too bad, because the service station proprietors are entitled to a particular style of life, so progress cannot occur.'

The Hon. R.R. Roberts: Unlike lawyers.

The Hon. R.D. LAWSON: The honourable member interjects, 'Unlike lawyers'. Lawyers are prepared to meet the requirements of their clients. They will meet them on Saturdays, Sundays, whenever, wherever, however.

The Hon. M.J. Elliott: Courts on Saturdays and Sundays. I'd like to see that.

The Hon. R.D. LAWSON: Now you're talking about the judges—that is a slightly different thing. In 1980, the Shop Trading Hours Act was amended to allow hardware and building material shops to trade on weekends. Only 15 years ago did the Parliament come to the realisation that it was appropriate to allow hardware and building material shops to trade on weekends. Once again it was said, 'Where is the demand for weekend trading? People can buy this during the week.' But, of course, certain traders began to open; it was seen that there was a demand; and the Government followed rather than led on this issue.

The Hon. R.R. Roberts: But you opposed it; your Party opposed it.

The Hon. R.D. LAWSON: It does not matter.

The Hon. R.R. Roberts: That is why it was done under section 5.

The Hon. R.D. LAWSON: It does not matter what my Party or your Party did at that time. The point of this exercise is to examine what we have been doing with regard to shop trading hours and how ridiculous has been the piecemeal and niggardly approach to the extensions and liberalisation of shop trading hours.

The Hon. M.J. Elliott: 'Uncoordinated and unplanned' is another phrase you could use, too.

The Hon. R.D. LAWSON: Well, it has been uncoordinated and unplanned. In 1986, licences were issued to service stations to trade on extended hours. We finally got those on application to the Minister under section 17 of the Act. In 1988—

The Hon. R.R. Roberts: Despite your objections.

The Hon. R.D. LAWSON: The honourable member keeps saying, 'Despite the objections of the Liberal Party'. We do not get any objections from the Labor Party; we just get blanket refusal to make any change whatsoever. The honourable member wanted to make changes in response to the requirements of his union mates at that time. He was not interested in assisting the public or the consumer.

The Hon. R.R. Roberts: That is why exemptions were given; under 883 we had to keep on giving exemptions.

The Hon. R.D. LAWSON: You were happy enough to do it. In 1988, under section 5 of the Act certificates were granted by the Minister to enable furniture and floor covering stores to trade on weekends and public holidays. Of course, additional certificates have been issued. In 1989, certificates of exemption were granted under section 5 for hardware stores to trade on more expanded hours than those allowed under section 13(1). In 1990, the Act was amended to allow Saturday afternoon trading in all shopping districts until 5 p.m. So, at least some sense was coming into it.

The Hon. R.R. Roberts interjecting:

The Hon. R.D. LAWSON: That was in 1990. That was at a time when the Hon. Barbara Wiese told this Parliament:

I believe it would be of assistance to tourism for certain categories of stores to be opened on Sunday.

That was what the Hon. Barbara Wiese said on that occasion. In the same year, the Hon. Barbara Wiese said:

We are rapidly coming to the point at which most people agree that more flexible trading hours should be introduced. It is just a matter of when.

In 1993, under section 5, certificates of exemption were approved by the then Minister for supermarkets to trade until 9 p.m. on weekdays. It was the policy of the Liberal Party which went into that election to say that it would revoke those, and it did so upon election.

The Hon. R.R. Roberts: Your policy was that there would be no Sunday trading.

The Hon. R.D. LAWSON: That was not the policy.

The Hon. M.J. Elliott: No, that was just what was said at public meetings. There were hundreds of witnesses to that one.

The Hon. R.D. LAWSON: There might be some witnesses, but that was not the platform upon which we were elected.

The Hon. M.J. Elliott: They will all give statutory declarations, too.

The Hon. R.D. LAWSON: The Hon. Michael Elliott says that the Minister said something about no Sunday trading. He said Sunday trading overall, not Sunday trading in the central city area of Adelaide. If the Hon. Michael Elliott is so keen on what the election policy was, how does he explain his attitude to the compulsory voting issue? We went to the people of South Australia on a policy, clearly enunciated, of voluntary voting and we were duly elected.

The Hon. M.J. Elliott: That was not our policy; that was your policy. You voted for it.

The Hon. R.D. LAWSON: That was our policy and that was what the public voted for. But the Hon. Michael Elliott, on the basis of a survey of 200 people, says that he is free to

frustrate the will of the community. He is doing precisely the same here. The Hon. Mr Elliott comes in in a pretty noisy frame of mind, but I have heard him from time to time in recent days saying that section 12(6) of the Shop Trading Hours Act is the answer to the current problem. The honourable member can correct me if I am wrong.

The Hon. M.J. Elliott: I will explain it in a second; don't you worry about that.

The Hon. R.D. LAWSON: I will explain it before the honourable member has the opportunity to explain how foolish is this suggestion.

The Hon. M.J. Elliott: The Minister contemplated it on several occasions.

The Hon. R.D. LAWSON: Maybe he has. The Minister is determined to see that we do not languish as a backwater. He is determined to give the people of South Australia the opportunity to shop on Sundays in Adelaide if they wish to, and 72 000, on average, have demonstrated a desire to shop.

The Hon. M.J. Elliott: Of which 2 000 in any one day would sign a petition.

The Hon. R.D. LAWSON: But 70 000 have exercised their freedom by going into the city week in and week out. That is a good deal more than ever voted for the Australian Democrats, I might say.

The Hon. M.J. Elliott: You are wrong, actually.

The Hon. R.D. LAWSON: If you aggregate them all from every election since 1975 you might reach that number. Section 12 does not provide an easy resolution to the issue, especially in relation to the central city area. This section provides that a council may, by instrument in writing under its common seal, make an application to the Minister that the whole or any part of the area of the council be a declared shopping district. One assumes from the public statements of the Corporation of the City of Adelaide that it might be prepared to make such an application. But, an application for a declaration of a proclaimed shopping district cannot be made unless the proposed shopping district would comprise a municipality—that is the totality of one—or an area of not less than 90 square kilometres.

The area under discussion is the central city area, not the whole of metropolitan Adelaide, not the whole of the City of Adelaide, not including North Adelaide—just the Rundle Mall area of the city. Section 12(6) provides:

A council must not make an application to the Minister under this section unless it has first given interested persons an opportunity to express their views to the council on the proposal and has had regard to the views expressed to it by interested persons.

The Minister must have had regard to the views expressed by interested persons. 'Interested persons' are defined to mean 'persons resident in the area of the council, and the shopkeepers and shop assistants resident outside the area, but employed or engaged in shops within it'. So, the interested persons, who the Minister must be satisfied have expressed a view on the proposal, are not the 70 000 odd who shop there from week to week, but the—

The Hon. M.J. Elliott: Do you know who drafted that clause? Dean Brown.

The Hon. R.D. LAWSON: There is absolutely nothing wrong with the drafting, but it is inappropriate in these circumstances. The interested persons under this section do not include the very people whom this measure is intended to benefit, namely, the customers who want to shop on Sunday. Their views are not taken into account. It is only the views of those few caretakers and the like who are resident in the area; or you take the whole of the area of the municipi-

pality of Adelaide. You include Adelaide and North Adelaide—a very small proportion.

The Hon. R.R. Roberts: What if they want to go to Arndale or Tea Tree Plaza?

The Hon. R.D. LAWSON: We are not talking about Arndale. If you are interested in Arndale, Tea Tree Plaza, or anywhere else, you will have your opportunity to amend the Bill.

The Hon. R.R. Roberts: Your Party has promised the small retailers that you wouldn't do it.

The Hon. R.D. LAWSON: We have said, 'We will not introduce any measure to have overall Sunday trading.' If you want to, you can: you get your opportunity to move your amendments here. That is not our proposal. Our proposal is that the central city area be permitted to trade on Sundays.

The Hon. R.R. Roberts interjecting:

The Hon. R.D. LAWSON: The honourable member interjects, suggesting that the purpose of this legislation is to facilitate the sale of the Myer-Remm centre, but nothing could be further from the truth. This is the sort of idiotic argument that has faced every suggested amendment or liberalisation of shop trading hours over the years. One always sees it. I have given some examples in the Chamber tonight of bizarre reasons which, in the fullness of time, are exposed as ridiculous, as will the comment of the honourable member.

The mechanism provided by section 12 is simply inappropriate when one is dealing not with some discrete suburban shopping centre but with the central business district of Adelaide in which there are very few residents and which acts as a collector for the people throughout the whole of the metropolitan area.

Their views are not taken into account under this mechanism. It was a mechanism designed to ensure that it was almost impossible to employ it and, if it is employed, it will be open to legal challenge. I will not go into the areas in which any proposal under section 12 can be challenged, but it is very clear that it is a provision of extremely limited import. It is clear, for example, that any application for a declaration cannot be made unless the proclaimed shopping district comprises the whole of the municipality or an area of not less than 90 square kilometres and, even if it is an application to vary the area of a proclaimed shopping district, it cannot be made unless the area would comprise a municipality or an area not less than 90 square kilometres. So, it is clear that the mechanisms provided in the Shop Trading Hours Act for liberalisation are really designed to frustrate rather than promote the liberalisation of shop trading hours.

The measure that has been proposed by the Government and introduced by the Attorney into this place is a sensible and modest response. Speaking personally, I would have preferred to adopt the approach of R.R. Millhouse, as he then was, and allow shopkeepers to open whenever they want to open their shops and to allow the market to determine when—

The Hon. R.R. Roberts: Move an amendment. You are free to do whatever you like in this place.

The Hon. R.D. LAWSON: Of course I am free to do what I like. I choose not to exercise my freedom here because the whole history of this legislation suggests that amendments must be made slowly and cautiously, and that is precisely what this legislation does. It is a sensible approach and worthy of this Chamber's support. I support the second reading.

The Hon. M.J. ELLIOTT: Before the last election, the Australian Democrats said quite clearly to small traders, in particular, who approached us that we were opposed to Sunday trading. We expressed the view that it would have quite a destructive impact on small traders. On 14 July 1993, still less than two years ago, the then Liberal spokesperson on industrial affairs and tourism, Graham Ingerson, at the Adelaide Town Hall announced at a meeting on Sunday trading that 'The Liberal Party will retain the current trading hours for the life of the Parliament if elected to govern at the forthcoming election.' On the steps of this House on 8 December 1993, he also promised that he would oppose Sunday trading, pledging that he would not permit it as long as he was Minister.

Hundreds of small traders heard that undertaking, although I have heard Premier Brown try to suggest that he was misheard. He was not misheard. He was heard quite clearly by a very large number of small traders who were present at that rally and who were expressing concern about other changes that had happened in the recent past. They were also concerned about what might happen after the election. There is no doubt as to what their concerns were and there is no doubt about what the Minister said to that crowd on the steps of Parliament House in the last week of the campaign. There is no doubt about what he said at the Adelaide Town Hall on 14 July 1993. His pledge was repeated in pre-election pamphlets which also stated that he did not accept that the then Labor Government should extend shopping hours without consulting with the retail industry just because large retailers and unions wanted change.

We now have a situation where, because large retailers want urgent change, the Minister has sought extended trading hours without consulting with some sectors of the retail industry. I stress that: it is the large retailers who are predominantly driving this issue forward at this time.

The Hon. R.D. Lawson: What about the 70 000 we get here every Sunday?

The Hon. M.J. ELLIOTT: Just let me get on with it. Back then the Liberal Party said that more jobs would be lost than gained through the Labor Party's manner of extending trading hours. I draw the attention of the members of this place to a press release issued by Graham Ingerson, then shadow Minister, dated 26 October 1993. The press release, which was entitled, 'Longer Supermarket Trading Hours—Hundreds of Small Business Jobs to Go', states in the third sentence:

For a start, the Shop Trading Hours Act requires the Government to consult with shopkeepers affected by this move before there is any extension (section 13). . . Unless the Government is about to ignore the Act, there can be no immediate introduction of extended hours.

He notes that, for there to be an extension, there needs to be consultation under section 13, and I stress that it is section 13 and not section 5. Of course, there is the question of what 'consultation' genuinely means. It does not mean that you sit in the same room and tell people what you are going to do, and that has largely been the fate of small retailers on this issue so far. They have been steamrolled: they have not been listened to. Representatives of shop workers feel exactly the same. They have been told what is going to happen. There has been no genuine consultation.

In its true meaning, consultation means that you ask people what they think, that you take on board their concerns. Any genuine consultation means that you make accommodation in some way or other. Either you do not proceed at all or you proceed in a modified form if there are concerns. There

were concerns but, at this stage, the Government intends to address absolutely none of them. It simply intends to have Sunday trading without any concession whatever. What was the point of consultation? It appears very strongly that minds were already made up, regardless of very clear undertakings given before the election, and they could not have been less equivocal.

Within weeks of the election, the Government set up a trading hours inquiry. I have no intention of reflecting upon the individuals who were involved in the inquiry, but it is fair to say that, if you set up an inquiry, you have a good chance of getting the right result if you put the right people on it.

The Hon. R.D. Lawson: What a slur that is!

The Hon. M.J. ELLIOTT: It is not a slur on the people at all. The fact is that if you want a particular result in an inquiry, if you appoint people who have a particular set of beliefs or come from a particular philosophical bent, they are more likely to come to a particular conclusion. If they start off with a certain set of assumptions before they collect any facts, there is a great chance that they will end up at one point. If they start off with a different set of assumptions and different philosophical base, with the same facts they will end up somewhere else. That is no reflection on the individuals. They were simply chosen and, I have no doubt that, having spoken to a few of them, they did an honest job. That inquiry was set up within weeks. It made certain recommendations. The Government did not follow those: it set off on its own path.

The Hon. R.D. Lawson interjecting:

The Hon. M.J. ELLIOTT: What I am saying is that that inquiry was used as a justification to go against what was clearly promised unequivocally before the election.

The Hon. R.D. Lawson: We promised the establishment of an inquiry.

The Hon. M.J. ELLIOTT: The honourable member clearly was not listening. The Minister's words were very clear about whether or not he would support Sunday trading. They are direct quotes of the Minister on not one occasion but on a number of occasions. I can assure the honourable member that there were further occasions beyond those that I have quoted so far. The reality is that there are members of the Liberal Party with real conscience, and they had some real concerns about the likely outcomes of this further deregulation on top of what had been a fairly rapid deregulation over the last couple of years. The speed of the deregulation needs to be taken into account. If deregulation is done rapidly, it is far more likely to cause significant dysfunction. It is far more likely to make it difficult for people to accommodate it. It is more likely that people will be sent to the wall and lose everything they own as a consequence.

Because the Government was having problems in its Party room, it opted not to bring it into Parliament. It opted to use a proclamation. It used section 5 of the Act.

The Hon. R.R. Roberts: On the advice of an eminent QC, I am told.

The Hon. M.J. ELLIOTT: I do not know on whose advice it was. It was clearly illegal, and that was found five:nil by the High Court when it eventually reached that court. It was quite plain—

The Hon. R.D. Lawson: It was upheld in the State court.

The Hon. M.J. ELLIOTT: You understand the law. The five:nil High Court decision is a pretty powerful one. It is quite plain that, if the Minister intended to do anything, he should have done it differently. If he wanted to use proclamation, he had the choice of section 13. With regard to the

quotes that I have already given, he acknowledged that and he had said before the election that section 13 was the way to go if such a decision was to be made. That is precisely what he said in his press release of 26 October 1993, only a couple of weeks before the election.

The Government used a proclamation which was illegal. That is why we are in this mess and hurry. The Government would have been far more sensible to have hastened slowly and to have entered into a proper consultation process, the kind of process that it is now trying to enter into in a hurry, rather than the crash-through approach which it has decided to adopt. The Democrats made plain at the time that while we oppose Sunday trading, and while we said at the election that we were opposed to it, we were prepared to talk to see whether there was any room for accommodation. However, the Government was not prepared to take that course. At that stage, it was largely trying to avoid some of the members of conscience within the Government's own Party who knew what promises had been made and what promises were being broken quite shamefully.

It is worth asking why this is all happening. Until a couple of weeks ago, there had been no petitions from consumers demanding Sunday trading.

The Hon. R.D. Lawson: There never have been.

The Hon. M.J. ELLIOTT: Okay. I am saying that the consumers simply had not been marching in the streets. My point is that they were not the driving force. The driving force was quite different. There are two driving forces at play. The first is a small number of retail chains or conglomerates which have very clear agendas in terms of what they want to achieve in Australia in the longer term and that is increasing market domination. The Coles-Myer group—

The Hon. R.D. Lawson: It is a conspiracy!

The Hon. M.J. ELLIOTT: You can grunt all you like, but the Coles-Myer group in Australia already has passing through its stores about 20 per cent of every retail dollar. In fact, I think the figure is higher than that. Combined with Woolworths, I understand that it now has passing through its shops close to 60 per cent of every grocery dollar. If you compare that to the United States, the so-called home of free enterprise, the largest retail conglomerate there has a 5 per cent market share. The Americans have anti-trust legislation to ensure that the level of domination that is building up in Australia would never happen in their retail industry in the way that it is happening here. I can tell you that that is precisely the game that Coles-Myer is playing in Adelaide right now.

If members had visited stores, as I did, like Myer at Marion in the past five or six weeks, they would have found that there were no customers there—

The Hon. R.D. Lawson interjecting:

The Hon. M.J. ELLIOTT: I can tell you that there are no customers. If you talk to the people working there, in quite a few departments, they will tell you that they have not served anyone all night. Why are they staying open? They are staying open because they wanted the Friday night in the supermarkets and they were willing to take the losses in the Myer stores because the Coles stores increased their market share by a further 2 per cent in South Australia during the period of expansion into Friday nights. That is what happened and that is why they are willing to bear it. They know that they will have to take losses here and there in the short run. They might have to take quite significant cuts in profits across the whole operation, but that is their bottom line. You only have to read the *Financial Review* to discover that the

Coles-Myer chain and the Woolworths chain are unashamedly saying that they want more market share. That is understandable; we are a market economy and they want more market share.

The Hon. R.D. Lawson: But there is no Coles supermarket in the central metropolitan area and there is only one Woolworths.

The Hon. M.J. ELLIOTT: No, you are missing the point. I am talking about the broader push for extra trading hours. There is no doubt that wherever those chains can get an extension—and they have significant operations in the Adelaide centre—they will do so and we are not talking just about Myers. You will find that Myers has many other stores operating under other names. Katies is one that comes immediately to mind. It does not have just the one store; it has a number of stores operating in the Adelaide CBD. You need to understand the complexity of some of these conglomerates and the way in which they are intertwined to know just how far they have come into our market.

You need only to have watched the small business show which was broadcast on channel 9 about a week ago to understand what happened in New South Wales when it went for total deregulation of trading hours. The show focused on the Newcastle region. In a couple of months, several hundred greengrocers went broke, more than 80 butchers—

The Hon. R.R. Roberts interjecting:

The Hon. M.J. ELLIOTT: Yes, 3 000 stores went broke in very quick succession as a consequence. They included greengrocers, butchers and pharmacists. It was right across the whole spread. There are no prizes for guessing who the major winners were. You would have to be a fool to believe that that is in the long term interests of the small retailers who went broke or that it can be in the best interests of South Australians generally.

The Hon. R.D. Lawson: What has this got to do with the CBD?

The Hon. M.J. ELLIOTT: What it has to do with the central business district is that, wherever those groups can open up trading hours, they see that as an advantage. It is as simple as that. Some large stores operating in the CBD have not gone public. These are very large stores which are losing money because they are opening on Sundays.

The Hon. R.D. Lawson interjecting:

The Hon. M.J. ELLIOTT: Well you may laugh, but you do not know. I can assure you about that, because I have spoken to the managing directors. They are not making money as a consequence of opening on Sundays. The patterns of trade have changed. Some of the trade that has accumulated on Sundays is new trade, but a significant amount of it is as a result of people who used to shop on Saturday afternoons and Friday nights.

The Hon. R.D. Lawson: It is more convenient.

The Hon. M.J. ELLIOTT: Well, okay, let me finish. It also comes from people who shop through the week. A large amount of the trade, although not all of it, is the result of existing custom which has shifted which then gives the lie to the next suggestion: are you prepared to close on a Sunday when you know that a significant number of your customers will be in the mall on a Sunday? Are you prepared to sacrifice market share, because if you are we know who is willing to take it? Whether you are a small retailer or a large retailer, you do not have a choice unless you are down one of the arcades along which no-one walks, in which case you stay open for no business at all.

The Hon. R.D. Lawson: They are closed.

The Hon. M.J. ELLIOTT: They are, because there is no trade there. If you are on the mall, you do not have a genuine freedom, unless you call it the freedom to go broke. That is the freedom in terms of exercising the so-called freedom of choosing trading hours. That is the position those retailers are in.

Surveys carried out by the Small Retailers Association indicate that about 12 per cent to 13 per cent of retailers are making improved profits. There is no doubt that if you want to put someone before a television camera or in the *Advertiser*, you will find someone who says, 'Yes, it's good for me; I'm doing better.' Some types of businesses are doing much better as a consequence. However, the vast majority overall on the week are not doing better. If the Hon. Mr Lawson is prepared to go and talk to a cross-section of retailers, not just to a couple of them, he will find that that is indeed the true situation.

The Hon. R.D. Lawson: I have talked to the 70 000 shoppers.

The Hon. M.J. ELLIOTT: So you do not care about the small retailers.

The Hon. R.D. Lawson: Of course we care.

The Hon. M.J. ELLIOTT: No, you don't. You do not care about small retailers. In response to a point of the Hon. Ron Roberts, the Government has a very keen interest in selling the Myer Centre. There is no doubt that, with regard to the sale, current negotiations are linked to the fact that it is supposed to be a seven day trading centre. Clearly, they believe that they can get a better price for it. I am not saying that that is the only factor, but it is certainly a contributory factor.

A trend which has been around for some years, and we heard hints of it in the previous speech, is the so-called tourism factor. I do not doubt that some tourists would appreciate the mall being open. However, there is also no doubt that the case is clearly overstated in terms of precisely how many tourists would or would not come to South Australia because of shopping.

Members must realise that there have been some negative impacts for tourism as a consequence of it. If you talked about tourist destinations, you would have to include the North Terrace precinct as a destination for tourists. We are finding that on the North Terrace precinct the Art Gallery has had a significant decline in numbers and the zoo has had about a 6 per cent drop in the past 12 months. The Maritime Museum, which is not in the North Terrace precinct but which is another destination, has had significant drops. At Victor Harbor shops have closed and other stalls and activities that were happening along the streets have closed and have stopped functioning. Hahndorf has had a drop of about a third in the past three years, but I believe that last year saw by far the greatest drop. The Tanunda Wine and Tourism Office figures show a 23 per cent drop in Sunday visitors. So you can see that a number of tourist destinations around South Australia are suffering declines, and some shops are closing as a consequence of that.

If places such as the museum and the zoo lose even relatively small percentages you are taking the profit off the top, and that means that their capacity to continue to expand and to cater for tourism—and they are all tourism destinations—has to decline. All I am saying is that there has been a one way argument in relation to tourism and the reality is that on the swings and roundabouts the Rundle Mall precinct being open may be a gain but it is grossly overstated, and there has been no recognition of some very clear negatives

that have been created. Of all the places that we contacted, the Constitutional Museum was the only one that said that it had not suffered a decline in numbers in conjunction with the introduction of Sunday trading. That is not surprising because, yes, there were 70 000 people in the mall. They have obviously taken up their option to go there, as they are entitled to do, and there is no doubt that there have been winners and losers.

So when you are shown the two extra jobs in the ice-cream shop, you must not forget the couple of jobs in Victor Harbor that were lost; when you see a couple of jobs come up in a fashion shop in the mall, do not forget that we actually lost a couple of jobs on Jetty Road at the same time. You can say that that is market forces, but the point I am making is that people who argue that it is creating lots of new jobs are neglecting the fact that so many jobs are lost at the same time. You have only so many retail dollars in your pocket and you do not get extra because the shops open on Sunday, unless the Government has some special scheme where everyone gets an extra \$30 to spend a week if the shops open on Sunday. That is clearly not happening; there are going to be winners and losers in this around the State—

The Hon. R.D. Lawson: Are you going to close down Jetty Road so they all go to the zoo?

The Hon. M.J. ELLIOTT: That is an inane interjection and you know that that clearly was not the point at all. The point I am making is that the benefits have been grossly overstated and, if we are going to have debate in this place, it at least should be honest debate which is based upon the facts and not on gross distortions. That leads us to questions about polling. I believe that the Minister has quoted a couple of polls that have been carried out in South Australia in the past few days, one of which was a survey of the shop assistants in the Adelaide CBD. I guess we will read about it in the *Advertiser* tomorrow. I hope that the story reports that the polling was done in 12 shops—four large shops and eight small ones—which were chosen by the RTA as being suitable to be polled.

It has not as yet been explained to me exactly how they chose who they would interview, but we had a number of phone calls in previous days complaining about the fact that polling had been going on and about the way it was done. I do not have the details of that at the moment. There was also a poll done of retailers in the city square mile. There are four major department stores and 100 per cent of those were polled; there are 43 national company chains and 27 major Adelaide-based retailers who were polled, and they make up about 75 per cent of the shops in that category; and the final and largest category included 126 small retailers, including restaurants and cafes which of course are not directly affected by this, anyway. They were chosen at random in the 5001 postcode district. In other words, they were probably polling shops down on South Terrace which have no immediate interest in this issue whatsoever.

Some people are getting the impression that this poll involved those upon whom there would be a direct impact, but it did not. It turns out that you have a rather skewed sample, which involves a very large number of the larger chains and, whilst it involves a significant number of small retailers, the great bulk of them are not even along the Rundle Mall. And this is the survey which they average and from which they tell us what percentage of people think what. It is quite an absurdity. I am not saying the figures are not accurate, but what do they tell you? Again, if we are going to do polling for goodness sake why cannot people do

something which is absolutely legitimate and which gives us a true measure of what is and what is not going on. I for one am prepared to accept genuine polls which seek to find the real expression of what people think, but the methodology of that polling has to be right to start off with or it simply is not worth the paper it is written on. However, it is rather handy because you peddle it out to the media and you do not give them all the details about how it was constructed, and they run it—particularly the *Advertiser* which just laps it up. Then, of course, who are the largest advertisers in the *Advertiser*?

The Hon. R.D. Lawson interjecting:

The Hon. M.J. ELLIOTT: The polling itself was absolutely accurate. I have no question that the numbers added up absolutely precisely and, in fact, as I understand it, they did not choose the questions and they did not choose the stores in which the consumers would be polled. That was done by the people who instructed them to carry out the poll. They did randomly choose the small retailers throughout the city square, but I would argue that not all were strictly relevant to the questions about the impact on mall traders themselves.

There are other anomalies. I cite one example in relation to retailers. Question 1 stated: Do you agree or disagree that shops in the city should have a choice of opening on a Sunday if they wish to? Of a sample size of 200, 145 agreed and 55 disagreed, so we have 72.5 per cent apparently agreeing that shops in the city should have a choice of opening on a Sunday if they wish to. I am left to wonder how they understood that question when we look at the answers to question 10. Question 10 was asked of a sample size four smaller than that of question 1. They left out the four department stores, and that left 196. The question they asked was: If hypothetically the department stores were prepared to further reduce their hours of trading Monday to Friday if Sunday trading were to continue, would you then agree or disagree with major stores being permitted to trade in the city on a Sunday? Only 82 agreed and 114 disagreed; in other words, 58 per cent disagreed with trading on Sundays if the department stores took a cut on the other days. Why on earth would a vast majority reject that question when apparently in question 1, 72.5 per cent of them supported choice? What indeed was their understanding of that question? Was it that the majority of small traders wanted to maintain the choice that they already had or was it their understanding that the big traders were going to open and that they were being asked the straight-out question: Do you want Sunday trading in the CBD? That very direct question was not asked.

In relation to the consumer polls, again the questions were of the leading type and at no time were more fundamentally direct questions asked. We commissioned a poll which asked: Do you support Sunday trading; do you oppose Sunday trading; or do you not care? I think that is a fairly direct question, and 46 per cent said that they supported it; 23 per cent said they opposed it and 32 per cent said they did not care.

That compares with other polls which were suggesting that 85 per cent supported Sunday trading. There is no doubt, in relation to the poll we have done, that there has been a significant shift in public opinion, but why on earth with that happening do we have to have polls concocted to exaggerate what is really happening? Why distort the real position? What is going on in the minds of these people? Why cannot we have in this Parliament and in this society honest debate on the central issues rather than continual distortion and

manipulation (in some cases willing manipulation of some sections of the media)?

There is no doubt that public opinion has moved. It is also not true to say that the majority of the public is demanding Sunday trading. The impact on small traders fits into two categories: there are economic and social impacts. The social ones are obvious. Most people believe in ideals of family values—the sort of thing Liberals talk about sometimes—and they like spending time with their families, but increasing in our society is reducing differentiation between week days and weekend days. There is an ever greater push for more people to be spending their weekend days as if they are week days. Some people are happy with that and some are not. Small retailers in some of the side arcades are able to maintain their freedom of choice because there is simply no trade on Sundays and they leave their doors shut. They have not lost any trade and there is no impact on them, but those on the Mall do not have a choice. They know that if Sunday trading proceeds they will pay a social price. That is inevitable.

If people cannot be honest enough to admit that we are asking a social price of people, they are being dishonest with themselves. That is true also of retail workers. Some will willingly and happily work on Sundays and some will be forced to. Although they are not supposed to be forced and the Government says that it believes in freedom of choice, at least two major retailers in Rundle Mall are forcing people to work on Sundays; they are not giving them a choice. It is against Government policy, but it is happening.

The Hon. R.D. Lawson interjecting:

The Hon. M.J. ELLIOTT: I am going over the issues at this stage, but you have to realise that there are social costs and you must be prepared to acknowledge that before debate can proceed. There are economic costs as well, on which I have touched. Only a small minority of small retailers are saying that they are better off and some of the large retailers—large players along Rundle Mall—are saying that they are not economically better off: in fact, some are saying that they are making less money with Sunday trading than they were previously.

So, there is an economic cost also and, if you do not admit that, you are being dishonest and you need to realise that that extra cost is an extra burden, particularly on small businesses carrying a lot of other burdens already. It will mean for some that their businesses will fall over. It will not be Sunday trading alone, but just one more factor. It will be because they pay 10 times as much per square metre for their shop in the Myer Centre as Myer is paying next door, and they are trying to compete by selling the same retail fashions. They carry those sorts of cost burdens. They have landlords who in some cases are grossly extortionist in their behaviour.

The Hon. R.D. Lawson: Here we go again!

The Hon. M.J. ELLIOTT: Yes, here we do go again and if your Party does not address this issue you will have a major problem on your hands. It is a real problem. It is not a fate thing. If you have not taken the time to carry out genuine consultation with these people, you will have any inkling as to the magnitude of those problems. So, they have a series of burdens and it is not Sunday trading alone that will tip over many of these people but Sunday trading on top of other things. There will be an impact on costs for consumers. I doubt that many consumers have considered that a consequence of Sunday trading will be that prices will go up.

The Hon. R.D. Lawson: Why don't you close down the suburbs, if that's your point?

The Hon. M.J. ELLIOTT: Again, that is inane. I am saying that extended trading will lead to increased costs. It does not mean that you cut back to zero and you will have no costs. It is always a question of finding balance. I am injecting one more factor that has to be taken into account. If you go back to about August of last year, a basket survey of 50 goods carried out by the ABS found that out of the 50 items Adelaide was the cheapest for 23 of them. With each of the successive baskets that have been looked at since then it has dropped. The most recent basket showed that we had gone down to 14 items. That is groceries and they responded to extended hours in the grocery lines. The point I make is not that that alone impacts on trading hours, but one must realise that extended hours will up prices. It ups prices for a couple of reasons: first, you have more costs; and, secondly, as a few people go broke you have a lot less competition. The reason for South Australia's having been the cheapest State is that it has the greatest level of competition. If you go to Perth, for instance, one supermarket chain has 60 per cent of the market. South Australia is the only State where there is significant competition, where it is a three or four way competition. Most other States have one or two retailers with the predominant share.

The Hon. R.D. Lawson: There are no supermarkets in the Rundle Mall precinct.

The Hon. M.J. ELLIOTT: Again you are using selective hearing. The point I was making was that, if you decrease the amount of competition and increase the hours, and one impacts upon the other, there is a real likelihood that you will have increased prices. Some people choose not to listen. It reminds me of the debate we had some years ago when we deregulated the egg industry. Australia is about to import eggs and they say that it is because of the drought. It is a load of baloney. The reality is that we destroyed almost all the small producers. You would not have read that debate, Hon. Mr Lawson, so you would not be aware of it. Deregulation has its prices and you have to be aware of what they are and take them into account. It does not mean that you do or not do something, but it does mean that you do have your damn eyes open before you make your decisions.

The Hon. R.D. Lawson: This is not deregulation.

The Hon. M.J. ELLIOTT: It is progressive deregulation. The unfortunate thing about this so-called progressivity is that it is somewhat random. One thing small retailers are saying is that they would like to see a long-term plan in place which everybody is in the position to work to rather than have the *ad hoc* changes which simply cause significant disruption—disruption which can be major, the faster it happens. A classic example was what happened in Newcastle. Newcastle was not the only place to lose out. The CBD in Melbourne in the past 12 months has had a 17 per cent increase in retail vacancies. The economy has been growing at 5 to 6 per cent while ours has been growing at .1 per cent. Its economy has been growing, it has had Sunday trading, but a 17 per cent increase in vacancies. So, Sunday trading has been an enormous boon to the CBD in Melbourne! There are suggestions that Kennett is now reassessing shop trading hours and may be looking for some changes. It may be worth the Government's while to find out what precisely is happening over there at present. It is useful to learn from the experiences of others. Yes, every other State has deregulated. If you talk to the right people and not to a selected group but consult broadly and get a broad picture, it can inform you as to the way to go.

The purpose of much of the contribution, other than its political context, is to highlight the ducking and weaving of the Government on this issue over two years; it has done total somersaults—the works. It has also failed to consult adequately. I want to talk about the issues which surround Sunday trading and make the point that there are pluses and minuses. Unfortunately, when people get into debate they sometimes take one side and only argue that one side. They exaggerate their own side and ignore the other.

From the outset, the Democrats have said that, whilst we believe Sunday trade is a mistake, we are always prepared to consult and to listen to public opinion—I mean genuine public opinion, not numbers multiplied by two. We acknowledge that there has been a drift in public opinion, most markedly in just the past four or five weeks. It has been quite dramatic but still not overwhelming. Whilst we acknowledge all that, we will not simply abandon those people to whom we made commitments before the election. Those commitments were made for good reasons, and they were made for the sorts of reasons that I have covered in my contribution.

So, where do we go from here? It is in the Government's hands. We will not simply desert small retailers and say, 'Bad luck, we made this promise to you before. We think that what will happen is bad, but that's bad luck for you.' I understand that the small retailers are prepared to engage in meaningful discussion. In fact, they had their first meeting with the Minister yesterday, when he asked, 'Well, what do we need to do?' That is the first time the question has been asked of them. The small retailers are prepared to look at the possibility of saying, 'We've got a number of burdens'—the point I made before—'Sunday trading is an additional one but, if some of these matters can be addressed, then overall the net impact will not be negative.' If we simply change Sunday trading, any honest person will acknowledge that a significant number of small retailers will be detrimentally affected. It does not need to be so, and I am not prepared to desert them.

If shop workers make reasonable requests for protection—for instance, that the industrial laws are not protecting them at present from being forced to work on Sundays—and if we can offer reasonable protections there, we have a basis for moving ahead. At this stage, the Government has indicated that it is prepared to look at that. However, I make the point that it is in the Government's hands, if it wants to do it by way of legislation.

As the Hon. Graham Ingerson said before the election, section 13 is available. It is still available and, if we believe the polls that have been presented in recent days, the Government would have no problems in satisfying the criteria under section 13. But it says that it wants to do this through the Parliament. If it wants to do it through the Parliament, then it must accept parliamentary scrutiny. Parliamentary scrutiny is not about rolling over, having your tummy tickled and saying, 'You can do whatever you like, even though before the election you said you'd do the opposite.' It means proper examination of the issues and a preparedness to address them. If the Government is prepared to address the issues, we are in business. If it is not, we are not.

The Hon. R.R. ROBERTS: I rise to oppose the introduction of Sunday trading at this time, in line with my Party's commitments in the past that we would not engage in any move for Sunday trading. We went to the electorate. Prior to the election, we told the people that we would not support Sunday trading. We have stuck to that pledge all the way through.

One may ask why we are back here tonight going through this debate again. I will not go through every fine point of the debate. I will not quote *ad infinitum* the number of surveys that have taken place. However, it is pertinent to have a look at the history of this matter. Certainly, I need to touch on what has occurred in the Parliament since the election.

Before the election, it was quite clear that the Liberals did make those strong pledges with their principal speaker on this matter, the Hon. Mr Ingerson. I will not quote them again to the Parliament, but they were clearly made. All those members, such as the Hon. Mr Redford when he was out doorknocking, were asking everybody, 'What are you going to do about Sunday trading?' The clear and unequivocal answer was, 'We will stop it. There will be no Sunday trading, and there will be no Sunday trading while Minister Ingerson is the Minister.' If there is any change we will see whether they keep that promise as well.

What happened? They came to the Parliament, and the reason that we are here tonight is a combination of incompetence by the Government, cowardice by the back bench of the Liberal Party, and even more cowardice from the front bench of the Liberal Party. Not being content to rat on their promise, they tried to justify it. And they are trying to do so again by a series of polls and referenda. After the election, they set up a committee and, whilst I promised not to go too much into surveys, as was pointed out by the Hon. Mr Elliott, a very careful selection was made of the people on it. I remember the structure.

One of the people representing the small retailers was the State Manager of Coles-Myer, or someone of such note—hardly what I would call a small retailer. That exercise was not one of consultation, which is required under section 13 of the Act, in relation basically to exemptions or changes to shopping hours, but one of prevarication, because the answers were not coming out the right way.

So they conducted their survey. Liberal Party members have been quoting the surveys of the last week, and it is interesting to look at that survey. When you had a combination of about 80 per cent of the people opposed, the Liberal Party—the great democrats—took the view of the 20 per cent and said, 'We will go ahead.' Then they struck a problem: they are people making big names for themselves. Mr Condous comes to mind. He was going to be the white knight of small business. He was going to come charging out of the sunset on his white horse with his big shield. He has turned out to be a Trojan horse, but I will come to him later. They were all going to play a strong part.

Last year in this place we got into debate as a consequence of the Premier's fear just to put this matter before the Parliament. It was well touted around the corridors of Parliament House that up to 17 backbenchers, up to 17 of these stalwarts of small business, were going to cross the floor. In my contribution, when we last discussed this matter in this place, I said that that was a lie. At best, I suggested that the maximum they would get was 12 because, if they got 13, the Bill would be defeated. But, nonetheless, the Cabinet was not game to take the thing into the Parliament. So it started to look for loopholes to jump through.

I am advised that it sought eminent QC advice and that the QC who gave them that advice had had some experience in this area on this matter and was, therefore, very confident of his advice. That advice was, 'We will bypass the Parliament. We will be contemptuous not only of the Parliament but also of our electorate, because we told them that we would not introduce Sunday trading at all during the life of this

Parliament.' Twisting and squirming, they tried to jump through a loophole, and that precipitated action by the Opposition in this place. That was supported by the Democrats and my colleague in another place, Mr Ralph Clarke, when we introduced legislation that would force the Government to bring these matters before the Parliament.

That legislation was discussed in the Lower House. It reached the second reading stage but, because it was a private member's Bill, the Minister put the Committee stage on motion. It was discussed in the Council. We all remember the long and tiresome contribution of the Hon. Mr Redford, who said that the whole thing was a stunt and that it would not work. He said that the Government's legal advice was to the effect that it could do all these sorts of things, that it would all be fixed up and that the Opposition was only running a stunt.

Despite the fact that the majority of members of the Council passed that legislation prior to the introduction of Sunday trading, we then saw the most outrageous manipulation of Standing Orders in the Lower House. When the Bill, which had been passed by the Council, was sent by messenger to the Lower House, the Government reintroduced the Committee stage of Mr Ralph Clarke's Bill, which was defeated along Party lines. When this Bill, having been passed by a majority of this Council, went to the Lower House, the smart alec routine was put into place by using a Standing Order which allowed the Government to say, 'We cannot discuss this issue,' once more showing the absolute cowardice of this Liberal Government in facing the will of the Parliament and the people. So, the Bill died.

What did that Bill want to do? It wanted to bring before this Parliament for its scrutiny exemptions under section 5 or section 13. After 14 sitting days, they would have been either confirmed or rejected. That is what occurred. During that debate, a great amount of criticism was made of the Shop Distributive and Allied Employees' Union because of its attitude. It was criticised quite roundly for not knowing what it was doing, but it knew the views of its membership. Prior to extended shopping hours coming into South Australia, it had done a survey of its membership. This was not a random survey, because it surveyed the lot. Prior to the introduction of extended shopping hours, 72 per cent of its membership said that they did not want it. They were also questioned on their ability to understand the law, because they indicated quite clearly that they would go to the High Court, despite the advice that had been given to the Liberal Party that they had no chance of winning.

I recall the contribution of the Hon. Mr Elliott when he summed up that debate when he laid out step by step what he believed would be the proper way of going about this and what the interpretation would be. Without lavishing undue praise, it is quite uncanny, having read that contribution only a week ago, to see that it is almost precisely what the Full Bench said. If this Government wanted to use section 13, it was required to consult with the principal players, that is, the larger retailers, the employers, the unions, and the people in the central business district, but the Government would not do so. It was dragged screaming and kicking to the highest court in the country, and it lost that round five:nil.

One might have thought that the Government would be shamefaced and humble enough to say, 'We've been done over; what we should do now is engage in what the law prescribes.' But, instead of doing that, it decided to use section 13, which was probably the section that it should have used in the first place. Despite the eminent legal advice that

the Government was given, when it made the exemption for a district, instead of using section 13 it used section 5. Clearly that was inappropriate, because that section refers to particular shops, and in respect of a district it should have used section 13. I say again that that was pointed out by the Hon. Mr Elliott in his contribution.

Not content to be done over, the Government decided to use section 13. In my view, it is clear that if the Full Court of the highest court of Australia gives a clear direction that what one is doing is illegal, in most circumstances if one takes action deliberately to circumvent the decision of the court one will be accused of contempt. That is what has occurred, and we are now into the last month of consultation. What has occurred since then? Until yesterday, there has been minimal discussion between the Government and small retailers. There has been very little discussion between the Government and the SDA, but during that discussion the Minister did suggest to the Shop Distributive and Allied Employees' Union that a survey would be conducted every day in the *Advertiser* for the next fortnight and that they would get better and better. Surprise! Surprise! That is exactly what has happened.

There has been a concerted campaign by the Liberal Party lapdogs in the South Australian press to meet the needs of their masters. We have had editorials, stories and crooked polls. However, it has not touched on one poll, and that is the poll that was conducted in November 1993. At that time, we did not poll 200 people; we did not poll 100 people; we polled the whole State. This Government said that it would stop Sunday trading, and hundreds of small retailers believed it.

A couple of weeks ago, I was in the Federal Hotel in Port Pirie, one of the best pubs one will find anywhere, mainly because it is filled with Labor people. I met a chap there whom I have known for 30 years. He said to me, 'That Brown's no good.' He actually said something worse than that, but I cannot put that on the record. I said, 'Why?' He said, 'He's ratted on the small retailers.' This is a bloke who has had 30 years in the Labor movement, a salt of the earth fellow. He said, 'I'm ashamed to admit that my son and daughter-in-law voted for the Liberals.' I said, 'It's a free country.' He said, 'Yes, but they think he's a terrible person.' They had a small business in Campbelltown, in your area, Mr Acting President. They voted for Dean Brown because he said there would be no Sunday trading.

I remember on the night of the election the Hon. Dean Brown standing before the people of South Australia saying, 'Thank you to all those people who voted for us for the first time; we will not let you down.' However, they have been let down, left, right and centre by this Government, and they are about to be let down further. Despite all the rhetoric of this Government, it will rat on those small business people in South Australia—there is no question about it.

This matter was raised in the Lower House last week, and I took the time out of my busy schedule to listen to the luminary debate that was about to occur. Innocent that I am, I expected that they would bring out the big guns, the luminaries. I expected to hear a contribution from the Premier—I thought that at least he would come out and defend the Liberal Government—and to see luminaries such as Joan Hall, the power broker. But where were they? I will tell you where they were: they were having a moonlight supper with the soccer club; they were not even in the House. That is how much they cared about this issue. During the past six months they have been beaten into submission. Disappearing into the mist in the night were all these stalwarts of

small business, these people who were going to hold the line against the oppressive Liberal Government. They were going to display this independence that the Liberal Party has always shown.

We make no bones about it over here—we are locked in; we make a decision. But these people walk around and wear it like a halo: we are independent; we will stand up. Having heard the guarantee that they would all support small business, I was waiting for them because I wanted to listen to what they would say about this. Who do they trot out? First of all, Mr Caudell, one of these members in a marginal seat. Hardly a heavy weight, he carries two bricks around in his pocket to keep his feet on the ground. He is their lead speaker. I will not go into his contribution, because it was not worth reading. Then I saw Mr Leggett from Hanson, a man of religion. I thought this bloke will be against Sunday trading; he will have a day of rest. He will support the shop assistants who want to go to church with their kids. He will not be like the Minister whom I heard on the radio saying, 'We have to open the shops on Sunday because, if we don't, Sunday will end up a religious day.' Shame, shame, shame; here in the city of churches we will have a religious day on Sunday. I expected Mr Leggett to make a strong contribution and he did. He made a strong contribution but, at the end of the day, fell into line. The new rules of the Liberal Party where there now can be discipline are obviously working.

Then they trotted out Mr Scalzi from Hartley, a man for whom I have some time. I believe him to be a man of honour. He made an impassioned speech, but he got it wrong. Then we had some good speakers, including Trish White and some other Labor Party members. Then out they came with Peter Lewis, the mallee bull. I thought we would have some support here from my constituents in the country areas. Having had some experience in talking with people in the country areas who are opposed to Sunday trading in the central business district, I expected Mr Lewis would come out against it, but he hid behind a whole range of figures and statistics and, at the end of the day, he was gone, too. So, we were not going too flash at that stage. We had a very sensible contribution from Ms Hurley from Napier—well done.

Then they trotted out the heavy weight; Joe Rossi turned up and made a speech. Well, best turn that one over. Then we had Ms Greig from Reynell run the Party line to a tee. Her pre-selection will be guaranteed. Then we had a contribution from Frank Blevins. I want to quote from Frank Blevins, because the Hon. Mr Lawson in this debate tonight spoke about how everybody else had done the wrong thing and it was a tortuous process to alter shopping hours. It is worth the honourable member's time to read Frank Blevins's contribution because, of all those tortuous alterations that took so much time, what occurred on every occasion was that there was agreement between the principal players, including the employees and the employers, and the reason why this oft quoted 883 exemptions were given by regulation was that the Liberal Party would not agree. So, because there was demonstrated community support for it with the unions, in consultation with employers, it was done to allow the public good to happen.

Members opposite have come in here tonight to tell us how much they are supporting the freedom of choice and the way that they believe people ought to be able to open on Sundays if they want to. They ought to, but why do we just give it to the central business district? The Government does not want to give it to everybody; it only wants to give it to the central business district.

The Hon. R.D. Lawson: Move an amendment if that's what you want.

The Hon. R.R. ROBERTS: Well, the Government is in charge of this Bill and I think it will do it because there is no question in my mind what this is all about. This is a short term project because the Government is left with a lemon. It has the Myer-Remm Centre. It cost about \$700 million and it is probably worth \$200 million if it has Sunday trading in the mall. But what will happen, of course, is that, if this Bill is knocked off, the price will go down. But make no bones about it, once it unloads the lemon it will not be able to resist the pressures of Westfield and all those other big chains that decorate the centre and pay for your schemes. It does not want to let them all down. The Hon. Mr Blevins said:

The overwhelming majority of the people in those industries—talking about the hardware stores and so on—

including the member for Mitchell, agreed with me. On all occasions, I contacted the employees' representatives concerned, where they had employees' representatives, and I had agreement. The only people I did not have agreement with were members of the Liberal Party in this place. They opposed the lot. Every time any attempt has been made to deregulate from this side, all members opposite who were here at the time opposed it. Campaigns were waged against extended shopping hours by the Liberal Party, but I understand—and I do not know from my own knowledge—that at the same time they were telling the major retailers that they would fix it up afterwards.

Exactly the same routine it went through last time. Moving through, seeking some indication that there was at least one person on the Liberal side of politics who was prepared to stick by their word and support the small traders I came to Mr Sam Bass. Mr Bass always makes out that he is the champion of small business—he is the champion of everybody, friend of really none, in my view. He made his contribution but, at the end of the day, he, too, had capitulated and was going to vote with the Premier.

Then Mr Brindal, the Christopher Dean of politics skated hither, thither and yon, got up and made a brilliant speech about why we should not have shopping hours and how committed he was to small traders. Then he told us the truth. That night he had a meeting with his Liberal colleagues and they had asked him to support Sunday trading. So the decision was obvious; he had to go where the numbers were, not with the small traders, but the honourable member also said he wanted to keep telling the Minister that he opposed it vehemently. These are the people who have this freedom, this independence to do whatever they will but, at the end of the day, his pre-selection came first and he took a dive.

Then we had the speech of the night. This was the one we were all waiting for—Steve Condous. This is the bloke who came out with 50 000 signatures and was going to be the champion; he was going to save small business. In his contribution he told us how he had spent the Sunday before at the zoo with his daughter and then wandered down to the mall and had an ice-cream—he did not have to go to John Martins to get that; he could have got that on any Sunday of any week. The next week he watched the buskers and had an ice-cream with his daughter. Next week he does not have to watch the buskers: he can be a busker. He can make a fortune doing back flips down the Rundle Mall. He has also said that he will stand in front of the bulldozers if they try to divert the water at the Patawalonga. He needs to think about that one, too, because there are shop assistants down at Henley Beach lining up for the right to drive the bulldozer. As I said, he was going to be the white knight on the horse and turned out, as far as small business is concerned, to be a Trojan horse. He

also said that 98 per cent of the people at Henley Beach were in favour of it. He is in Parliament all the week; he was at the zoo and in the mall all day Sunday. He polled 20 000 people in two Saturdays.

The Hon. K.T. Griffin: He is very capable.

The Hon. R.R. ROBERTS: He is capable all right; he is capable of anything. Despite the fact that he gave a solemn promise, despite the fact that he had all the TV coverage and said quite clearly that he would oppose it, he said, 'After eight months what sort of a politician would you be if you changed your mind?' I can tell members: you would be an R A T politician. He ratted on everybody. I do not think that there is any support there. In fact, he decided that he was going to break his solemn pledge and rat on the small traders and everybody else who voted for him.

Mr Foley then made a brilliant contribution, and he was followed by Houdini, Heini Houdini, with his 25 years of service. I thought that, with 25 years, he is on the way out, he does not have to suck up to anybody for his preselection, so we will get it this time—there has to be one who will be independent. He got up and made a brilliant speech, reminding us how many times he had supported small business and saying what a terrible thing extended shopping hours would be. He told us a sad story about all the shops closing, as he predicted. However, at the end of the day, his 25 year badge was worth more than his soul, so he sold it. He ratted, too.

Mr Brokenshire and Mr Caudell probably have shares in the Brickworks. Then Mr Andrew from Chaffey spoke, and it was a beauty. He is a country member, too, which worries me. Numerous submissions were received from people in the country opposing Sunday trading, and rightly so. People might say that, if they have Sunday trading out there, the central business district should have it, too, because we need it for tourism. They have it in Port Pirie but I have never had my way blocked by a Japanese with a lounge suite or a fridge. I can always get into the shops, but most of them do not open. They do not or cannot open because, in the past eight months, people from the country have been going to Adelaide at the weekend to buy what they need, although they can get to their local shops. They go to watch the Crows get beaten or win, whatever they are going to do that week—it is hard to tell. That means that there is no sale in the country areas.

In my last contribution on this matter, I invited members who represent country electorates to support the legislation. The Hon. Caroline Schaefer will remember it well. I extended an invitation to her to join in, too. Although she is the champion of the reconstruction of the West Coast, I am wondering how she will reconcile the fact that her decision will do away with shops and reconstruct the West Coast at the same time. None of them decided to support us on that occasion. I thought that Mr Andrew from the Riverland would be a chance. Swinging on the handle of the parish pump, he said when speaking about Sunday trading that 'It is appropriate that I mention that only last Friday I had the pleasure of hosting in my electorate the new South Australian commercial representative from Hong Kong.' This person is an overseas tourist. She spent all that day in the Riverland. Mr Andrew continued, 'As our agent, particularly with the State's renewed export focus to China and Taiwan, out of this Hong Kong base she is particularly valuable in terms of liaising with our export companies.' On Saturday she spent a similar day in the South-East and on Sunday she left for Hong Kong. 'Kent,' I thought, 'Why didn't you tell her that the shops were open?'

The next Liberal member to speak was Mrs Rosenberg from Kurna. She made a strong contribution and, of course, she is on a small margin. She said all the right things and stated that she would oppose the introduction of Sunday trading. 'At last,' I thought, 'We have one.' I started to lose faith when I saw what she said at the finish. She stated, 'I repeat: I support the Bill overall but it must be noted that for one clause and one clause only I am opposed to it. I look forward to the Bill going to the Committee so that the voting by all members can be put on record concerning each clause.' I was feeling confident that at least one of these brave souls would defy the Premier.

Then we heard from Mr Iain Evans, the member for Davenport, son of Stan, Stan the stuntman. Stan will not be dead while this bloke is alive, I can tell you.

The PRESIDENT: Order! I do not think it is wise to reflect on members or past members of Parliament. That is not terribly enlightening. I ask the honourable member to withdraw those comments.

The Hon. R.R. ROBERTS: I will watch my language, Mr President. He made a brilliant—

The PRESIDENT: Is the honourable member withdrawing those comments about Mr Stan Evans?

The Hon. R.R. ROBERTS: Are you asking me to withdraw, Mr President? Do Standing Orders say that the honourable member has to take offence for a point of order?

The PRESIDENT: No. Your comments are injurious to a past member.

The Hon. R.R. ROBERTS: Far be it from me, Mr President, to do so. I withdraw. He made a very strong contribution. I must say that it was a brilliant speech and, at the end of the day, what he said was that he was going to vote against Sunday trading. What he did not say was that, when it came to the third reading, he was going to vote for it. What was the result of all this? That was the end of the contributions. There was no Premier or none of the leading lights of the front bench. They just trotted out this array of backbenchers, who got up these hollow, pathetic speeches, trying to justify the unjustifiable. I had the unhappy experience of sitting there watching the vote and, at the end of the day, out of the 36 champions of small business, not one had the guts or decency to keep their promise.

We have talked about the polls. Every poll that has been mentioned has asked questions beginning with, 'Do you think', 'Would you like' and so on. They have never asked, 'Do you need', 'Is it needed'.

The Hon. K.T. Griffin interjecting:

The Hon. R.R. ROBERTS: That is right, it is a different judgment, and that is why your polls do not ask it. I am prepared to share the wealth of my knowledge with members opposite the next time they do some polling.

The Hon. R.D. Lawson: That will not take long.

The Hon. R.R. ROBERTS: You haven't had too many victories. Five:love at last count is pretty good. When the Liberal Party does its polling, it should ask this question first, 'Do you believe that politicians or political Parties that give a solemn promise or an oath that they will not introduce something ought to keep that promise?' The response would not be 80 per cent but 100 per cent. If the next question was, 'Do you think it would be a good idea to have the shops open?', you would get a different answer. It has been oft-quoted that 70 000 to 80 000 people go to the mall every Sunday.

The Hon. R.D. Lawson: Why don't you take notice of them?

The Hon. R.R. ROBERTS: I am about to give it the credit it deserves. I am happy to share it with the honourable member, if he would be quiet. I speak now of Henry Ninio, the most popular mayor in South Australia. He has changed his stance somewhat in respect of this matter. I do not like to highlight it because, as I have said in this place, I believe him to be an honest man. Prior to the election, he issued a document in which he stated:

Personally, I understand how important it is, particularly for small businesses, to have Sundays off. Running your own business is not easy. Its demands eat into family time and Sunday is the only day we have as small traders to relax with friends and family.

My personal view as a retailer has always been that I am dead against Sunday trading, because the experience has been when shops in the city and the suburbs both open, neither have done well. The extra shopping hours don't necessarily mean that people spend more money.

That was a statement. Mr Ninio said:

I would never do anything to hurt the interests of small business operators.

His Worship, Mayor Henry Ninio, has also come under some pressure over the past month. Despite the fact that we have had security problems in Rundle Mall for the past few years—and the police can confirm that they have received complaints—and people have used that as an argument for opening the mall, we have never been able to get any help from the Government for the security cameras. However, surprise, surprise, in the past week \$1.5 million, with money matched by the council, has been provided to put up the security cameras.

The Hon. K.T. Griffin: That is nonsense. It is \$300 000.

The Hon. R.R. ROBERTS: Well, it was \$150 000. The announcement was made in the last fortnight.

The Hon. K.T. Griffin: It was announced last year.

The Hon. R.R. ROBERTS: Far be it from me to think that you would tell a lie. The announcement was made only a couple of weeks ago. It was a big announcement and I saw it on prime time television. It is just another one of the Government's sins. It is prepared to bribe the city council to try to get their way about trading in the mall. They sent Henry down there and he did his duty. He went down to the 70 000 or 80 000 people—it depends who you talk to, it is 72 000 if it is Steve Condous and 80 000 if you talk to some of the other luminaries down there—with a team of paid petition gatherers. The figure that I heard quoted was 6 000. There were 72 000 people down there, but they got 6 000 signatures. I would have thought that it would have been like going into an opium den and taking a survey on whether we should legalise heroin. You would get a 100 per cent response to that. However, they got only 6 000 signatures. They were professionals and they worked their butts off to get as many signatures as they could and from that 70 000 or 80 000 they got 6 000 signatures. That is hardly an overwhelming percentage.

The Hon. R.D. Lawson: They are voting with their feet not with their pens.

The Hon. R.R. ROBERTS: All this has led to one thing. It has led to the fact that this Government, despite its earnest promises to the small retailers in particular, has not delivered. I referred earlier to the people who I expected would contribute to this debate. I expected some of the country members to make a contribution because I have been given a copy of a petition which was presented to the inquiry into shop trading hours. It was a survey of retailers from Port Lincoln right around to Kadina and Wallaroo. Some 556

small registered proprietors from Port Pirie and the surrounding districts and the Spencer Gulf region were opposed to Sunday trading. With that Party as the champion of small business, I thought that I would be hearing from Ms Penfold in Flinders. For a fleeting moment, I thought that Graham Gunn might wish to make a contribution on behalf of the people he represents on the West Coast and in Port Augusta.

I thought that I might hear something from the member for Frome, Mr Kerin. I thought that I might hear from Mr Venning who scuttled away from Pirie down to the Barossa Valley. I also expected to hear from John Meier who tried to use the Bible to justify his ratting on the Party. If I recall, he quoted a Lutheran Minister. I also saw the letter from the head of the Lutheran Church in South Australia who was totally opposed to the issue. The only person in that region who stood up for the workers and the shop assistants was Frank Blevins. I was appalled. There we have it. There is no-one in the metropolitan or the country areas—which boils down to the fact that it is the Labor Party and the Democrats who look after the small people in this country, despite the rhetoric from members opposite.

The Bill does not only talk about Sunday trading. It seeks to do other things. In his manoeuvring to get out from under, the Minister brought into the equation hardware stores, hairdressing shops and petrol retail outlets. The Bill seeks to establish safeguards to overcome the change in those shopping hours. We will be moving an amendment to continue with Friday night shopping, as the Government has obviously bowed to the blackmail attempts by some of the members in the Liberal Party caucus who, I am told on good authority, said, 'Well, we'll agree to vote for it if you do away with the Friday night so we can look after certain groups of people in our electorate who do not want it.' We will support the retention of Friday night trading and I indicate that we will certainly be looking to block Sunday trading. We will be encouraging the Liberal Party to enter consultations with the Shop Distributive and Allied Employers' Union, small retailers, large retailers and people living in the central business district.

I noted in the *Advertiser* today that the union will accept a shop referendum. It has put its view on the line. I understand its confidence because, as I pointed out earlier, with eight months' experience the resolve of the shop assistants is even stronger now against shopping hours. The facility has always existed in the Act for the Government to get sensible changes. It could have done that through section 13. It could have been done had the Government had the respect of the Parliament and applied the majority wish of this Council to legislation. We would have had these matters before the Parliament and everyone would have had an opportunity to put their points of view. I am confident that we would have reached a solution.

On behalf of the Opposition, I indicate that we remain opposed to the alterations outlined in the Bill for Sunday trading in particular. We will move to maintain Friday night trading and we will also oppose the deletion of Sundays from the Holidays Act and making it no longer a public holiday. We believe, and I will refer to this more during the Committee stage, that the Bill is designed to break down the resistance of employees to refuse work on a Sunday. Despite assurances by the Minister in another place—and this point was touched on lightly by contributions from members opposite—that no-one would be forced to work on Sundays, it has been the experience of people in the industry that that is not the case. Without going into too much detail, I am

concerned that by taking Sunday out and making it ordinary time, we might begin to tell people that they are expected to work because it is ordinary time.

The Minister in another place said that the pay rates for Sundays are listed. That is fine. We have enterprise bargaining. I think that this is the thin end of the wedge. We will be moving to maintain Anzac Day and Sundays as holidays for the purposes of the Holidays Act and for the purposes of this award. The Opposition opposes the thrust of this Bill and we will have more to say in Committee.

The Hon. T. CROTHERS: I had not intended to enter this debate but it was the lack of a meaningful contribution from my colleague on the other side, the Hon. Robert Lawson, that has prompted me to stand up and explain to the Council what are some of the real facts in respect of what will happen should this Bill be passed in its present form by this Council. For those amongst us who have a look at history and have an understanding somewhat of it I am mindful of how much of a surprise we get when we see events repeating themselves over and over with no-one having learnt the lessons of history. I am mindful, for instance, of the time when Europe probably faced its worst crisis ever until 1914, when Napoleon, the Emperor of the French, said that Britain was of no account with respect to opposing him and his desire for absolute hegemony over the whole of Europe and anywhere else that he could get his hands on because it was a nation of small shopkeepers. However, we must remember what happened to the Emperor of the French in 1815 when the nation of small shopkeepers proved to be his undoing and he was relegated to the wastepaper basket of history never to re-emerge, dying as he did in exile.

The Hon. R.I. Lucas interjecting:

The Hon. T. CROTHERS: One would hope that in a republic such as the French had they would have been unionised. I could not speak, of course, for Tory Britain—that would be too much to expect of me.

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: We all have our views on Churchill. Those of us who study history prefer to study the history of the other Churchill, the Duke of Marlborough, as opposed to his descendant who was around the place some 50 years ago. However, having disposed of the Hon. Legh Davis and his obvious lack of knowledge of history, I would ask him not to interject again.

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: Yes, it probably did; right through the gristle part. However, the point is that this Government has not up until now, with two exceptions—and this is one of them—made too many political mistakes. However, let me tell members opposite that they have made a mistake with this legislation, because what they have put into the mind of the electoral public is that this is a Government of uncertainty. As one of my female colleagues said to me today, in respect of Sunday trading the Liberal Government has more positions than the *Kama Sutra*. Mind you, she was probably stretching a long bow because the Government may have even more positions than that, but I am prepared to accept that that is not a bad metaphorical statement for her to make.

I was the secretary of a union that went through the trials and tribulations of Sunday trading and the extensions of trading from 6 p.m. to 10 p.m., now almost to the stage of 24 hour licensing. Of the 600 food and hoteliers licences that exist in this State, better than two thirds of them would be

changing hands every 12 months or two years, particularly in the rural areas. When the discount beer wars took place in Adelaide, country publicans were absolutely opposed to the extension of hours because of the discounting. It can also happen here. Truck drivers who were local to Port Lincoln, Port Pirie, Streaky Bay or any of the towns on the West Coast or in the Riverland were picking up beer from the Discount King in the order of 200 or 300 dozen at a time, and I can see a similar situation happening again. Of course, as a consequence of that the local hotelier soon found that his capacity to sell the product for which he was licensed to sell was being skittled for a row by the fact that people were buying the so-called discount beer, but at the cost of great unemployment.

The so-called discount did not exist because the taxpayer was paying at both Federal and State taxation levels for those people who were rendered unemployed. So the people who were subsidising the activities of the longer trading hours in the hotels which led to discounting, which led to loss of employment and which led to hotels going bankrupt were in fact the ordinary taxpayers of South Australia because of the unemployment that those matters brought in their wake. We endeavoured to tell the Government of the day, the Don Dunstan Government, how wrong it was with respect to the extension of hours but it would not listen to us. Indeed, after experiencing three years of the extension of hours, two thirds of the 70-odd hoteliers in the square mile of Adelaide who initially were rubbing their hands at the thought of being able to open until 10 p.m. instead of having to close at 6 p.m. were telling us that the day the extension of hours was introduced was the sorriest day of their life.

The position is very clear: the Liberal Government has got itself in an almighty quandary over the fact that in the past 18 months or two years it has not been able to stabilise its position so that there is one centrally held position by all of its members. In respect of people spending the social or consumer dollar, they have only so much to spend. It has been said that tourism will provide the additional expenditure for keeping open the city square shops so that the money expended in the suburbs will not be siphoned off into the city. That is the rumour the Government is peddling, and it is not true. I will give you a cast iron guarantee that what will happen will be that the pattern of purchasing by South Australians will be transferred from the larger and smaller outer suburban stores into the hub of the city. That will not generate one extra skerrick of spending power and members opposite had better realise that.

This Bill will transfer sales from the outer suburban areas and from the rural areas of South Australia into the city square mile. There will not be one extra dollar generated in sales. I think the Hon. Mike Elliott touched on that to some extent when he talked about the large shopping complex at Marion, and that centre has had many less shoppers in it since Sunday trading has operated. That certainly is my experience as a former union official in the retail sales industry. I believe that I am the only member in this Chamber who has been down that road before. I am not speaking as someone who is trying to use scare tactics as the Government has done, sowing the fear into the mind of people that, if we do not get Sunday trading, Friday night and Thursday night shopping will also disappear. That is nothing short of blackmail, by any yardstick that you want to apply to those particular statements and suggestions, which were phased out to the press, and which have been made by the Government.

The Hon. R.D. Lawson: Why did you open supermarkets every night of the week?

The Hon. T. CROTHERS: Let me tell you why, as one who knows the history.

The Hon. R.D. Lawson: I would be interested to hear.

The Hon. T. CROTHERS: I am sure the honourable member would, and if he listened without interjecting he would learn a little bit. The push for late night shopping started in about 1970 in the northern suburbs of this State. One will notice that I said 'late night shopping' (I think from memory it was Friday night). It was by populace demand that the Labor Government of the day considered that. Our position was one of opposing it. That is where it started and not according to the little history lesson that you gave us, Mr Lawson.

The Hon. R.D. Lawson interjecting:

The Hon. T. CROTHERS: Of course I was. I was living in the area at the time. I chaired a meeting at the Octagon Theatre, and 600 people were standing outside the theatre; they were mostly English people who were accustomed to having their shops open on Saturday because the half day shopping day in Britain was Wednesday. Shops closed midday on Wednesday but opened all day Saturday until 6 p.m. That is the history of the start of the major drive for the extension of shopping hours.

To get yourselves off the hook you set up a committee, chaired by a former general manager, Glen Wheatland of the SA Brewing Company—a man whom I know well. Lo and behold and horror of horrors, he also gave you what you did not want, because his recommendation was totally to deregulate everything. If the situation and the Government were not confused before, I believe that caused absolute mayhem, particularly in respect of those who thought that the best way to get off this hook on which they had hoist yourselves was to set up a committee. However, that did not help, and members opposite have not accepted the recommendations of that committee, either. So much for the talk you make about mandates and other positions that you espouse in an attempt to explain away the problems that you have created for yourselves.

The Hon. R.D. Lawson: You frustrated Bob Gregory's exemptions in 1993 with supermarkets every night of the week.

The Hon. T. CROTHERS: He did not do that, obviously, or is the honourable member saying to me that the Liberal Party did not have the nuance to try to challenge that in the High Court? That is the other thing you have done. You have said, 'Our laws, which as a Government we are bound to uphold, are good laws, but if they do not do what we want them to do we will not support them.' You had a five-nil High Court decision that your Minister's actions, as told in this place and the other place, were totally illegal. It is not a very wise position for a Government to get itself into.

The Hon. A.J. Redford: Are you saying that we were badly advised?

The Hon. T. CROTHERS: I am not saying anything about that—you are saying that. If you are saying that you were badly advised, who am I to argue with a barrister? The advice I gave you was that you got done like a dinner. There was not one dissenting vote against the High Court decision that your Minister acted illegally. How can you expect the community to trust a man like that when he acts illegally? Not only that, but when the High Court gives its decision he then seeks to introduce additional legislation to fix it.

We said at the time that Parliament was the place in which this matter had to be decided. Your Minister said 'No', that he would do it by proclamation, and the union involved, to

its eternal credit, decided that the only course left to it was to take the matter to the High Court.

I notice that of the 11 Government members who sit in this House four are trained lawyers. Can you believe it? Whether or not you want to believe it, it is a fact of life.

The Hon. T.G. Cameron: And a QC.

The Hon. T. CROTHERS: I did not want to push matters home. You know what I think about QCs and all those sorts of imperial titles. That is drawing me away from addressing the properties of this Bill. I say sincerely, all joshing aside, that you will not create one dollar more in sales.

I refer to this Bill in terms of recreating the wheel with the square mile of Adelaide as the hub. We all know that if you want to make additional profits the best way is to bring the customer to you so that you do not have to worry about having a huge transport fleet that will take the product to Marion, Gawler, Elizabeth, Tea Tree Plaza or wherever. They will be the spokes that emanate from the hub of the wheel. Over time, city shopping, given the number of people who live and work here, will suck the outer suburban shops dry. I refer also to the damage they will do to small retailers who currently are able to cohabit with the larger entrepreneurs in the city square.

No matter what Government members say or do, no matter they you try to explain it away, they have themselves in a pickle and are seeking now at the eleventh hour to try to get themselves off the hook. Well, they will not succeed because people have longer memories than that.

There is one thing that renders Governments unpopular. Members can ask me about this because I was a member of one. I am being absolutely honest here, and I hope that some of you are just as brave. That one thing is the lack of capacity and ability to come to a decision. That is what the Government has done in this Bill. Government members have been all over the place; you have more positions on this Bill than the *Kama Sutra*. That was brought about by Government members themselves. First, the Minister made pronouncements both prior to and during the election about Sunday trading, and then he got pulled into gear by his superiors in Cabinet. Then there was a back-bench revolt by people who are sitting nervously in about 13 or 14 marginal electorates and maybe in others. They, too, with the exception of two brave souls, were also pulled into gear.

The Hon. A.J. Redford interjecting:

The Hon. T. CROTHERS: I am glad that you called me 'honourable' because that is the first thing you have got right today: I am honourable. The position is a very simple one. At the end of the day (and it bears repeating) you will not generate, if you total up all the retail expenditure in South Australia, an additional dollar other than that which comes by way of the natural increase in the population each year.

The Hon. R.D. Lawson: No, you are wrong.

The Hon. T. CROTHERS: I am not wrong. I have been down that pathway with the hotels. I am not wrong. You will change the pattern of shopping. Do not worry about some of the larger stores and their ruthlessness. The shop assistants union has no axe to grind. Someone said unconsciously that they were chasing membership. What nonsense!

What a lack of knowledge of the trade union movement. It is a fact that the shop assistants' union has its biggest membership in places such as Coles-Myer, Woolworths supermarkets and the bigger retail trading stores. It is a position that they have taken—one of principle—to provide maximum coverage for a maximum number of South Australians with respect to retail outlets. In my view Sunday

trading cannot, in any way, shape or form, be pushed as a viable thing with respect to the generation of more income. It will not do that.

The Hon. A.J. Redford: Seventy thousand people out there are wrong?

The Hon. T. CROTHERS: There are 1 170 000 in South Australia. So, if you are saying to me that 70 000 are wrong, that does not augur all that well. Of course, I do not know what questions were asked in these surveys. Some of my colleagues say they were loaded, and they may have been. Government members have been so much the desperado with respect to trying to salvage their political position in this they are liable to do anything. I do not know; nothing would be too desperate. They have flown in the face of the High Court decision. The Minister is doing something that we told him would be illegal. The Wheatland committee, which the Government set up, brought down a decision which you did not like, so it just discarded that. Nothing is beyond the realms of possibility. There is nothing that Government members will not stoop to with respect to getting themselves off this political grinder on which they have put themselves.

I said earlier that the Government had made but two mistakes, and this is one of them: win, lose or draw in this, the electorate has a long memory about perfidious electoral promises, and I believe that the Party of members opposite is certainly guilty of perfidy with respect to its position, and the way—it is almost chameleon like—in which it has changed relative to this matter from time to time, sometimes with great rapidity and at other times with great stubbornness.

I conclude on this note—and the facts will bear me out: not one skerrick or \$1 more will be generated by this means.

An honourable member: Wrong!

The Hon. T. CROTHERS: I understand that the Hon. Angus Redford said that. Let me place that on the record. I said that not \$1 more will be generated by opening on Sundays with respect to the retail dollar spent. The Hon. Angus Redford interjected and said that I was wrong. Well, we will see. Time is a great leveller. What you will do is ensure that small businesses, which I remind all members are the greatest employer of labour in Australia, are forced to shed staff, probably close and go bankrupt. It is bad enough that we have just had a global recession. We are just starting to recover from that, and you sink the boot of Thatcherism right into them, in a worse orifice than anything that was described in the *Karma Sutra*.

I will conclude on that note. I repeat: the Government will not generate one skerrick more value of retail sales. Rather, it will transfer those sales into the hub of what will become the sales centre of South Australia, to the detriment of many people who voted for it, for example, small storekeepers. I go to two or three small storekeepers, husband and wife teams, and they have told me that they made the mistake of voting for you last time but that they will not make that mistake this time. There is a multiplier effect in terms of thousands.

Finally, I note that the Small Shopkeepers' Association has come out tonight and said that it is absolutely and totally opposed to the contents of this Bill with respect to Sunday trading for the city square.

The Hon. ANNE LEVY: I endorse my colleagues' remarks about this Bill. I merely want to point out that this Government has made great play of how Sunday trading in the city square is necessary for developing our tourism. Yet ironically this is the Government which is closing down a major tourist attraction, a proven tourist attraction. It is the

only Government in the whole of South Australia's history ever to close a museum. How can we ever take again with seriousness anything it says about tourism?

The Hon. K.T. GRIFFIN (Attorney-General): I acknowledge the contributions of all members on this Bill. There has been a lot of rambling from the Hon. Ron Roberts about what happened in the other House without recognising that the ALP Government had to face up to the consequences of its actions with shop trading hours. As other speakers have pointed out, quite a significant number of certificates of exemption were issued by the previous Labor Government, and no-one ever challenged, and the unions did not ever challenge, those. In this instance the—

The Hon. R.R. Roberts: I beg to disagree with you. It was your lot, which is why it had to be done by regulation.

The Hon. K.T. GRIFFIN: No. The fact of the matter is that the previous Government set the precedent and the Liberal Government followed it. Of course, now we have to resort to legislation.

Members interjecting:

The PRESIDENT: Order! I cannot hear the Attorney-General. It is not necessary to have any background conversations.

The Hon. K.T. GRIFFIN: It is quite reasonable to bring into the Parliament legislation to establish what the law should be in the light of the High Court decision. If the Hon. Mr Roberts and his Party do not want to support it, then they will have to face the judgment of the State. Ample evidence about Sunday trading has been presented to the Council about the surveys involving the wishes of a whole range of people, particularly in the metropolitan area of Adelaide. I would have thought that, from all that information, regardless of what members opposite suggest are faults with it, there is significant support for Sunday trading in the city of Adelaide.

I do not intend to address all the issues that were raised. My colleagues on this side of the Council have already dealt with a number of the substantive arguments. I want to refer to just a couple of matters, and one is the Myer-Remm centre. It is quite fallacious to argue that the State Government wants Sunday trading in the mall for the purpose of enhancing the value of the Myer-Remm centre. My understanding is that, whether or not there is Sunday trading in the mall, that is not likely to have any impact—certainly no significant impact—upon the value of that centre.

The Hon. Carolyn Pickles: You've got to be joking.

The Hon. K.T. GRIFFIN: No, I am not joking; it's fair dinkum.

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: Well, it's serious. The Hon. Ron Roberts referred to the Myer-Remm centre as a lemon. I really think he ought to be reminded that it was the Labor Government that grew the lemon, stunted its growth and fertilised it with millions and millions of dollars of taxpayers' money, and now that is one of the reasons why it lost government—because of the profligate spending and lack of proper discipline in many of the decisions which were taken. So, let not the Hon. Ron Roberts criticise this Government in relation to the Myer-Remm centre, and let him not also mislead the Parliament by asserting that the Myer-Remm centre sale is the reason why this Government is proposing—

The Hon. R.R. Roberts: One of them.

The Hon. K.T. GRIFFIN: It isn't even one of the reasons why this Government is proposing Sunday trading in the city

centre. We are responding to what is a demonstrated need—that is the essence of it.

The Hon. Mr Roberts also made some wild assertions about the Liberal Party's election promises. I will reiterate the Liberal Party's policy. I think it is important to put on the record that there has been a tremendous amount of misinformation peddled by the Hon. Mr Roberts about what the Liberal Party's policy was in relation to shop trading hours prior to the election. The promises were made in a media release in October 1993. There were three clear commitments. One was to revoke Labor's certificates of exemption for five nights per week, and that was done by the Liberal Government on 2 January 1994. The second was to pass new industrial laws to allow all retailers to make enterprise agreements, not just Coles and Woolworths, the big wheelers and dealers.

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: I'm just putting it on the record again. Again, that promise was kept, and those industrial laws came into operation on 8 August 1994. The third commitment was to establish an independent committee of inquiry into the retail industry to advise on whether shop trading hours should be extended; and, if so, to what extent, and how this should be implemented. The committee was established in February 1994, and it reported in June 1994. The report was subject to an eight week period of public consultation, and the Government announced its decision on 9 August 1994. There is nothing in that to say that we were going to outlaw Sunday trading. The Hon. Ron Roberts is trying to dress up a falsehood as though it were policy, and he ought to be severely criticised and castigated for that approach—it is grossly irresponsible and it flies in the face of the truth.

One could spend quite a long time tonight answering each and every one of the issues raised by the Hon. Ron Roberts, but I will say this: they are not of significance; they are largely the ramblings of a member of the Opposition in seeking to justify the unjustifiable. I hope that, ultimately, members will be persuaded to pass this Bill as it stands.

Bill read a second time.

SGIC (SALE) BILL

The House of Assembly informed the Council that, following the receipt of a message from Her Excellency the Governor recommending the appropriation of revenue in the Bill, it was necessary for the Bill to be reconsidered, and requested the Council to return the Bill.

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

That the request be agreed to and that the Bill be withdrawn forthwith and returned to the House of Assembly.

As I understand it, the Bill was passed by the House of Assembly without the receipt of the Governor's message before it had passed the third reading. Obviously, it must go back to the House of Assembly so that the House can more properly attend to its processes.

Members interjecting:

The Hon. K.T. GRIFFIN: I seek to make no comment other than to indicate what I understand to be the reasons for the request, and in order to facilitate that request I move this motion.

Motion carried.

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

That Order of the Day: Government Business No. 6 be discharged.

Motion carried.

DEVELOPMENT (REVIEW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 2022.)

The Hon. T.G. ROBERTS: I rise to make a contribution and indicate that the Opposition will oppose several amendments in the Bill before us. Apart from a few administrative details, basically the whole thrust of the Bill is designed to give the Minister more power over development. It is quite clear that the Government's intention from the day it took office was to change the development legislation that had been debated broadly in this Council over a long period of time. It took three years to develop, it took some time to pass the parliamentary stages in both Houses, and before the ink on the Bill was dry and it was circulated in the community expressions of interest were being called for by the Government to monitor the progress of the Development Act that was then in place.

I think that, in its enthusiasm, the new Government overstepped its mark by placing advertisements in newspapers within the State calling for expressions of interest even before most people who will be affected by the Bill (including departments, local government and individuals who are concerned with development) were able to assess how the original Bill would operate. The Government's intentions were made clear: it would not abide by the processes that had passed both Houses on that occasion in relation to development because it intended to change the thrust of the Development Act to suit the requirements that it saw as necessary to facilitate a process that it believed ought to be implemented.

In the main, the Government transferred the powers of consultation and negotiation through a whole series of stages. It was the Government's intention to place more power in the hands of the Minister, something which the previous Government was criticised for by the then Opposition regarding its attitude to consultation with the community. In nearly every campaign that was run in conjunction with most development projects between 1986 and 1992, large inputs by Liberal Party activists were involved in opposition to them. The boot changes to the other foot when you are in Government, and the Government now sees it necessary to bypass those broad based consultation stages of EISs and strategy development through to discussions with local government.

It finds them too painful and too inhibiting in relation to how it would like to proceed with development. This Bill changes some of the important aspects of the previous Government's process in relation to consultation and now places a lot more power in the hands of the Minister. Local government at this stage is certainly divided, if not unanimous, in its position and, by the time that it understands the intention of the Bill then, I am sure, it will be unified over the next few days in opposition to many aspects of this Bill. The Bill goes through a whole series of procedures that eliminate the broad based consultation that was inherent in the previous Bill.

In April 1994 the Government announced a wide-ranging review, as I indicated before, even though the previous Act had not been bedded down. The goal of the review was to ensure that the system facilitated the policies of the Govern-

ment, in particular that the development assessment system in South Australia was clear and efficient. What it meant was that it wanted the intentions of the Premier's Department in relation to clear goals and objectives to be set for development programs and it did not want anybody to interfere in that process.

We have had one good example of how the attitude to development by this Government, as opposed to the previous Government's position, has unfolded. That is the case of the Worrina project whereby developers have indicated that they would like to put forward a project around the old Worrina recreation and sporting centre. They indicated that they wanted to change the nature of that plan and the Government's position on the Environment, Resources and Development Committee did not oppose any of those changes to the upgrading of the core project, but when it was indicated by the developers that they wanted to build a sizeable town in conjunction with the core project the Opposition's position divided from the Government's position.

We were told that an EIS would not be needed in relation to that project because it was a project in relation to which the previous Government had determined that no EIS would be required. The project went from 100 homes, which were to be connected to the core project, to a town size of 7 000, and if the Government could not see the difference between having no EIS requirement for 100 people, then certainly there should be an EIS requirement for 7 000. Unfortunately, the position of the Opposition and the Democrats did not prevail on the Environment, Resources and Development Committee as the Government used its numbers to put its position through. Although the previous Government did not do that at any stage on that committee, as it worked in a consensus style (in fact one could say it brought itself some trouble when Government members on that committee voted against the establishment of the Hindmarsh Island bridge), there was no hesitation by the Government in using its numbers to facilitate that major project.

If we take the processes that have been put in train in the Yankalilla area, we find that local government has been given the responsibility of making assessments about a project in which a lot of the ratepayers had no understanding or idea until very late in the piece, and when local ratepayers found that they would be responsible for the provision of some of the infrastructure and perhaps some of the spill over from the 7 000 person town that was to be situated on the site at Worrina, then many of the ratepayers and the townspeople in the Yankalilla area, including those in the east and to the south of the project, started to become a little nervous about the intention of the Government in making planning provision but no infrastructure provision for a town of that size.

They then organised themselves into a community group to try to obtain some answers and found that the planning process was further down the road than they thought and, by the time that the group had organised themselves into a cohesive unit, the project had been passed and the responsibility for the developers certainly spelt out. However, there are many unanswered questions about what will be the responsibility of Yankalilla residents and those people in the surrounding areas for rate payments to support a project that they believe is unsuitably sited and too large for the environmental area concerned.

The Government's position is quite clear: whatever project the developers want to put forward, in whatever sensitive area the developers prefer, then it will be the Government's intention, if this Bill is passed, to facilitate that with little or

no discussion or debate within the community, and the Minister will have the ability to waive the necessary requirements for an environmental impact statement if the project is seen as necessary for the State and has due economic benefit for the State. Our opposition is based on the fact that we believe that communities now are looking for far more consultation in relation to planning. Local governments go through the requirements of the current Act, which is to prepare development plans every five years. The intention of this Bill is to make councils develop plans every three years, which means they will almost be in a continual planning process; they will not be out of planning mode. It will put an unnecessary burden on local government to be continually putting forward development plans to enable them to comply with the Act.

Local government is starting to understand what the implications of the Bill are and I am sure that the Government will be contacted by many people from the LGA, or from local government areas, to indicate their dissatisfaction with the intentions of the Bill. There are certainly no guidelines and no parameters set out in this Bill to guide the Minister as to how he will make his decision. The only definition relates to economic significance. As I said, communities are starting to—and have been for some considerable time—demand greater say in the planning of their towns, cities and environs. When Governments decide to centralise the decision-making process and bypass the input that can be provided at a local level, they are taking a great risk. I put it on record now that the Government will not make it any easier for itself by trying to centralise the decision-making process and put more power in the Minister's hands in relation to development projects. It will make it harder for developers. Developers will not be able, with any certainty, to put projects together if there is no community input and consultation from which to gauge the acceptance of that project within a particular geographical area.

In the absence of any legislative requirements in relation to environmental impact statements, developers would be well advised to carry out their own EIS or work in conjunction with local people in relation to many of the aspects of the environmental impacts of their projects. In addition, social assessments must be drawn as to what impact those projects might have on a particular region. Unfortunately, the guidelines for the Minister's role in being able to make requests or determinations to ensure that developers carry out those studies and consultation processes are not in the Bill.

This Government is almost doing a Kennett in relation to the Albert Park Lake development for the Grand Prix in Melbourne for which special legislation was introduced. For economic and other reasons, it was declared a major project, so a major public park and lake was taken over by the Government and is now being turned into a Grand Prix track. I am sure that all members have been watching very closely the community's activities in their desperate attempt to draw attention to their concerns about a public park being turned into a Grand Prix track. That fight is not over. That dispute will continue. It will probably continue until the day when the first trials are held for the Grand Prix. With a bit of luck, South Australia might even get the Grand Prix back after the Victorian Government finds that the tactics or strategies that are being mapped out for community activities interfere with its planned changes to the Albert Park Lake.

At one end of the spectrum there will be community activities that border on law breaking, and, in other cases, the law will be broken to prevent projects from proceeding. It is

not because communities want to break the law to protect their environment when projects are proposed, but it is because they will be forced to because the consultation processes and the inherent total disregard of consultation within the Bill will not allow them to have their say about how projects will develop.

When in Opposition, the members of the present Government were keen to point out to us on this side when consultation processes were seen to be hurried through or avoided. People were quick to get to their feet to point out the deficiencies inherent in projects that were put forward on behalf of the community in a number of sensitive areas. Many of us acknowledged the difficulties that developers and planners had at that time. Two projects did not go ahead, not because they were not major projects and could not have been done with an EIS. The Government went into the planning processes adequately, but the developers got the site wrong in both cases, and I refer to the projects proposed for the Flinders Ranges and on Kangaroo Island.

The Hon. Diana Laidlaw: What about the bridge to Hindmarsh Island?

The Hon. T.G. ROBERTS: In the Minister's absence, I acknowledged that, at the time, Government members on a committee voted against that and indicated that they were unhappy with the process that had been followed and that the Government had been trapped by agreeing to a project when, had all the facts been before it and had a proper EIS been done in the initial stages, the project would have been rejected for environmental reasons, not on the basis of the protection of heritage sites and Aboriginal women's business. Unfortunately, that did not happen but it is a good illustration, and the Opposition and the Government should take lessons from the past to prepare for planning for the future. This Bill goes no way towards overcoming any difficulties that might occur at the planning stages of any project.

The Conservation Council of South Australia has issued a press release and its indicated position is basically as I have outlined. It lines up quite closely with the Opposition's position. In that press release, it gives an indication of where the Government has got it right in relation to consultation and cites the Mount Lofty summit/ Cleland Conservation Park developments as examples of where all interested parties have sat down around the table and worked out a development program that is acceptable to all those people who are concerned and who are directly affected. With respect to the St Michael's site on Summit Road, Mount Lofty, similarly, the council has congratulated the Government on the consultation process.

The Hon. R.R. Roberts interjecting:

The Hon. T.G. ROBERTS: We have to throw a bouquet every now and then. Included in the press release is a statement that is basically the same as the Opposition's position in opposing the changes to the requirements for an EIS so that it is put together only if it has some economic benefit to the State. If the Minister determines that, there is no argument with that. Although the Government has indicated that it is setting up consultation processes, the second reading explanation in the other place goes out of its way to point out that, although there was consultation in drawing up the changes to the amendment plan, the consultative processes that the parties went through to get recommendations for the changes did not necessarily reflect the outcomes in the drafting of the Bill. If that is not poking people in the eye about what their future intentions are, I do not know what is.

Included in the second reading report is a clear indication that the Government is not interested in taking any notice of consultative bodies. It is interested only in putting through the development program that lines up with its position in relation to a specific project. All I can say to the Government is that it can pass the amendments through both Houses, but it should stand by because community groups and organisations are preparing themselves for activities associated with any projects that they believe do not fit in with the desired amenities of their area or region.

We oppose other measures in the Bill. In relation to clause 3 it is stated:

Amendment of s. 24—'The Council or Minister may amend a development plan.' This clause provides for the amendment of section 24 of the Act. Section 24 provides for circumstances where the Minister may prepare an amendment to the development plan. It is proposed to add a provision that will enable the Minister to amend a plan to ensure or achieve consistency with the planning strategy.

The planning strategy is worked out, probably in the Premier's Department in conjunction with developers and then, according to amended clause 3, the Minister can ensure that the amendment lines up with the planning strategy's position. That does not necessarily have to involve any consultation. It can be worked out between the developers and, in some cases, the councils and the Premier's Department or any other interested departmental body. It does not necessarily have to include broad-based consultation with the community.

The amendment to clause 4 is an amendment by a council. It amends section 65 of the Act to remove the mandatory referral of certain matters by the Minister to the advisory committee. The Minister instead will have discretionary power to refer matters to the advisory committee. The amendments retain the requirements that an objection by a landowner to the designation of a place as a place for local heritage must be referred to the advisory committee for inquiry and report. That restricts referrals to advisory committees to heritage matters relating to the development and it eliminates all other matters.

As I said, there is an advisory committee of which the Government does not necessarily have to take notice. Why have an advisory committee? If I was sitting on an advisory committee and the Government had a legislative program to use you as a guiding influence only or to set out a plan not to take any notice of my comments, I would not sit on that advisory committee for too long. However, I am sure that the Government will find people who would be content to sit on an advisory committee and not be heard because they would be good loyal constituents of the Liberal Party. I am sure that there will not be too many people with conservation, environmental or planning credentials sitting on that advisory committee.

Clause 5 addresses three issues that are relevant to the review of the development plan by councils. First, a council will now be required to prepare a report on the review in every case. Presently, a report does not have to be prepared if the council proceeds directly to the preparation of a statement of intent. Secondly, a council will be required to make a report available for inspection at its principal office. I guess the Opposition has no opposition to that. Thirdly, the period for the preparation and completion of a report is to be altered from five years to three years with the Minister being given the discretion to allow an extension of time.

As I indicated before, the LGA will advise its members that three years is not the time frame in relation to which claims should be prepared. It will say that five years, the time set out by the previous Government, is an adequate time frame. The plans are costly to develop. They are time consuming and they involve much consultation on the part of councils. I am sure that they will not be happy about having to prepare one every three years. If the Minister is to have a discretionary role in relation to declaration of special projects, I am sure that if the council goes about its work over a continuous period and constantly finds that the Minister is intervening in the process, it will find that the preparation of the plans will possibly become meaningless.

The other development which is occurring about which the Government should be aware is that in future, many local government elections will be based on environmental planning matters associated with developments. If I was arguing any strength for the amended plan, it would be to democratise local government to a point where people who are active in the community will be looking at development programs for running their election campaigns within local government. That is already happening. In the lead up to the local government elections last May, there were many cases of people with concerns for the environment and related projects in relation to development withdrawing from local government because programs were rushed through without too much consultation. In addition, there were people running on environmental platforms to win positions in local government. I firmly believe that the way in which the Minister has framed the amendment will encourage more people to run for local government because that will be the only way they will be able to influence outcomes once—or if—the amendments are carried in both Houses.

The amendment to clause 6 relates to the requirements of the Act for the assessment of an application for approval to provide land by strata title. In relation to that Act, I do not think that there are too many problems. The amendment to clause 7 is the determination of a relevant authority. The amendment will allow the development assessment commission to act as the relevant authority in cases where the Minister considers that the Government of the State has a substantial interest in a proposed development and in the circumstances desires the commission to be the determining body. Again, that is another area with which the Opposition has difficulty and we will oppose that position.

The clause will allow a developer who is worried about the ability to get a proposal through the council the option to

go directly to the Minister. If it is thought that the development proposal is not going to be successful, they can bypass the relevant authority, go to the Minister and make an application to the Minister. The Minister then makes the determination that the project has special economic benefit. The proposal can weaken the role of local government and of determining what is a project worthy of an EIS or of further examination.

The amendment to clause 8 will alter the provision relating to the right to appeal personally or by representation before a relevant authority in relation to category three development under the third party provisions of the Act so that provision will now apply only to such development as non-complying development under the relevant development plan. That also means a weakening of the process by which people can appeal. In some cases, the only time when the rest of the community finds out that a project is about to go sour or has some controversial aspects is when people appeal or when alternative views are sought. Many people believe that the way in which development matters are handled by local government are not democratic enough under the current Act. They will now find that, if they had concerns about the previous Act in relation to how matters were advertised and brought to their attention, they will have less ability to intervene in the process under the amendments.

Overall, the Opposition is disappointed with the Government's position in relation to development review. We would have thought that lessons may have been learned during the 1980s in relation to failed projects which could not be financed or implemented or planned adequately. The Government may have learnt that more consultation rather than less, or more adequate consultation, was the way to go.

As I said, I gave a bouquet to the Government for its handling of two matters which are currently running and I gave an illustration of one which has been badly handled. I am sure that more reasonable members on the other side should be able to see that, by confronting the public in giving more power to the Minister and removing the consultation processes within the community, will only lead to more difficulties in future.

The Hon. J.F. STEFANI secured the adjournment of the debate.

ADJOURNMENT

At 11.20 p.m. the Council adjourned until Wednesday 7 June at 2.15 p.m.