

HOUSE OF ASSEMBLY

Tuesday, February 7, 1978

The **SPEAKER** (Hon. G. R. Langley) took the Chair at 2 p.m. and read prayers.

PETITION: SUCCESSION DUTIES

The Hon. D. A. DUNSTAN presented a petition signed by 18 residents of South Australia, praying that the House urge the Government to amend the Succession Duties Act so that the position of blood relations sharing a family property enjoy at least the same benefits as those available to other recognised relationships.

Petition received.

PETITION: PORNOGRAPHIC LITERATURE

Mr. VENNING presented a petition signed by 156 residents of South Australia, praying that the House would take all necessary steps as a matter of extreme urgency to prohibit the sale of pornographic literature of any sort in South Australia, in the interests and welfare of the citizens of this State.

Petition received.

PETITION: GUMM LAGOON CONSERVATION PARK

Mr. NANKIVELL presented a petition signed by 63 residents of South Australia, praying that the House urge the Minister for the Environment to instruct the National Parks and Wildlife Service to improve the management of the Gumm Lagoon Conservation Park by providing and maintaining adequate fire breaks, approved fire tracks, water points for animals and fire-fighting purposes, and reasonable fencing.

Petition received.

PETITION: LOCAL GOVERNMENT LEVY

The Hon. R. G. PAYNE presented a petition signed by 300 ratepayers of local government authorities, praying that the House would take steps to ensure that the 3 per cent levy on local government authorities for hospital purposes be discontinued.

Petition received.

PETITIONS: POLICE COMMISSIONER'S DISMISSAL

Mr. DEAN BROWN presented a petition signed by 2 741 residents of South Australia, praying that the House resolve that it lacked confidence in the Premier's handling of the dismissal of the former Commissioner of Police and that a full and proper inquiry of the matter be commissioned.

Dr. EASTICK presented a similar petition signed by 536 residents of South Australia.

Mr. BLACKER presented a similar petition signed by 515 residents of South Australia.

Mr. GROOM presented a similar petition signed by 9 residents of South Australia.

Petitions received.

QUESTIONS

The **SPEAKER**: I direct that the following written answers to questions be distributed and printed in *Hansard*.

CITRUS MARKETING

Mr. WOTTON (on notice):

1. What were the reasons for the change in the regulations under the Citrus Organization Committee Act which outlawed the marketing of unlined wooden boxes?

2. Has any major opposition been expressed by grower organisations since the gazetting of these regulations?

3. Why was this decision taken prior to the inquiry by the Minister into citrus marketing?

The Hon. J. D. CORCORAN: The replies are as follows:

1. To prevent packing houses offering to buyers a discount on additional layers of fruit stacked above the lid line.

2. No.

3. The inquiry into citrus marketing will take some six months. In the interim, there must be appropriate protection for industry price structures.

NORTH HAVEN

Mr. MILLHOUSE (on notice):

1. What is the opinion, if any, of the Coast Protection Board as to the likelihood of the basin at North Haven silting up?

2. What action, if any, has the Coast Protection Board taken to ensure that the basin at North Haven does not silt up and what action, if any, is proposed for the future?

The Hon. J. D. CORCORAN: The replies are as follows:

1. The Marine and Harbors Department carries the responsibility for the North Haven harbor and is aware of the accumulation of sand adjacent to and south of the southern breakwater. If this natural process were allowed to continue indefinitely the sand would eventually spill over into the North Haven harbor.

2. It is the department's intention to arrange with the Coast Protection Board periodically to remove sand south of the breakwater for beach replenishment in the Brighton area.

SOUTH AUSTRALIAN STATUTES

Mr. MILLHOUSE (on notice):

1. How is the cost of production of each volume of the South Australian Statutes made up?

2. What is the total cost of production of each volume?

The Hon. PETER DUNCAN: The replies are as follows:

1. (a) The preparation of the consolidation to the typesetting stage is carried out by Computer Graphics Corporation Proprietary Limited. The current charge for this work is \$20 a page. (b) Paste-up, plate-making, printing, binding and supply of materials is undertaken by the Government Printing Division of the Services and Supply Department.

2. The total cost of production of each volume was:

Volume 1—\$41 680

Volume 2—\$38 200

Note—each amount includes an estimated \$18 000 for the work of Computer Graphics Corporation Proprietary Limited.

RYEGRASS TOXICITY

Dr. EASTICK (on notice):

1. What is the disease "ryegrass toxicity", what is its extent in South Australia, and what action is the Agriculture and Fisheries Department taking to further define the condition and determine a cure, or alternatively a programme of control?
2. What sum of money has been expended by the department in the programme of:
 - (a) investigation; and
 - (b) control?
3. What further programmes are envisaged to advance the knowledge and control of this condition?
4. Which officer or officers are currently working on the problem?
5. What records does the department have relative to losses of stock from this condition?

The Hon. J. D. CORCORAN: The replies are as follows:

1. The disease annual ryegrass toxicity has been known in South Australia since 1956. There are two organisms involved in causing the problem—a nematode and a bacterium. The nematode is necessary for transmission of the bacterium from plant to plant, but itself does not cause toxicity. It is the bacterium-plant interaction which produces the toxin that affects livestock. As of early 1977, the disease was known to occur mainly in the area bounded by Burra, Farrell Flat, Saddleworth, Marrabel and in the east by the edge of the Mount Lofty Ranges. Outlying areas that have been recorded are Yongala in the north and Murray Bridge in the south.

The Agriculture and Fisheries Department is at present conducting a survey to define more accurately distribution of the disease in the State. The sum of \$18 000 has been allocated from the State Unemployment Relief Fund for this survey. Presently, no research is being conducted by the South Australian Agriculture and Fisheries Department to determine a cure for annual ryegrass toxicity. However, joint research between the South Australian Agriculture and Fisheries Department and Waite Agricultural Research Institute in 1972-74 developed management techniques for breaking the life cycle of the disease-causing organisms. These techniques involve prevention of ryegrass seed heads, thus preventing reproduction of the nematodes. This year, a whole farm approach on control is being conducted on a property near Murray Bridge utilising the management techniques developed in the previous research work.

2. (a) During 1972-74 approximately \$15 000 was spent.

(b) Approximately \$1 000, with other costs being met by the chemical industry and the landowner.

3. The study of strategic herbicide spraying to prevent nematode gall formation, host range studies and surveys.

4. Dr. A. Dube (Senior Plant Pathologist, South Australian Agriculture and Fisheries Department), in association with Dr. J. Fisher (Waite Agricultural Research Institute), is spending 15 per cent of his time in supervising the annual ryegrass toxicity survey. Mr. A. Michelmore (Senior District Agronomist) is spending 15 per cent of his time in extension of known information to technical staff and farmers.

5. Records from a farmer survey conducted last year shows that between 1955-56 and 1976-77 5 591 sheep and 232 cattle had died from annual ryegrass toxicity. The loss of grazing pasture should be also assessed as paddocks, once proven toxic, can no longer be grazed until the new growth is available. Last year, 10 000 acres was unsuitable for production.

TITLE INSURANCE

Dr. EASTICK (on notice):

1. Is the Government considering support for title insurance for licensed motor vehicle dealers in this State and, if so, when is it expected that public support will be announced?
2. Will the S.G.I.C. involve itself with this form of cover?

The Hon. PETER DUNCAN: The replies are as follows:

1. The Attorney-General and Minister of Prices and Consumer Affairs has recently held discussions with representatives of the South Australian Automobile Chamber of Commerce regarding the effect on motor vehicle dealers of section 36 of the Consumer Transactions Act. The chamber is planning to negotiate with its insurers for a system of title insurance to protect dealers against claims made by a credit provider claiming to be the owner of goods or to have a security interest in goods which are sold or traded in to the dealer. No legislation is necessary for such a scheme to operate, and the question of Government support therefore does not arise. Any such scheme would be for the benefit of the dealers themselves.

2. S.G.I.C. does not presently write this class of insurance but will consider the possibility of establishing this facility in the future.

HIGHWAY CONSTRUCTION

Mr. GUNN (on notice): To where does the Highways Department intend to move the department gang currently constructing the Flinders Highway when the Flinders Highway is completed and, if the exact location is unknown, will it be on Eyre Peninsula?

The Hon. G. T. VIRGO: The present intention is that the Highways Department gang currently constructing the Flinders Highway will next undertake completion of the Cummins to Tumby Bay road. It should be understood that the above programme is subject to availability of funds and to priority remaining unaltered in the continuing process of review in advance planning.

TOURISM

Mr. GUNN (on notice): Will the Government give consideration to assisting district councils, who have within their area tourist attractions which attract large numbers of tourist from all over Australia, with special financial assistance to assist them in providing the facilities and maintaining existing facilities so that they can adequately service the area in view of the fact that their own financial reserves will in no way meet the needs imposed by tourists and in particular that such attractions are not used by local residents?

The Hon. D. A. DUNSTAN: Financial assistance toward the development of local tourist attractions and facilities is available to district councils in South Australia through a subsidy programme administered by the Division of Tourism of the Department of Tourism, Recreation and Sport. Funding from this scheme in 1977-78 will total \$500 000, a significant increase over the 1976-77 allocation of \$350 000. Although finance is generally provided on a dollar-for-dollar basis, this requirement is varied where special circumstances apply. In common with other Government subsidy schemes, this assistance is restricted to proposed work of a capital nature. It is apparent that the operation of the tourism subsidy scheme is making a substantial contribution to the development of desirable visitor facilities where the financial capacity of the district

councils concerned is otherwise limited.

WILPENA POUND

Mr. GUNN (on notice): Does the Government intend to reissue existing leases to landholders within the Wilpena Pound area and, if not, why not and what properties, if any, does the Government intend to acquire and for what purposes?

The Hon. J. D. CORCORAN: There is only one existing lease in the Wilpena Pound area of the Flinders Range national park, which is being renegotiated. In the event of land adjacent to the existing national park becoming available, the Government will give consideration to its purchase as an addition to the Flinders Range national park.

HAWKER TO ORROROO ROAD

Mr. GUNN (on notice): What plans has the Highways Department to seal the Hawker to Orroroo road and is the Minister aware that this is a major tourist access road as well as the shortest road to Adelaide for residents in the northern parts of the State?

The Hon. G. T. VIRGO: Subject to the availability of funds and present priorities remaining unaltered, it is hoped to commence work on the Hawker-Orroroo road in 1979-80. The Highways Department is aware of the significance of this road as part of the overall network and in so far as tourist use is concerned.

SCHOOL AIR-CONDITIONING

Mr. GUNN (on notice):

1. What is the Government's policy in relation to the installing of air-conditioners in schools and in teacher accommodation?

2. Which areas qualify for air-conditioners and are all new buildings and homes automatically supplied with air-conditioners?

The Hon. D. J. HOPGOOD: The replies are as follows:

1. Current departmental policy is to provide cooling systems in schools in the following stages:

Stage I—All existing open units, library resource centres and new schools.

Stage II—New schools constructed in the period 1974 to 1981.

Stage III—Other existing specialist spaces and northern schools as funds become available.

This policy was formulated in 1974 and all new schools constructed since then have been equipped with air-conditioning. New area schools at Streaky Bay and Karcultaby have air cooling and a replacement school at Ceduna will also be equipped with this facility.

The question on the provision of air-conditioning in houses is determined by the Teacher Housing Authority. I have been advised that it is not policy to air-condition all teachers' houses. However, new houses built in areas above the 32° isotherm will be air-conditioned. At the present time, existing houses in this category are being air-conditioned as funds can be made available.

2. Schools generally qualify for air cooling as outlined in the policy stated above. The Regional Director of Education, Western Region, has also undertaken to provide air cooling in additional schools in his region through minor works funding based on a geographical consideration. Under this scheme, Hawker Area School,

and those schools north of Hawker, are air-conditioned as funds allow. Furthermore, schools north and west of Kingoonya are also being provided with these facilities. As stated above, new houses built in areas above the 32° isotherm are automatically provided with air-conditioning.

NATIVE TREES OF SOUTH AUSTRALIA

Mr. BECKER (on notice):

1. How many copies of the book *Native Trees of South Australia* written by C. D. Boomsma, of the Woods and Forests Department, have been printed?

2. Are copies currently available and at what price and, if not, will further copies be printed and when?

3. Is the book used as a textbook by Torrens College of Advanced Education, and, if so, why?

The Hon. J. D. CORCORAN: The replies are as follows:

1. 5 000.

2. Stocks are presently exhausted, but it is anticipated that further supplies will be available in the latter part of 1978. The price at the time that copies were available was \$2 plus 60c postage, where applicable.

3. Unknown—refer to the Torrens College of Advanced Education.

TOBACCO

Mr. BECKER (on notice):

1. Is tobacco being grown in South Australia along the banks of the Murray River and, if so, where?

2. Are any fertilisers, etc., used in the growing of tobacco being washed into the river and have any reports been received of an increase in fish mortality in the area?

The Hon. J. D. CORCORAN: The replies are as follows:

1. There is no knowledge of tobacco cultivation along the banks of the Murray River in South Australia. Tobacco is not a commercial crop in any area of South Australia.

2. See 1 above.

WEST BEACH CARAVAN PARK

Mr. BECKER (on notice):

1. When were the plans for a 150 *en suite* caravan park at West Beach submitted to the Coast Protection Board?

2. Were the original plans as submitted approved or were they amended by the Coast Protection Board and, if so, what were the alterations?

3. When was final approval given by the Coast Protection Board to the plans?

4. What earthworks are being undertaken?

5. Will any of the sand dunes be affected?

6. What is the estimated cost of the project?

7. What is the completion date?

8. What is the estimated scale of charges for accommodation to be provided?

The Hon. J. D. CORCORAN: The replies are as follows:

1. May, 1977.

2. There is no requirement for the plans to be submitted to the Coast Protection Board or for the board's approval of the plans.

3. Vide 2.

4. Earthworks are primarily to create an aesthetically acceptable area, and involve the creation of a backdrop on the southern side of the development that will be pleasing to the eye. Earthworks also involve compaction of the land area, together with the establishment of a tiered effect that

is part of the overall design.

5. The primary dunes will remain, totally unaffected by the project, and the beach will benefit by the replacement of developed sand that has accrued in the area to the north of the Air Sea Rescue Squadron as the project proceeds.

6. The estimated cost of the project is \$700 000.

7. End of June, 1978.

8. Although the final decision has yet to be taken, it is estimated that a family of four people will be accommodated with their own private *en suite* facilities at a cost of between \$14 and \$15 a night.

FORMER MEMBERS

Dr. EASTICK (on notice):

1. Are any former members of the South Australian Parliament members of Government appointed positions in the:

- (a) Local Government Department;
- (b) Electricity Trust of South Australia;
- (c) State Government Insurance Commission;
- (d) Metropolitan Milk Board;
- (e) Savings Bank of South Australia; and
- (f) Motor Fuel Licensing Board?

2. What was the date of appointment of each such previous member, what is the specific appointment, and what is the term?

3. What is the total remuneration by way of fee and/or expenses which applies to each appointment?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. (a) to (f) Yes.

2. (a) Mr. E. J. Connelly was appointed on October, 24, 1977, as a Temporary Research Assistant until May 31, 1978.

(b) The Hon. Sir Thomas Playford was first appointed on March 6, 1969. His current appointment was made on October 17, 1973, as an ordinary member for a term of five years. The Hon. C. D. Hutchens was first appointed on August 29, 1970. His current appointment was made on August 30, 1975, as an ordinary member for a term of five years.

(c) The Hon. G. A. Bywaters was appointed on December 23, 1972, for a term of five years. He has been reappointed for a further term of five years as from December 23, 1977.

(d) The Hon. G. A. Bywaters was appointed on March 26, 1971, as a member of the Metropolitan Milk Board. The term of office of members is five years.

(e) Mr. E. H. Crimes was appointed a trustee of the bank's board as from January 1, 1976, for a term of six years.

(f) Mr. J. S. Clark was appointed a member of the board on October 3, 1974, was reappointed on July 1, 1977, and this appointment is until June 30, 1978. Mr. E. H. Crimes who was originally appointed a member of the board on October 9, 1975, was reappointed on July 1, 1977, until June 30, 1980.

(a) \$13 998 per annum.

(b) \$4 500 per annum.

(c) \$3 100 per annum.

(d) \$2 400 per annum.

(e) \$3 100 per annum.

(f) Annual retainer, \$2 300 per annum, plus \$45 per half day for each public hearing, plus reimbursement of reasonable travelling expenses. No additional remuneration is given for board meetings which are not public hearings.

HAIRY NOSED WOMBATS

Mr. MILLHOUSE (on notice):

1. In the last 12 months, has a permit, or have permits, and which, been issued for the destruction of hairy nosed wombats and, if so:

- (a) how many such permits have been issued;
- (b) to whom;
- (c) for the destruction of how many wombats;
- (d) in what area or areas may such destruction take place; and
- (e) why has such permit, or have such permits, been issued?

2. Is it proposed to issue any more such permits and, if so, why, when and to whom?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Yes.

(a) 24.

(b) 19 landholders and 2 local dog fence boards west of Ceduna, and 3 landholders at Blanchetown.

(c) 1 700, plus a permit to the Fowlers Bay Dog Board for "sufficient to alleviate the pest problem" within 400 metres of the dog fence.

(d) See (b).

(e) Because of destruction to pastures, crops, roads and irrigation channels.

2. Yes, if the problem recurs in the above areas. It is not known to whom at this stage.

SENATE VACANCY

Mr. MILLHOUSE (on notice): When may I expect to receive an answer, as undertaken to me by the Deputy Premier, to my letter to the Premier of November 3, 1977, concerning the filling of the South Australian vacancy in the Senate?

The Hon. D. A. DUNSTAN: A Ministerial statement was made by the Premier in the House of Assembly on Wednesday, December 7, 1977, concerning the filling of the South Australian vacancy in the Senate.

NORA CREINA BAY

Mr. WOTTON (on notice): Does the Government have any development or other plans for the Nora Creina Bay settlement in the hundred of Lake George and, if so, are any such plans available for viewing by the public and if not, why not?

The Hon. J. D. CORCORAN: There is no zoning or development plan for the Nora Creina Bay area in terms of the Planning and Development Act. Over the years an unsatisfactory position has developed in regard to holiday shacks, as in many other waterfront areas throughout the State. The Land Board, in conjunction with the Coast Protection Board and the State Planning Office, negotiated with the lessee and his representatives to clear up the area and legalise occupations to be in keeping with the Government's policy on waterfront shack sites. Negotiations were completed and a design proposal drawn up of the area, as with other waterfront shack areas in the State, but the lessee died prior to formalising the agreement. The Minister of Lands is now awaiting formalisation by the executors of the lessee's estate.

ROAD TRAFFIC ACT

Mr. MILLHOUSE (on notice): Does the Government propose to introduce legislation to repeal or amend, and which, section 85 of the Road Traffic Act and, if so, what

is proposed and when will the Bill be introduced?

The Hon. G. T. VIRGO: No.

PARLIAMENT HOUSE PARKING

Mr. MILLHOUSE (on notice):

1. In each of the last five years, how many reports have been made to the Minister of Works of parking on North Terrace outside Parliament House offences, pursuant to section 85 of the Road Traffic Act?

2. In how many such cases has the Minister given his consent to a prosecution, pursuant to section 85 (4) of the said Act?

3. How many convictions have there been for such offences?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Nil.
2. Vide 1.
3. Vide 1.

CLERICAL FACILITY

Dr. EASTICK (on notice):

1. What was the nature of the "clerical facility . . . established and made available to Returning Officers" on the occasion of the 1977 State election and who were the members of such "facility"?

2. What amount was paid to the "facility" and by what means was this amount disbursed and when?

3. Has such a "facility" operated in the past and, if so, when, who were the members of the "facility", how much was received, and how was it disbursed?

The Hon. PETER DUNCAN: The replies are as follows:

1. The "clerical facility" was an additional office to handle postal voting. It was established at 10 King William Road, Wayville, where suitable accommodation could be provided. It handled postal vote applications for 19 districts on an as-received basis and with a guarantee of posting each day to make the best use of postal services. The members of this "facility" were casual staff who were, as far as possible, selected for their previous experience in the type of work involved.

2. No payment was made to the facility as such but \$8 000 was paid by the various Returning Officers direct to 19 persons involved according to hours worked. Cheques were paid after the election.

3. A similar facility on a smaller scale was established for the 1975 Legislative Council and House of Assembly elections and operated as in 1977. On this occasion \$3 022 was paid to the staff employed according to the hours involved.

DIESEL RAIL CAR

Dr. EASTICK (on notice):

1. What action has been taken to return to service the diesel rail car damaged by fire on September 8, 1977, and, if it is not back in service, when will it be returned?

2. What would be the current cost of a replacement for such unit?

The Hon. G. T. VIRGO: The replies are as follows:

1. No action has been taken to return to service this 20-year-old burnt-out car. The \$200 000 estimated damage envisaged retaining the underframe, engines, transmission and bogies. Within a relatively short period of time it would cost \$60 000 to replace the engine and transmission and \$120 000 for the bogies. To provide a new body on the

old underframe is not considered to be a viable proposition.

2. A new generation rail car costing approximately \$500 000 would have a residual life of approximately 35 years compared to 10 to 15 years for that of the restored Red Hen.

SURS PROGRAMME

Dr. EASTICK (on notice):

1. What number of workmen's compensation claims have been lodged by persons engaged on the SURS programme between July 1, 1977, and December 31, 1977?

2. What has been the payment for workmen's compensation cover for the same period and at what percentage rate?

3. How many claims have been paid and for how much and how many claims are outstanding?

4. Does the number of applications parallel applications from other work groups of a like nature and, if not, in what manner does it differ and what reasons are ascribed for the differences?

5. Have any irregularities been detected in respect of workmen's compensation claims or the number of claims from the SURS group and, if so, what are the details and the action taken to prevent a recurrence?

The Hon. J. D. WRIGHT: The replies are as follows:

1. Insurance cover has been arranged with the State Government Insurance Commission for workmen's compensation in respect of persons employed by sponsors, other than State Government departments, on State Unemployment Relief Scheme projects. This is a normal insurance arrangement and all claims are made to the insurance company. Claims made in respect of SURS projects undertaken by State Government departments are not recorded separately from claims made by employees on other work.

2. Nil.

3, 4, 5. Vide No. 1.

WINKLER ESTATE

Dr. EASTICK (on notice):

1. Has the Government yet decided on the future use of the Winkler estate at Saddleworth?

2. What arrangement exists for the management of the property for 1978?

3. How many organisations have sought access to the whole or part of the property, and what are they and what is the area in which they have expressed interest?

The Hon. J. D. CORCORAN: The replies are as follows:

1. No.

2. Approval has been given for continuation of the present sharefarming agreement with R.G. & E.R. Schunke for the 1978 crop year.

3. Two: The Gilbert Valley Senior Citizens Homes Inc. (229 ha) and the District Council of Saddleworth and Auburn (23 ha).

LOBETHAL PRIMARY SCHOOL

Mr. GOLDSWORTHY (on notice): When is it anticipated that construction will commence on the rebuilding programme at Lobethal Primary School for which funds have been voted this year?

The Hon. D. J. HOPGOOD: Although it is not possible

to give a precise date with regard to the rebuilding programme at Lobethal Primary School, it is anticipated that work will commence during the middle term of 1978. Based on a construction time of approximately eight to nine months, the project should be completed early in 1979.

NURIOOTPA HIGH SCHOOL

Mr. GOLDSWORTHY (on notice): Has any decision been made in relation to the construction of urgently needed change rooms at Nuriootpa High School and, if so, what is planned and when is it anticipated that work will commence?

The Hon. D. J. HOPGOOD: The upgrading of Nuriootpa High School was planned as a staged project with the change rooms incorporated in a sports hall in stage 4. Stages 1 and 2 and a modified stage 3 have been completed, and have provided high standard facilities. Stage 4 has been deferred by the need to use available funds on higher priority projects.

In view of the deferment the possibility of providing temporary change rooms in Demac construction was investigated but has been rejected in favour of the provision of free-standing solid-construction change rooms. The Regional Director of Education has recommended that the project proceed, and the Public Buildings Department has been requested to include it in a programme. A date for commencement has yet to be determined.

THORNDON PARK PRIMARY SCHOOL

In reply to **Mrs. ADAMSON** (December 6).

The Hon. D. J. HOPGOOD: The honourable member's appreciation of the situation at Thorndon Park is not shared by the Directorate of Educational Facilities, Education Department, the Regional Director of Education (Mr. Anderson), nor the Principal of the school. Mr. Anderson has reported that the school is very appreciative of the fact that two additional classrooms have been provided during 1977, that another was programmed for delivery during December, and that a fourth room will be sited at the school during the early part of 1978. In view of the fact that these arrangements have all been made prior to the honourable member's question, I am somewhat at a loss to understand the reference to the Education Department's supposed lack of positive response to the accommodation needs at Thorndon Park.

I understand that the honourable member has had discussions with the Regional Director of Education regarding schools in her district, and she is, or should be, well acquainted with the steps which have been taken to ease accommodation problems. In an answer to an earlier question, it was stated that the additional room was programmed for either late November or early December. The honourable member would, of course, not be aware of the intricacies of room transfers, and may be interested in knowing that the transportable building, programmed for Thorndon Park came from a Whyalla school. The release of the particular building at Whyalla was in turn dependent upon the successful transfer of a multiple timber block from the Burra Community School. The room in question was located on site at the Thorndon Park school on December 15. The additional room programmed during 1978 should provide sufficient accommodation at Thorndon Park Primary School until the completion of the new solid structure, seven-teacher

flexible open plan unit, which is expected to be ready for occupation by Term 3, 1978. If this does not prove to be the case, I have no doubt at all that suitable arrangements will be made through the Regional Director of Education for the provision of rooms to meet the essential needs of the school.

NON-SEXIST BOOK TITLES

In reply to **Mr. ALLISON** (December 8).

The Hon. D. J. HOPGOOD: The honourable member's question reveals some misunderstanding of the nature and function of the SERIM project. The SERIM project was set up under the auspices of the Curriculum Directorate to work in the area of sexism in schools. It attracted a Schools Commission grant to assist in its work of producing materials. It was not originally financed by the Commission. The Relevant Reading Group was also established under the auspices of the Curriculum Directorate and was convened by Ms. T. Moore (P. E. O.).

During 1977 it was found that teachers working with either or both of these projects were using a similar approach to the development of children's language and reading through the experimental approach; that is, with teacher (or other adult) help children, were encouraged to write small books based on their own experiences. This is not a new approach to language or reading in junior primary classes. What has been a particularly successful and original feature of this programme has been the dissemination among schools of some of these books. This was co-ordinated by Ms. Davis. Schools would choose some books for reproduction and these would be sent to other schools.

At first, these were only schools involved in the two projects. The distribution has widened considerably to other schools who have expressed an interest in this approach to language and reading and/or to non-sexist materials. The latter schools were identified from a research and planning survey which asked schools whether or not they were interested in receiving non-sexist materials. Ms. Davis contacted those schools which had replied in the affirmative, gave a short description of the books, and asked if they would like a set. About 70 schools have received these books. These publications are not publications in the sense of being printed professionally, properly bound, nor are they for sale. The pages are duplicated and stapled together between thin cardboard, that is, in a form which is possible for individual teachers and schools to initiate if they wish to do so. Approximately 70 books have been reproduced in this way. The experimental approach is used by teachers to supplement other forms of reading instruction and does not replace conventional reading materials. Teachers and children are supported by knowing that their work is reaching a wider audience. The recipients are encouraged to expand their language and reading through children's experiences. These books have been shown to a number of parent and teacher groups. They have attracted much favourable comment.

APPRENTICES

In reply to **Mr. NANKIVELL** (December 7).

The Hon. J. D. WRIGHT: There are three parts to the honourable member's question, and the answer to those parts are as follows:

1. Officers of the Labour and Industry Department

chaired interviewing panels.

2. and 3. It is not correct to say that "some 400 non-school-going applicants" were interviewed. The interviewing panels consisted of representatives from the Commonwealth Employment Service, the Further Education Department and the Labour and Industry Department. The Commonwealth Employment Service was responsible for screening applicants before interview. In fact, there were 591 applicants originally selected. The Commonwealth Employment Service officers preselected 175 for interview. Of this number, 19 failed to report for interview, leaving 156. Of this number, 144 were attending secondary school but the great majority of those had applied at the end of 1976 and in early 1977 for apprenticeships in the trades for which they were subsequently interviewed, but as there were no places available for them they returned to school but remained registered for apprenticeships with the Commonwealth Employment Service. Seventy-eight of the 156 interviewed were selected for the courses.

FORMER COMMISSIONER OF POLICE

The Hon. D. A. DUNSTAN (Premier and Treasurer) moved:

That Standing Orders be so far suspended as to enable a motion without notice to be moved, and that such suspension remain in force no later than midnight, with the provision that the mover be enabled to reply by no later than 11.30 pm.

The SPEAKER: I have counted the House and, there being present an absolute majority of the whole number of the members of the House, I accept the motion. Is it seconded?

The Hon. J.D. CORCORAN: Yes, Sir.

The SPEAKER: The question before the Chair is that the motion be agreed to. For the question say "Aye", against "No". There being a dissentient voice, there must be a division.

While the division bells were ringing:

Mr. CHAPMAN: Whilst I do not agree with the motion before the House, for the benefit of expediency I withdraw the requirement for a division on this occasion.

The SPEAKER: The honourable member seeks leave. Leave granted; motion carried.

The Hon. D.A. DUNSTAN: I move:

That this House—

1. Endorse the finding of Mr. Justice Bright in a previous Royal Commission that "The Police Force has some independence of operation under the Police Regulation Act (4) but it is still a part of executive operation. In a system of responsible government there must ultimately be a Minister of State answerable in Parliament and to Parliament for any executive operation".

2. Confirm that the principles of responsible Government require that no Head of a Branch of Executive Government, whether appointed under the Public Service Act, under Special Statute, or by contract, may withhold full information from the Government, nor be responsible for giving misleading information to the Government concerning the nature and extent of the work of that Branch or any part of it.

3. Note the finding of Mr. Acting Justice White that the Police Special Branch, through the Commissioner, Mr. Salisbury, misled the Government in respect of the nature and extent of the activities of Special Branch.

4. Endorse the action of the Government in advising the Governor to dismiss the Commissioner of Police, Mr. Salisbury.

5. Support the giving of directions to the Commissioner of

Police by the Governor in Council in respect of the collection of security information pursuant to the Police Regulation Act and in accordance with the recommendations of Mr. Acting Justice White.

6. In these circumstances believes that there is no purpose to be served by appointing a Royal Commission of Inquiry into these matters.

In moving this motion, I declare it to be a matter of confidence in the Government. I make quite clear that if the motion is not carried, or if an amendment unacceptable to the Government is carried, the Government will treat that as a matter of lack of confidence of this House in the Government and will resign immediately. We take this attitude because of the fundamental importance of questions raised in the motion to the continuance of democratic and responsible Government in this State. Every member of this House today faces a clear and uncompromising test of his adherence to the fundamental principles of Parliamentary democracy and of his belief in the integrity and significance of this House as the focal point of responsible government in South Australia. Today the time has come for every member of this Parliament to stand up and be counted on principles that lie at the heart of our free and democratic way of life.

The principles are as simple as they are great. The Executive Government of the State is responsible to Parliament and to the people. It must account for its actions, and account for them fully and effectively. Should any member of a Government of this State deny this accountability, mislead this House, the penalty is clear: resignation or dismissal from office. There is no other choice. Equally, for the elected Government to exercise that responsibility it must never be in a position of having its responsibility oversteered, denied or thwarted by any action of the head of any executive branch of Government by which the Government and the Parliament may be misled as to the activity of that branch. Such a situation is nothing less than a denial of a central principle of democracy.

The police of this State are required to be responsible to the public for their actions, as is any other sector of Government. We will no longer have a democracy if a part of the Police Force is allowed to take the attitude that it owes no responsibility to the elected Government or the Parliament of the State, but in its own judgment may pay a greater loyalty to some persons or organisations outside the State, or set its own judgment above that of the Government, the Parliament and the people. Particularly is this so in the matter of politics. The police must be concerned with the safety and security of the State. But they must not be concerned with Party-political matters.

They must not interfere with the civil liberties of individuals within our community, and particularly they must not act to impair or constrain the citizen's fundamental right to freedom of speech and expression of views on which depends our whole system of politics and Government. The Government has maintained that there should be no political interference in the Police Force. It maintains equally that there must be no police interference in politics. It is in strict accordance with these high—and we believe undeniable—principles that the Government has acted to remove from office the former Commissioner of Police, and to place those police activities relating to genuine matters of security on a proper footing.

I believe that I should deal in chronological order with the events pertaining to the matters arising from the motion before the House. My knowledge of Special Branch goes back to a period in 1970 when I made inquiries about it. Those matters appear in Appendix 17 to Judge White's report. I table a copy of that report. I was

told at that time that Special Branch was a small operation involved in gathering information necessary for the operative arms of the Police Force to prevent violence or breaches of the law or peace of a politically-motivated nature. Members will note that at that time the then Commissioner of Police said that the activities of Special Branch "certainly had nothing to do with trade unions". (p. 135).

That was the state of my belief until I was interviewed at the request of the Federal Government by Mr. Justice Hope in 1975. From him I learned that on his information Special Branches had a much wider role than the limited one of which I had been informed in 1970. In consequence of Mr. Justice Hope's inquiries, a minute from the Director of my department was sent to the Commissioner of Police in June, 1975, and on July 1, 1975, the Commissioner of Police sent a reply which was couched in vague and general terms. It appears as an appendix to the report. But as to the collection of material by Special Branch he said:

This branch has the responsibility for taking appropriate action for:

1. Containing subversive activities within the State.
2. The countering of politically-motivated violence.
3. When necessary providing security coverage for State and Commonwealth Ministers and visiting V.I.P.'s.
4. Protection of State property.

The branch keeps records of all organisations and groups suspected of extremist or subversive activities against the State or nation, and known members of such groups. The types of organisations and individuals qualifying for inclusion in Special Branch records could be illustrated by the following examples:

Prohibited immigrants; deportees, suspected members of Mafia or similar "extortion" type societies; Ustachi and other politically-oriented groups likely to resort to violence to achieve objectives; people who by overt actions have shown a tendency to commit, or incite others to commit acts of damage or violence at demonstrations of dissent; persons subject to Interpol inquiries; persons likely to embarrass guests of State or high-ranking personages; consuls and vice-consuls for all countries; owners of lost or stolen passports.

This list is not exhaustive but is intended only to illustrate the type of material filed at Special Branch records, and could contain information relative to other organisations and persons showing similar proclivities to those mentioned above.

Members will note that he is quite specifically saying that the work is confined, with the minor exception of consuls and vice-consuls and passport and immigration matters, to persons concerned with politically-motivated violence. That was the clear conclusion that one must come to from reading that report.

Those answers did not satisfy me that I was getting full and effective information as to the nature and extent of Special Branch activities, in view of what had been told to me by Mr. Justice Hope. I then settled the form of a further letter to be sent to the Commissioner of Police. It was dated September 2, and was signed by me personally. The draft had been prepared by Mr. Justice Hope's Secretary with the Director of my department, but I altered the draft in my own handwriting in order to make it more specific.

Members will see that it is a series of quite specific inquiries, although in this, as in all other matters, the Government has been scrupulous not to ask for specific information on specific organisations and individuals. All that we have ever asked for is as to the nature and extent

of Special Branch activity.

The Commissioner's replies to these questions are set out in appendix 7, dated October 16. They cover many pages. Those replies were discussed by the Commissioner with the Director of my department at that time, Mr. Bakewell, who had been instructed by me to ensure that the Commissioner was aware that I required full and effective answers to my queries. Members will notice that I said in my queries (and this is on page 98 of Judge White's report):

What types of information are included in the term "information of security value"? Are the examples set out in the minute designed to cover a large percentage of the subjects? What other types of subject are there? (What is an "extremist"?)

I will now read the answer in full:

The term "information of security value" means any information on activities considered to be subversive to the peace and good order of the State or Commonwealth. In the main, the examples set out in the minute cover the activities of Special Branch.

He is making clear that the specifics he has given cover in the main what was being done by Special Branch. The answer continues:

In former years much trouble was caused by some members of the Eastern and Orthodox Churches, particularly the Byelo-Russian Autocephalic Orthodox Church. The latter church has been the subject of an inquiry from the Attorney-General's Department and Supreme Court applications for injunction and decision have been made. These churches are of necessity recorded.

Special Branch defines an extremist as a person who, through propaganda, stated philosophy or direct encouragement, advocates or uses violent or subversive means to bring about political, industrial or social upheaval by action against individuals, communities or institutions. Examples of this would be Arab terrorists; members of the Ustachi organisation who plan the overthrow of a recognised Government in Yugoslavia; Nazi sympathisers who conduct overt action towards members of the Jewish community; radical persons who use the guise of legitimate organisations exercising their right of protest or assembly to carry out acts of violence. The above is not exhaustive; it is not possible to enumerate or anticipate all possible influences.

Members will see that I specifically asked whether the examples which were given were truly representative. The effect of the answer was to assure me that that was the case. The words "in the main" were used in answer to my query: "Are the examples set out in the minute designed to cover a large percentage of the subjects?" As Mr. Acting Justice White has pointed out, that answer was untrue and plainly misleading. The matter however did not end there. Mr. Bakewell expressed to me some concern whether we had got full information, in view of the fact that the answers stated that the numbers of names in the index file could be 41 000. Members will see that in the answers at page 106 of Judge White's report.

Mr. Bakewell also told me that he had been shown what was said to him was a "representative file", and that the material in it was he thought somewhat innocuous. I asked the Commissioner to see me to discuss his answers with me. I queried him on the number of 41 000 names in the card index. He pointed out that the index covered a period of more than 25 years; that events and organisations as well as persons were listed in the index; and that it contained many cross-references so that an individual name or event could be recorded 15 to 20 times. He said that this was no indication of the size of the work and information compiled by Special Branch. I accepted that.

I also raised with the Commissioner what other persons

who could not be considered subversively violent might have their names recorded in Special Branch. He explained that numbers of reports in Special Branch would be event reports, and that inevitably in reporting events, the names of persons present at or witnesses to events could be recorded without their being under any investigation for violent subversion. I accepted that. He also told me that there would be numbers of people whose names were on file because they could be the victims of politically-motivated violence, and it was necessary to have information concerning them in order to protect them. At that time we were anticipating the visit to Australia of Tun Abdul Razak, and that was instanced as a case in point. I accepted this also.

As a result of my interview with the Commissioner of Police, I accepted that the material he had given me was a full and effective account of the nature and extent of the work of Special Branch. I relied upon that information for subsequent statements publicly and to the press. I had no basis of other knowledge and, as I shall point out in detail in a moment, I had no further communication with the Commissioner on this matter until a minute was sent to the Chief Secretary by the Commissioner on September 2 of last year.

The minute of September 2, 1977, was in response to the Chief Secretary's forwarding to the Commissioner some questions submitted to my office by Mr. P. R. Ward of the *Australian* newspaper. Those questions appear in appendix 8 of Judge White's report on page 110, and the minute of the Commissioner on page 111 in appendix 9. I draw attention to the following words in that minute:

The Special Branch is a unit for gathering intelligence on which the operational sections of the force act. It is concerned with countering politically-motivated violence, e.g. bomb threats against political figures, providing security coverage for State and Commonwealth Ministers and V.I.P.'s and generally working for the security of the community, the State and the nation . . ."

In paragraph 7 on the next page (p. 112), he says:

There is no surveillance on matters of pure politics. Police have to be concerned with subversive activities that constitute a danger to the community, but this aspect concerns actual violence or suspected intentions leading to it.

Members can plainly see that that minute makes perfectly clear that the Commissioner of Police is telling the Government that the activities of Special Branch are not in any surveillance on purely political matters but are confined to questions of actual violence, or suspected intentions leading to it.

Subsequently, the member for Mitcham put a Question on Notice for Tuesday, October 18 of last year. The Commissioner forwarded a minute that formed the basis on which a reply was prepared to this question for Cabinet. The minute does not appear in Judge White's report and I therefore table a copy of that minute.

Mr. Millhouse: Are you going to read it so that we know what's in it?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: If the honourable member will listen for a moment, yes. I draw members' attention to the following matters in the minute:

3. There is a Special Branch within the South Australian Police Force.

(a) It is a unit for gathering intelligence on which the operational sections of the force act. It is concerned with countering politically-motivated violence, e.g. bomb threats against political figures, providing security coverage for State and Commonwealth Ministers and for V.I.P.'s and generally working for the security of the community, State and nation.

In this context, current examples of their work include security at political rallies, the installation of the Governor, the recent visit of H.M. The Queen, the recent visit of H.R.H. Crown Prince Hussein of Jordan, and the proposed visit of H.R.H. Prince Charles. As well, they are vitally concerned with providing security against such groups as the Amanda Marga Sect who were responsible for the recent stabbing and abduction in Canberra of the Indian Military Attache and his wife.

Paragraph 4 of that same minute states:

There are no police officers employed on security duties involving political dissenters other than in those areas where violence or danger of the nature mentioned in part 3 (a) is concerned.

I have just read part 3 (a). Again, it is perfectly clear that he is saying that there is no surveillance by the police, and that police are not employed on any matter relating to security other than in relation to violence or danger of the kind that he has outlined.

Following further questions by the member for Mitcham, and public statements in newspapers, it was decided by Cabinet that an inquiry should be held by a judge to establish independently the nature and extent of the work of Special Branch and the criteria to be used in respect of it. I was at that time in Malaysia, but the Deputy Premier consulted me concerning the matter and I played a full part in the decision to appoint Mr. Acting Justice White to make an inquiry.

Quite obviously, it is not possible to have an open inquiry into the contents of security files, nor do I believe that we as a Government should have investigated the files personally. That was a suggestion made publicly by the member for Mitcham. I do not believe that the Government itself should be involved in direct examination of security files. I believe the proper course was to have a judicial officer investigate the matter, and this we did. Quite clearly, from Judge White's report, the answers which were given to me on repeated occasions by the Commissioner of Police as to the nature and extent of Special Branch work were wrong, and very seriously wrong. I deal with the matters specifically from Judge White's report. I read these extracts, as follows:

My report discloses the Special Branch has maintained records on political, trade union and other sensitive subject matters for 23 years. Their existence was not mentioned to the Government in spite of several requests for information about them. Special Branch believed that it owed a greater loyalty to itself and its own concept of security than to the Government.

1.2.1. However, I also found there a mass of records (indeed, the greater part of Special Branch records) relating to matters, organisations and persons having no connection whatsoever with genuine security risks.

1.2.2. A significant proportion of the files relates to political, trade union and other sensitive matters.

We had been told that there was no police activity of that kind. The report continues:

2.5. Since 1953-54, the time of the Petrov Commission, Special Branch has maintained extensive records, not only about extreme left and right wing activities, but also about all organisations perceived to be "left" of its own point of view; for example, A.L.P. and trade union organisations and personalities, members of universities, Councils of Civil Liberties members, Peace Movement members and many other categories of people.

Special Branch has quite substantial records of genuine security value about so-called extremist right-wing organisations and members, reasonably capable of being suspected of possible terrorism or sabotage or like activity, but such

records form a relatively minor part of the total.

2.8. I have doubt that the arbitrary centre point was established by Special Branch with the assistance of ASIO, either by means of information fed into Special Branch by ASIO as being relevant to security or by ASIO's periodical training sessions of State Special Branch officers at seminars.

3.2.4. Material which I know to be inaccurate, and sometimes scandalously inaccurate, appears in some dossiers and on some cards. Some of this information appears to have been used in "vetting" procedures.

There was, however, some internal evidence that information about persons unknown to me was probably inaccurate and therefore potentially damaging to them in the way it had been used.

4.3.2. There is some evidence of physical surveillance of A.L.P. members and Parliamentarians at public meetings. Most of the material consists of "surveillance by record".

All A.L.P. candidates and elected members "came under notice" as index cards were opened when cutting from newspapers all references to their public utterances, writings and personal histories.

There are no corresponding files about Liberal Party or Country Party personalities . . .

Some of it (the material on file) is offensively inaccurate. Subject sheets are raised against many A.L.P. Parliamentarians who frequently "came under notice". Some files were also raised about some Parliamentarians.

4.3.3. Associated Labor Party organisations for young people and for university students have files. Certain members have subject sheets and separate files. There are no corresponding files about Young and University Liberals, except one file about a Liberal Club at Adelaide University, which is described later.

That description later was as to a university publication which, not going all the way with L.B.J., was expressed by the police as having surprisingly left-wing views.

Mr. Goldsworthy: How do you know that?

The Hon. D. A. DUNSTAN: It is in the report; I suggest the honourable member should read it. The report continues:

4.7 Clergymen of the main denominations "came under notice" and were indexed. Some have special files. Most, if not all, of the activity was peaceful and non-subversive.

I remind members that the Commissioner of Police told us that the work of Special Branch was in relation to violence or intended violence. How does it measure up with the following comment in the report:

Even prayer meetings for peace were watched and recorded.

The report continues:

4.8 Council of Civil Liberties

All of the members of the council from time to time, and some of their appearances and utterances, are on some file. All council members from time to time are indexed.

4.14 Some files and many cards relate to anti-apartheid demonstrators not to pro-apartheid sympathisers.

6.2 During 1975, when the constable was in charge, the Government inquired about, but was not given full information as to the nature of the files. Many categories of files were mentioned but the existence of a substantial quantity of files on political and trade union affairs was suppressed. This serious omission had occurred upon inquiry once before (October, 1970) and it occurred later (September, 1977).

6.2.2. The sergeant in charge is theoretically responsible to Assistant Commissioner Calder, but in practice responsible to the Commissioner himself.

6.3 Past staff may have misled both the previous Commissioner and the present Commissioner about the

existence of sensitive files or the Commissioners might have suspected but not checked their existence. I have not attempted to allocate blame for lack of frankness with the Government.

7.1.1. Sergeant Huie's 1967 memo on Special Branch functions. That document records accurately some of the history and functions of Special Branch, but it misrepresents, by silence about political, trade union and other files, the true state of the records. The omitted files represent, in total, a most significant and certainly the most sensitive section of the records . . . It was not true that his list was representative of Special Branch categories of files in 1967.

7.3.1. On three occasions the Premier sought information from the Commissioner about categories of files. On each occasion, reference to the sensitive files on political, trade union, university and other matters was avoided.

7.3.2. When Sergeant Huie's 1967 categories are compared with those on page 2 of the minute of July 1, 1975, from the Commissioner to the Premier, a marked similarity will be noticed between them. It seems probable that the 1967 memo was used as the basis for the 1975 memo. There are additions and subtractions in the 1975 memo and a saving clause advising that the list of categories is not exhaustive. However, the saving clause does not, in my view, prevent the 1975 memo from being misleading by omission, as the listed categories purported to be substantially representative when they were not.

7.3.3. A recent memo of September 2, 1977, likewise omits the sensitive categories, but the Commissioner may have felt that he had no responsibility to disclose security matters to a journalist, even if the journalist's questions were referred by the Premier.

7.3.4. In October, 1970, certain statements were attributed to the Commissioner that there were no files on political or trade union matters, and to the Premier to the like effect, after he had inquired of the Commissioner.

16.1.4. Special Branch criteria for recording material after 1953-54 were not based on the possibility of violence or force to overthrow the Government. Nor were they based on any real suspicion of possible espionage. They were based, rather, on the unreasoned assumption that any persons who thought or act less conservatively than suited the security force were likely to be potential dangers to the security of the nation in that they might possibly give direct or indirect comfort to the enemy, communism. Suspicion of direct or indirect comfort was based on unrealistically nervous grounds.

16.2.3. Some wellknown moderate figures (often senior members of Parliament) have recorded about them scandalously inaccurate opinions about their political standing.

16.2.4. The mass of information about Labor organisations and personalities must be contrasted with the paucity of information about the Liberal Party and Country Party.

16.2.8. It is difficult to understand why members of the Civil Liberties Council were treated automatically as security risks . . . Many of these forerunners of the civil liberties movement are now judges or magistrates or prominent persons in public and service life. Many of them are known by me to be of conservative turn of mind.

16.2.10. I have seen a number of cards where information, patently false to my own knowledge, has been used to the attempted disadvantage of certain persons. There may be hundreds of other instances which I have not seen or about which I could not know. I did not delve unnecessarily into individual files and cards.

16.4. I also mention these few instances to demonstrate the outrageous unfairness of most of the records to hundreds, perhaps thousands, of loyal and worthy citizens. I have refrained from mentioning some specific glaring examples for

fear of identifying individuals.

16.5. Of less importance, but nevertheless of great concern, is the cost and waste involved in the mindless collection of masses of useless information based on false and unjust premises. I consider later the question how far the State should subsidise the cost of accumulating security information based upon premises which do not find acceptance in the community.

16.6. Even if most of these often biased and useless records were now to be sealed up and never used, they would be preserved for no purpose. They could never be used for valid historical research, except research into the history of folly.

16.7. The fact is that the records are not sealed up. Most of the information has been passed on to ASIO over the years. Often in the past, less often now, the information was used for the purpose of "vetting" important promotions, even where no security risk was involved. It is still used by ASIO to check whether certain named persons have "come under notice" here.

18.2. There is substantial proof in the records of Special Branch and of the Commissioner of Police that from 1970 onwards the Premier of South Australia was prevented from learning of the existence or nature of substantial sections of Special Branch files on political and trade union matters, in spite of specific inquiry by the Premier in October, 1970, July 1975, and October 1977.

18.3 Three times the Commissioner of Police for the time being gave answers which did not disclose the existence of such files on political and trade union matters.

18.5.2. It is necessary for me to deal with the failure of Special Branch (through the Commissioner) to inform the Government fully.

That is all I wish to read from the report of Mr. Acting Justice White. It is quite clear from that information that the material that was provided to the Government by the Commissioner of Police was wrong and gravely wrong, and that there was concealed from the Government the political nature of the activities of Special Branch that had nothing whatever to do with matters of security or protecting this State from breaches of the peace or politically-motivated violence.

I went on to see the Commissioner after having received the report from Mr. Acting Justice White. At that time I handed to the Commissioner the material in the report, and the Commissioner was asked specifically whether in fact he had any answer to make to this matter. I said at the outset that I was appalled at the contents of the report, that clearly the Commissioner had misled the Government and that he was responsible for giving us information that was misleading. The Commissioner said that he hoped that I did not think he had deliberately misled the Government, and I said that I was not drawing any conclusions at that stage. I asked him to go away, read the report, and return to me after he had had the opportunity to look at it and account for its contents.

At the same time, I pointed out to him that we regarded the situation gravely indeed, and that if any Minister of the Crown, whether misled by his public servants or not, were to mislead the House in some serious way in respect of his own department, the requirements of the Westminster system were that that Minister should tender his resignation. However, that position does not obtain in relation to this matter, because the Commissioner of Police has some degree of statutory independence, as was pointed out in the finding of the Royal Commission headed by Mr. Justice Bright. Therefore, he was in the same position of responsibility in providing information about the activities of his own section of Executive Government as was a Minister, and he must accept the

responsibility. I asked him to go away, consider the matter and return, and he did that. I saw him at 9.30 a.m. on Friday, January 13, in company with the Chief Secretary.

Immediately after the interview, which lasted until 10.45 a.m., I dictated notes of the interview, and I have checked these with the Chief Secretary. I do not suggest that the notes cover the whole of a one-and-a-quarter-hour conversation *verbatim*, but they certainly cover all the matters of substance that were raised at the interview.

Mr. Millhouse: Have you confirmed them with Mr. Salisbury?

The Hon. D. A. DUNSTAN: No.

Mr. Tonkin: Why not?

The SPEAKER: Order! The honourable Premier has the floor.

The Hon. D. A. DUNSTAN: I have made notes in the normal way in which notes are made, and the members who are lawyers know that this is a normal form of activity.

Mr. Millhouse: It's quite usual to go—

The SPEAKER: Order! The honourable member for Mitcham is out of order.

Mr. Dean Brown: You accept that they—

The SPEAKER: Order! The honourable member for Davenport is out of order.

The Hon. D. A. DUNSTAN: I have issued them publicly, but I have not heard the Commissioner utter any contest as to the contents of the statement, and they have been published for some time now. The Chief Secretary and I had an interview with the Commissioner of Police at 9.30 a.m. on Friday, January 13, 1978, and the interview lasted until approximately 10.45 a.m.

The Commissioner commenced by saying that there were some cards for Liberal M.P.'s and files in relation to three, whom he mentioned by name. He mentioned the matters referred to in the files in one instance, which was clearly not a matter of security within the terms of reference outlined in the report, certainly not a matter of political violence or intentions thereof. He contended it was properly recorded. I disagreed, and said it was not a matter of security at all, and should not be there however much I disagreed with the views of the particular member concerned.

The Commissioner contended that Special Branch inevitably has to record a great deal of material in order to provide background, and what they do then of course is a matter of judgment that has to be left to them.

We went through matters relating to security, and it was clear right through the interview that the Commissioner believed that all sorts of information which in fact was not covered by his minutes in 1975 and 1977 should properly be recorded by Special Branch, and he cited Mr. Justice Denning's report in the Profumo case and said in that matter Special Branch had had information but there was no means of communicating it with the proper authorities. I said I was sure that the proper authority would have been the Prime Minister, and he agreed that that was the case.

The Commissioner several times launched into a considerable diatribe concerning Mr. Millhouse, M.P., and, to a lesser extent, Mr. Peter Ward of the *Australian*. I pointed out to the Commissioner that, however these matters had arisen, the Government had a duty to see to it that there was no improper activity intruding upon the private lives of citizens of South Australia, and it had a duty to be honest with the Parliament and the public.

I put to the Commissioner specifically that if a Minister had misinformed the Parliament of matters within his own Ministerial area directly, even though he had been given misinformation by public servants in his department, in any serious misrepresentation to Parliament the Minister

would be called upon to resign; that, in this particular case, no Minister was in that position because the Police Force was a separate statutory body and not directly under Ministerial control, but that he was in the position of having to take responsibility for the information that was given; that when I had requested information in 1970, clearly from the report I had not been given it; that in 1975 I had sought information from him, and found great difficulty in getting any originally but, after he had replied in very vague and general terms, I had asked a whole series of specific questions which I had personally settled after discussion with Mr. Justice Hope: the answers to those questions in fact had given effectively false information to the Government; and that we were not in a position personally to investigate the files of Special Branch, but he had to take the responsibility for answering the questions truthfully and to satisfy himself that the answers were truthful, and in that he had failed.

He said he considered the answers to be truthful, although he agreed that some of the answers might have been "pulled" a little. I said that in fact the answers had clearly misrepresented the position. The list of activities was not representative, and that was not cured by the fact that the answer said it was not exhaustive. In fact, the selection had, on Mr. Justice White's report, clearly misrepresented the position, and that had occurred again in September of last year in respect of the last paragraph of his minute, which was an answer which he had been not asked for but which he added gratuitously himself, and which completely misrepresented the situation. He said he believed that answer was truthful (the answer that there was no purely political surveillance), but then argued that in fact surveillance there meant a 24-hour watch on someone. In fact, he added that it was almost harassment.

I said that I did not believe that anyone generally would have accepted that that was what was meant and that I and the Minister had made public statements relying on the information which he had given us and which he said Special Branch must or should have known was not correct. Indeed, in the Commission's own minutes he uses "surveillance" in general terms and not in the particular confined way he attempted to suggest it had been used in here.

In addition, in 1970, before he was Commissioner, the Special Branch was aware that I had assured people that there was no watch kept on trade unions. That was not the case, but they had been given no information to correct what had been said in relation to this by the head of the Government. Mr. Acting Justice White's report reveals that there are armfuls of files about trade unions in South Australia.

The Commissioner went on to contend, however, that Special Branches everywhere had duties, and he considered them to be to the Crown, to law, and not to any political Party or elected Government. I said that the Ministers in South Australia were Ministers of the Crown and advisers to the Queen. In no circumstances could any section of the Police Force, Special Branch or not, consider itself to be immune from providing accurate information as to its activities to the responsible Ministers and to the head of Government. I said that I believed the misinformation given to the public must, as a matter of principle, be corrected, and I believe that the only effective way of correcting it, apart from any other action which might be taken, was to publish Judge White's report.

The Commissioner contended that if the report were published it would prove volcanic, that it would affect Special Branches in all States, as well as ASIO, that it would have a severe repercussion on the morale and public

image of the Police Force, and that the matter should be treated as a domestic document. We had refused to publish the internal report of Scotland Yard in the Duncan case, and so we should refuse to publish this, as the matter could be dealt with by having a senior officer appointed to assist Judge White in the culling of material from the branch and that the least possible information about the activities of the branch should be given to the public. I said that that would be for Cabinet to decide, but I personally could not accept that view, that it might have been that we could have protected the operations of the force and corrected what had been going on internally had in fact, the position been that no misinformation about the matter had been given to the public, but the public could not be expected simply to accept bland assurances from me that everything was now all right, as I had been wrong previously on this matter. They would need to be satisfied.

I also pointed out to the Commissioner that I had no doubt that the publication of the report would in fact affect the credibility of the Police Force but it would markedly affect his credibility also, because the report points out that the Government and the public had been deceived by the branch through him. If dire result to the Police Force occurred, then he must accept his full share of responsibility for that.

The Commissioner again attacked Mr. Millhouse and said that he had previously said, and it had been published, that in South Australia he had known less interference from Government Administration than anywhere else in his history in police, but if the report were published and some direction taken in relation to the Special Branch he would consider this the grossest interference he had known, and that it stemmed from Mr. Millhouse, who was making a purely political attack upon the Government and upon me (that is, the Premier) personally.

I again reiterated that the Government had no brief for the mode of operation of Mr. Millhouse, but the fact remained that a situation existed which was insupportable and where the Government, upon his assurances, had misled the public. He said that he believed that the public ought not to know about the activities of Special Branch. He considered that questions that had been directed at this time, particularly those of Mr. Peter Ward, had been impertinent and improper, and that Mr. Millhouse's activities had been disgusting and indecent.

He said, moreover, that he considered that the wording of the report was in many cases intemperate. He read out the section, which I have read to the House, in which Judge White used the words "scandalous" and "outrageous", and said it appeared to him that the report had been written in these terms with a certain amount of relish. I said that I rejected that reflection on Judge White, that we had not made an ASIO raid on Special Branch but had appointed an independent judicial officer whose good sense, balance and integrity had won him respect throughout the community, that he himself had said to me that the report he could have written could have been very much stronger given the material he had sighted, and that we accepted his report as being proper and balanced.

The Commissioner then said that he believed that Special Branch had particular duties, which meant it had to cast its net very widely in order to get information which might be of relevance, that those duties meant that it had the need to keep information to itself, and that that information was not to be provided to political Parties or elected Governments. He said that in England MI5 did not provide information to the Home Secretary or the Prime Minister and that the Treasury in England did not provide certain information to the Chancellor of the Exchequer. I

said that that was not the case in this country, that ASIO has the duty of providing full information sought to the Prime Minister or the Minister directly responsible, that the same applied in relation to Special Branch and the Minister and head of Government in this State, and that, if Treasury in South Australia did not provide me, as Treasurer, with information from the Treasury and concealed it from me, I would want that particular officer's head on a charger.

He said that no doubt this arose from a difference in background which he had had in England. However, he reiterated that that was what he saw as the rightness of that position. I told him that the matter would be put to the Cabinet, and reiterated that the Government would have to correct the misinformation which had been given publicly about Special Branch and, in doing that, it would have to satisfy the public as to what had been occurring.

The Minister drew the Commissioner's attention to the editorial in the *News* demanding that I should release the report publicly even before Cabinet had had a chance to consider it. The Commissioner then said that he considered the press of no moment in these matters and that they had, as Lord Baldwin put it, the prerogative of the harlot: power without responsibility. I said it was true that the press could act irresponsibly at times, but nevertheless the public had a right to be satisfied as to what had been going on, that it would be for Cabinet to decide, but that I saw no way out of being frank with the public and, in being frank with the public, he was in a position of having to take responsibility for the public's being misled and for the continuance of activity in Special Branch which the Government, and I am sure the public, would regard as improper.

Subsequently, the report was taken to Cabinet. All members of Cabinet had an opportunity, before Cabinet's meeting, of looking at the report in detail. I related to Cabinet my interviews with the Commissioner; they were confirmed by the Chief Secretary. A lengthy discussion was held in Cabinet and a unanimous decision was arrived at. I was instructed by Cabinet to see the Commissioner and inform him that the report would be published, that instructions in accordance with the recommendations of Mr. Acting Justice White would be given to the police in relation to Special Branch, that we believed that he must accept responsibility for what had occurred in the misleading of the Government, the Parliament, and the people of the State, and that I must ask for his resignation. If he refused his resignation, then advice was to be tendered to the Governor recommending his dismissal.

I saw Mr. Salisbury and apprised him on this on the day after the Cabinet meeting. Mr. Salisbury said that he considered that to be unfair, that he would not resign, and that he would contest the matter. I told him that advice in those circumstances would be given to the Governor. He asked what his financial position was, and I told him that the Government did not believe that he should suffer a monetary penalty because of what had occurred, that no point would be taken by the Government as to any legal rights it might have in respect of any agreement which existed with him, and that in fact all moneys due to him would be honoured in full. He asked whether he was under suspension. I said that there was no power to suspend him but that he would hear very shortly, and he then left.

After communicating the matter to other Ministers, I attended on the Governor and apprised him of the position, and an Executive Council meeting was called for later that afternoon. At that Executive Council meeting the Governor in Council issued instructions to the Police Force in accordance with the recommendations of Mr.

Acting Justice White in respect of security information, and dismissed the Commissioner.

We then discovered that it was difficult to get in touch with the Commissioner. Officers of my department endeavoured to do so but were unable immediately to locate him, but we believed that he would be located by midnight of that night. In those circumstances we believed that it was necessary to make provision for the release of the information for the next day's news services and the press—

Mr. Tonkin: Services?

Mr. Dean Brown: You are joking, surely.

The SPEAKER: Order! The honourable member for Davenport is warned for the second time.

The Hon. D. A. DUNSTAN: In respect of this, I released a press statement and the report to reporters of the *Advertiser* newspaper at 6.15 p.m. with an embargo until midnight (that was the publication time of their newspaper). Shortly before midnight my press secretary rang all the electronic media to inform them there would be a press statement first thing the next morning and that the electronic media could ring to get voice tapes. In fact, several of them did so for their early morning news services.

Mr. Millhouse: It leaked out before then, though.

The SPEAKER: Order! The honourable member for Mitcham is out of order, and I call him to order.

The Hon. D. A. DUNSTAN: The only leak that occurred was because of the embargoed wire services of the *Advertiser* someone picked up what is called a bleeder and rang 5DN news. That was contrary to the arrangements that had been made with the *Advertiser*, and it has accepted responsibility for the fact that that occurred.

As to all other matters, there was a press conference next day at 9.15 a.m., when the report was released generally and I answered questions from the press concerning the matter. The position that we faced is that the Commissioner of Police excluded, according to Mr. Acting Justice White's report, other senior officers of the police from dealing with Special Branch. He had Special Branch reporting to him directly. He accepted ultimate and initial responsibility for the recording of material by Special Branch and, of course, he had to accept responsibility for the minutes that were forwarded to us. The Commissioner has claimed publicly that he has had no chance to make a defence. He has had every opportunity to make a defence. He was asked to make a defence to the Government, to comment on and to explain the material contained in the findings of Mr. Acting Justice White. Those findings were made after 'the Commissioner, the Assistant Police Commissioner (Mr. Calder), and the officers of Special Branch had all been interviewed by Judge White.

Mr. Salisbury has also had an opportunity to state his case publicly. Nowhere has he in fact made a defence of his position. What is his defence? It amounts to this. So far as he has advanced anything in respect of the plain failure of responsibility disclosed upon the facts, he says he had a greater duty to security, and his own and Special Branch's concept of it, than he had to disclose information to the elected Government of the State. He says that it was right and proper for him to withhold information, when the information was in fact not about security matters at all but about the nature and extent of the secret gathering of incorrect and biased political information and character information concerning private citizens in South Australia found by Judge White to be in no way properly the subject of security investigation. That is no defence at all. Mr. Salisbury has confirmed all the main facts of the case. He has had ample opportunity to say anything else in

explanation, but he has advanced nothing. The only conclusion that one can come to is that he has nothing else to advance.

There was then a further matter raised, first by a former Executive Assistant of mine and secondly by the Commissioner himself. Let me deal with what the Commissioner has had to say on this matter: that is, that I must have had some knowledge of Special Branch files which went beyond the information given to me in the reports of the Commissioner of Police which Judge White has properly found were misleading. Let me read what the Commissioner had to say on this issue at a press conference, as follows:

Q. Did Mr. Dunstan know the nature and extent of the special files early last year?

A. I don't know. I suspect so.

Q. Mr. Dunstan has always denied that he has ever seen the files. Do you refute that statement?

A. No, I don't think he's ever seen the files.

Q. On what basis do you suspect that?

A. On what basis do I suspect what?

Q. Suspect that Mr. Dunstan had prior knowledge of the files?

A. Well, I don't know, it's been reported to that effect and that's why I say suspect. I can't say yes or no.

Q. Do you have any personal evidence to suggest that this is the case?

A. No.

Q. Do you think Mr. Dunstan has very little understanding of the Special Branch and its workings?

A. I wouldn't accept that. I think Mr. Dunstan knows quite a lot about what Special Branch does.

Q. How long has he known this?

A. I think he's known it for a lot of years.

Q. Would you say 10 years?

A. I would think he's known since he became Premier—well, he was Attorney-General before that.

I may add that in another part of his interview with me, the Attorney-General in one of his diatribes about Mr. Millhouse mentioned in those notes (I am sorry, I mean the Commissioner of Police, not the Attorney-General) to which I had referred that he believed that Mr. Millhouse must have known about the nature of Special Branch from the fact that he had been Attorney-General. I do not know information that would have got to the honourable member as Attorney-General, and in view of the fact that it was not until October of last year that he put Questions on Notice in this House in relation to Special Branch I would not have thought that he would know anything of the kind revealed in Mr. Acting Justice White's report. The Commissioner had concluded that he did in the same way, apparently, as he had concluded that I did. I continue quoting from the Commissioner's press conference, as follows:

Q. Where would he have found out the information from?

A. Well, by . . .

Q. Well, it's not common knowledge the exact workings of Special Branch.

A. Well, I'm not saying he knows the exact workings of Special Branch. I'm saying he knows of the working of Special Branch and of the existence of Special Branch.

Q. Is it true, in fact, that you supplied some detailed explanations to him on at least two occasions when he requested that sort of knowledge from you?

A. I supplied as detailed explanation as I thought I could in respect to the secrecy which is required in Special Branch work.

Q. Well, in that information certainly you referred to some 41 000 index cards, and from the same memo you sent to Mr. Dunstan he was aware of the fact that police were

being seconded for use by ASIO and the Special Branch and that the police photographic teams were being used. So do you think it's now unfair that with the White Report out Mr. Dunstan has claimed that he had no prior knowledge of the activities of Special Branch?

A. Well I don't think I'm going to make any comment on that. I think any person of common sense can form his own conclusions. Incidentally, I would say that these 41 000 files are far wide of the mark. There are probably 41 000 references, and in some cases I would think 15 probably 20 refer to the same matter by cross referencing.

Q. Mr. Salisbury, the whole issue seems to be on your sacking and the justification by Mr. Dunstan is that you misled and misinformed Parliament. Now you've suggested that Mr. Dunstan knew a lot more than he was telling in relation to the Special Branch.

A. I haven't exactly said that he knew a lot more. I've said that I think he knew of the existence of these files before these questions cropped up in these particular set of circumstances.

Q. Do you believe that the information he had, or the knowledge that he had, could have formed the basis much before the one that was called in December last year?

A. I think it probably could, yes.

Q. Do you think he knew about the existence of files, which have been described by Judge White as "scandalous"?

A. He just knew of the existence of files. It's Judge White's assessment that they're scandalous—we don't agree with it.

Q. Did he know of the nature of the files do you think before last December?

A. I think he must have known of the nature of the files, that where people are in a situation that looks as though there might be some risk attached to it, either directly or indirectly so far as the security of the nation is concerned, those people are listed. But I hasten to explain, I have been into the strongroom now and had a look at some of the files—absolutely at random—and there are some files there that contain absolutely nothing to peoples' discredit, absolutely nothing.

That is the whole transcript of his answers on this matter. What the Commissioner alleges is that somehow or other I must have known that the Special Branch files—

Dr. Eastick: What is the origin of that document?

The Hon. D. A. DUNSTAN: It is a transcript of his telecast.

Mr. Millhouse: Taken by the media.

The Hon. D. A. DUNSTAN: Yes, taken by the media.

Members interjecting:

The Hon. J. D. Corcoran: You can get it if you want it.

Dr. Eastick: You got it from Big Brother.

The SPEAKER: Order! The honourable member for Light is out of order.

The Hon. D. A. DUNSTAN: For the information of honourable members, let me say that I got it from the media. The Media Monitoring Unit was not working at the time.

Members interjecting:

The Hon. D. A. DUNSTAN: What the Commissioner alleges is that somehow or other I must have known that the Special Branch files went far beyond the matters which he had told me of, and that I must have had some knowledge somehow that the majority of files were of the improper kind outlined by Judge White. The Commissioner admits he has no evidence for that. He in fact made the allegations in relation to knowledge by me and the same allegations in respect of the member for Mitcham. I have no evidence that the member for Mitcham had any such specific knowledge, and I am satisfied that neither did senior officers of the Police Force, including the Deputy

Commissioner. The fact is that the activities of Special Branch were kept largely covert, and, while there was free access of information to ASIO, there was no such free access of information to other police officers, and certainly no information was passed to the Government.

Mr. Salisbury has made much play about the "oath of secrecy" in Special Branch. If there was such an oath, and it was solemnly observed even to the point of denying the elected Government legitimate information properly requested, how could I have come to know of the true nature of Special Branch activities?

The second thing is that the allegation in itself is inherently incredible. It is quite obvious from the documents that, in 1975, I became concerned about the activities of Special Branch and delivered to the Commissioner what the Commissioner has said were very probing questions—and those were his words. He gave me answers to those probing questions which he now acknowledges were, by intention, incomplete. I do not believe that any member can believe that, if I had known at the time I received those answers that the activities now disclosed by Judge White's report were going on and that they were being concealed from me, I would have taken no action. And yet that is what is suggested. The allegation does not bear the most cursory examination.

Now I turn to the matters alleged by Mr. Peter Ward in a series of newspaper articles. It is obvious from the articles that Mr. Ward's memory of what took place within the Premier's Department when he was Executive Assistant was gravely defective. For instance, Mr. Ward published that I had been given information that the Commissioner of Prises, Mr. Baker, was the subject of a Special Branch file. Judge White has found no file exists or has existed on Mr. Baker.

He was particularly directed to that matter because when Mr. Ward published that statement, much to my surprise the Commissioner of Prises, Mr. Baker, immediately wrote me an indignant letter and wanted to know what it was all about. In fact, there was no file on Mr. Baker, and there never has been. Mr. Ward later amended that to my being given information by the Director of my department, Mr. Bakewell, that there was a file on a leading and respected public servant. That was quite wrong.

As I have said to the House, Mr. Bakewell informed me that he had been shown what was said to be a representative file. It had not related to a senior and respected public servant, and certainly did not relate to Mr. Baker. In fact, what happened in the department was that I informed members of staff of the answers which had been given to me by the Commissioner of Police to the queries I had raised. That is, in the verbal inquiries I made and which I have detailed to the House.

As an instance purely of my own devising of the sort of person who might need protection and therefore be on file, I said to the staff, "For instance, it may be that they would need some information concerning the Prises Commissioner, as a previous Prises Commissioner had his house burned down." That was an instance of my own illustration, not from information given to me by either Mr. Bakewell or the Commissioner of Police. Mr. Ward admitted to me that his memory, now that I had recalled this matter to him, was wrong, and that has been confirmed by Mr. Bakewell.

It is noticeable that Mr. Ward had suggested in the report that at an interview at which Mr. Ward, Mr. Bakewell, and my Secretary, Mr. Wright, were present, I had been given information which in fact would lead me to suspect that there was greater information in these files than the Commissioner of Police was telling me of.

I have copies of statutory declarations both of Mr. Bakewell and Mr. Wright, and they are in similar terms, as follows:

I, Robert, David Eavestaff Bakewell, do solemnly and sincerely declare that my attention has been drawn to allegations by Peter Robert Ward that in or about 1975 or 1976 I had and gave information to the Premier, Mr. Dunstan, that in fact the files held by the Special Branch of the South Australian Police Force went significantly beyond the matters about which the Premier had been informed in answers given by the Police Commissioner. I had no knowledge at that time that that was the case, and I gave no such information to the Premier whether in Mr. Ward's presence or otherwise.

Mr. Wright's statutory declaration is in similar terms and I table those declarations.

I have already dealt with the matter of the names on the card index. What are the other matters alleged by Mr. Ward? It was alleged that there was an upset when a previous Commissioner of Police had made a defamatory report on the character of a proposed appointee to a public post. I have dealt with that matter publicly. The then Commissioner was challenged about the matter. He could produce no evidence for the defamatory statement he had made. He was required to examine material in the hands of the police to see whether there was any justification for his allegation, and he produced some police patrol reports which did not substantiate the allegations he had made, and which were certainly not of a kind to support the suggestion about the person concerned, and it was not said to be anything to do with Special Branch. There was no mention of Special Branch at that time. It was not a matter which related in any way to subversion or, indeed, politics.

The second matters he raised were that in speeches when I was Leader of the Opposition, I had referred to my knowledge from Ministers having shown me files, that information about some individuals holding political views was on file. So it was, but not in the hands of the police. The files I referred to were Education Department files. It had nothing to do with the police at all. The other matter I had referred to was being shown some files by the Commissioner of Police, Mr. McKinna, relating to unconvicted persons. Again that was nothing to do with any of the work of Special Branch, and Special Branch was not mentioned. It related to allegations of criminal activity, activity which could be the subject of a criminal charge but had not been, and it related to the Scientology organisation in South Australia. These were C.I.B. reports; they were nothing to do with Special Branch at all.

None of these matters (and I have dealt with them all extensively in an interview which I gave to Mr. Ward) shows that I had any knowledge whatever of the working of Special Branch, except the material which had been provided to me by the Commissioner of Police and disclosed to the House.

It has, however, been the case that members opposite, confronted with the incontrovertible evidence of the White Report, have attempted to divert attention from those facts and their grave implications for civil liberties in our State, by calling for a Royal Commission into the action taken by the Government, and in particular my role in that action. Rather than face the facts, they have attempted to confuse the fundamental issues of principle in the public mind by a campaign of innuendo and implication. They have shirked their responsibility to protect the democratic freedoms of our people, choosing instead to launch politically motivated attacks on my personal credibility.

They have not cited a single fact upon which any such

allegations as to my knowledge of police files could be based. Nobody in fact today is making any allegation of a single fact which could substantiate in any way that I had more knowledge than was provided to me by the police, and the information which was provided by the police was, as Judge White has found, misleading, and it has been acknowledged by the Commissioner of Police that this was done by intention.

Now I turn to another matter which emanated from two people, the Leader of the Opposition and a journalist, Mr. Stewart Cockburn. This was an allegation completely unsubstantiated by any evidence whatever that the Government for some time had been gunning for Mr. Salisbury and had used this particular incident as an excuse to get rid of him. It is not new for the Leader of the Opposition to make allegations completely unsubstantiated in this way. There was the recent case in which he made an allegation that the Auditor-General had been pressured into resigning by the Government, an allegation as surprising to Mr. Byrne as it was to the Government. Mr. Byrne immediately issued a denial, as did I. However, the Leader of the Opposition continued with his allegations, unsubstantiated as ever and, when challenged by the Editor of the *News* in Adelaide to produce evidence to substantiate his allegations, he could not.

His allegations in this matter are similarly baseless. They have been denied not only by me but also by the Commissioner of Police himself. Let me read what the Commissioner had to say at his press conference, and the transcript was provided to me by the media; it is a public document. The transcript states:

Q. Opposition Leader Tonkin has alleged that Premier Dunstan was gunning for you, that your sacking was premeditated. Is that the way you see it?

A. [Mr. Salisbury] No.

Q. Was there any pressure on you last year to resign, sir?

A. No.

Q. What have your relations been with Mr. Dunstan over the past 5½ years?

A. Up to date, very good.

Q. You haven't become a whipping boy or anything like that, Sir?

A. So far as I know I've not. As a matter of fact I've seen, relatively speaking, very little of Mr. Dunstan.

Q. How long have you been aware of a hostile attitude towards you from the Premier's Department?

A. Well, I don't know whether there is a hostile attitude. I'm not going to commit myself on that either. All I can say is that, up till very recently, relations, as far as I'm concerned, have been perfectly satisfactory.

So they were. Mr. Salisbury has repeatedly said, both now and previously, that there has been no political interference by Government in the Police Force, under his Commissionership. His relations with the Government prior to this have been without difficulty, and indeed have been cordial. What the Leader of the Opposition has been doing is, as usual, to promote an utterly baseless rumour for political purposes, and nothing else.

It was, however, puffed up by Mr. Stewart Cockburn in a series of articles in this State and in interstate newspapers. I characterised those statements as being completely untrue (actually I used another word but, for Parliamentary reasons, I will not use it here) and I challenged Mr. Cockburn publicly to his face to produce evidence, and he said that there were rumours. I find it remarkable that a journalist, who claims to be a leading and responsible journalist, makes his attacks upon the Government not on the basis of any substantiated fact, but as a self-proclaimed rumour-monger.

There are two other matters which I should deal with;

both relate to a former member of this House who seems very much keener to get himself before the public and the press now that he is out of Parliament altogether than he does to make responsible statements based on fact. Mr. Hall, on two successive days, made conflicting statements and contradictory claims. The first was that the information which was held by Special Branch was in fact the physical property of ASIO and had been paid for by it.

Special Branch is not paid for by ASIO. No moneys have passed through the police accounts from ASIO directly to Special Branch. The only exchange of moneys has been payments by ASIO through the agency of Special Branch to agents for the work which they have done. The information compiled and collected by Special Branch has, as far as expenses of Special Branch itself are concerned, been paid for by the South Australian taxpayer. While it is true that the information has been made freely available to ASIO, Mr. Hall's allegation is completely without basis.

The second allegation was an attack on Judge White, and that was that Mr. Justice White has been in gross breach of the security of the nation because he had been appointed without an ASIO clearance to look at information of a security nature collected for ASIO. Now it is evident that Mr. Hall made that statement, again completely without checking the facts, and the facts are as revealed by Judge White that constitutionally he did not require a clearance from ASIO. He was a judge of the South Australian Supreme Court appointed under an administrative act of the South Australian Government to look at a part of the South Australian administration established under South Australian Statute and administrative order. However, without his having requested it, ASIO proffered to him a letter giving him complete clearance to investigate its material, and that letter he has in his possession. Mr. Hall's allegations were baseless, foolish, and wrong.

Before I deal with the matter that has lastly been raised by the Leader of the Opposition, I will deal with some other vital matters, because a third matter was raised by the Commissioner, in defence, not that it was any defence to his having misled the Government. He said that it did not matter that this inaccurate, politically biased, outrageous, at times untrue and scandalous information had been collected on individuals in South Australia by Special Branch, because it was secret. It was mured up, not passed on to anyone, and had not done any harm to anyone.

He repeatedly made these allegations at his press conference. What the Commissioner has carefully overlooked, of course, is something that he must have known about. He had been quite disingenuous about this matter. The fact is that the material collected in Special Branch was not kept by Special Branch alone. As Judge White points out, from his examination of the cards and files, there was a free flow of information to ASIO of the material that was collected. When he made specific queries, it appears in his report that he was told that ASIO had all this information, and that includes all the trade union information, for instance.

The fact is, of course, that once it had got to ASIO it was not kept secret. We do not need to establish the facts of that matter for ourselves, for those facts have been established by the Hope Royal Commission, and members should read the report. The Police Commissioner had read it; he knows what is in it. The fact is that the material passed on to ASIO was not kept to ASIO alone for security purposes. The findings of Mr. Justice Hope in the fourth report have made it perfectly clear that the gravest improprieties have occurred by ASIO and that material has been released by ASIO. Let me refer to the findings in

that report at paragraph 225, as follows:

Material before me established that from time to time there has been improper communication of intelligence held by ASIO. Often the communication has not been formally authorised and has been done by an officer who has had access to files or otherwise has acquired intelligence in the course of his duties. In some cases the intelligence has been given in exchange for information, or as part of a relationship involving an exchange of information. In some cases the officer making the improper communication has been authorised to make it.

More than that (and I will come to some other aspects of that matter in a moment) ASIO has conducted tens of thousands of checks upon people in Australia each year. Those checks are without the knowledge of the persons concerned and the information is given to persons inquiring of ASIO, according to Justice Hope's report. According to the appendices in his report, the number of checks made in 1974 was over 80 000. The checks mentioned in the report are not confined to the Public Service or to the Defence Services but also occur in relation to private organisations. It is quite clear that information of the kind characterised as "scandalous", "outrageous" and "improper" by Judge White has been passed on to ASIO and was in its possession for the making of these improper releases of information to people and for vetting. Judge White found that the records had been used improperly in vetting people. Mr. Justice Hope continued:

I have found evidence of cases where MP's have written to Attorneys-General seeking information from the Minister as to ASIO's knowledge about a person. It is in my view improper for an MP to ask such questions for remission to ASIO, improper for a Minister to transmit them to ASIO in the expectation of a reply, and improper for the Director-General to communicate information on persons by way of reply to the MP's inquiries.

But his finding is that it occurred. There is more than that. At paragraph 245 (d), headed "The press and other media", the report states:

Evidence is available to me that satisfies me that ASIO has in the past provided selected people with security intelligence material for publication.

I emphasise to honourable members that this is in a Royal Commission report accepted by the present Federal Government. He refers specifically to some allegations on this score that were made to the Hope Royal Commission, as follows:

Allegations to this effect were made in public hearings of the Commission. (See evidence of Robert Mayne—Hearings of July 14, 1975, pp. 388-396.) ASIO has acknowledged that these papers were produced, compiled or otherwise prepared by it.

I produce a certified copy of the evidence of Mr. Robert John Mayne. It was heard before a public hearing and has been found to be correct by the Royal Commissioner. What did it portend?

Mr. Mayne was a *Sydney Morning Herald* journalist. He was rung by a man called Warren at the *Sydney Morning Herald* and asked to lunch. At that lunch, Warren described himself as the Managing Director of two companies, Repet Pty. Ltd. and Neetrom Pty. Ltd. Mr. Mayne's evidence states:

At the lunch he told me he wanted someone to prepare material for a magazine that he and a number of other people were going to publish.

He was offered \$1 000 a year to produce the magazine for them. His evidence continued:

He said it was to be called *The Analysis*, a name he said he had registered at the New South Wales Corporate Affairs

Commission.

Later in the evidence it appears that the name was not registered by Mr. Warren; in fact, it was registered by Mr. Peter Coleman, the present Leader of the Liberal Party in New South Wales. There is more in this.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The evidence continued:

I cannot recall the exact words used at that lunch, but I do recall that I was left in no doubt that Warren's political sympathies lay well on the right, and this was the purpose of the magazine, to promulgate his own views.

Subsequently, he was asked to another luncheon. His evidence continued:

As the prospect of delving into ASIO documents was quite intriguing to me, I went along with Warren's proposal and, as I recall it, we then lunched a second time at the American Club—I think it was on Tuesday, September 21, 1971. This time two other persons were present, Mr. Peter Coleman, Liberal MLA for Fuller, and an ASIO officer who has been named publicly before, Mr. Ernest Redford, who was said by Warren and Coleman to be a senior ASIO officer who had flown from Melbourne that day to be present.

In fact, he was later the senior ASIO officer in South Australia. The evidence continued:

At one stage Warren said he had dined in Melbourne recently with the Director-General of ASIO, and the conversation made it quite plain that the magazine they were to produce was to be used to discredit those people whose political views they did not share, namely, those on the left wing of politics. Warren said, as I recall, that they would show people the truth about subversives and left-wingers and the magazine would be circulated amongst influential people such as businessmen. Redford agreed to supply the information and seemed to me to be speaking with the authority of the organisation, ASIO.

As members will have seen, Mr. Justice Hope found that in fact the material was compiled by ASIO and that ASIO had admitted that that was the case. The evidence continued:

Coleman indicated he had seen ASIO files and I got the impression that this had been going on for some years.

Some short time later, Coleman rang me and said he had the files. I was to go to his home, which I did one Saturday afternoon I think—it may have been a Sunday; Coleman lived at 2 Foss Street, Hunters Hill . . .

We spoke in the garden for a few minutes and he gave me five manila folders. Pencilled on the front of these were the names: "O'Neill, Medlin, Freney, Gould, Langer". Coleman said there was more material where they came from.

The documents were put in as evidence before Mr. Justice Hope and were exhibits in that Royal Commission.

There were subsequent exchanges of information. Indeed, Mr. Redford rang Mr. Mayne when he had gone to Melbourne on an assignment for the *Sun Herald*. The report continues:

I was rung by Redford. I think he had been told that I was coming by Warren to Melbourne. Redford met me in a Collins Street hotel—I think it was the Eureka Stockade—very appropriate—

and he gave me several more files from ASIO, those two files I had just been looking at—

which were identified.

The fact is that two of the names on the file are names of South Australians, and the information collected by ASIO was, on the report of Justice White, information which was normally collected by Special Branch, using agents for ASIO. How can it be said by the Commissioner of Police that no harm has come to anyone as a result of this activity? Hundreds of people, maybe thousands, have

been subjected to checks on the basis of this grossly improper material.

Mr. Tonkin: No proof at all.

The Hon. D. A. DUNSTAN: Yes. It has been found. It is in Judge White's report that he found this evidence on the files that people had been vetted, as a result of what was on Special Branch files, for jobs.

Mr. Tonkin: Those people?

The Hon. D. A. DUNSTAN: Not those particular people.

Mr. Tonkin: You just said they had.

The SPEAKER: Order! The Leader of the Opposition will have a chance to speak in this debate.

The Hon. D. A. DUNSTAN: I suggest that the honourable member does not carry on with this kind of juvenile interjection. He will have an opportunity to speak. I suggest to him that this is far too serious a matter for his playing the kind of politics that he is carrying on with at the moment. We are faced with the inevitable conclusion, from the combination of Justice Hope's report, critical as it is of ASIO, and of Judge White's report, that the Special Branch in South Australia has been responsible for causing considerable harm to individuals in this State, and that they were doing so has been concealed from the Government, from the Parliament, and from the public.

I want to deal with one further matter raised by the Leader of Opposition. He has now suggested that a Royal Commission with the widest terms of reference should be appointed into this whole matter, and I have a letter sent to the Leader of the House from him, setting out the terms of reference he believes should occur in the case of a Royal Commission. This is something of a departure, because previously he did not advocate a Royal Commission; he was opposed to it. The tactics of the Leader of the Opposition tend to change not only daily but hourly. However, the proposed terms of reference are as follows:

- (a) the propriety of the Government's action in summarily dismissing the Police Commissioner;
- (b) the Government's failure to institute a formal inquiry into his alleged misconduct before dismissing the Police Commissioner;
- (c) other factors, if any, which could have influenced the Government in its action;
- (d) the terms of appointment and employment of the Police Commissioner;
- (e) the principle of Ministerial responsibility in its application to the police, and the Police Commissioner;
- (f) the maintenance of security files by a Special Branch of the Police Force and its relationship with the Australian Security Intelligence Organisation.

Regarding the terms of reference (a), (b), and (c), the first three, which related to the dismissal of the Commissioner of Police, the Government has acted properly and legally. All the facts relating to that matter have been disclosed to the House and are public property. There is nothing on those matters to be established by a Royal Commission, and a Royal Commission is to be established only if there is something to be elicited anew or which cannot be established publicly as matters stand. That is not the case here. The facts are plain. The minutes of the Commissioner of Police are plain. The facts as to what was contained in Special Branch files concealed by the minutes of the Commissioner of Police are plain. The statement of the Commissioner of Police that he had withheld information by intention from the Government and that he was right to do so is plain. What is plain also is that no responsible Government can allow the head of an executive branch of the Government to take that attitude

and to remain in office, denying the responsibility of an elected Government.

The term of reference (d), that is, the terms of appointment and employment of the Police Commissioner, the Government does not propose should be the subject of a Royal Commission. That matter has already been dealt with by the House under Statute, and the Government does not propose to alter the provisions of the Statute. It was a Statute introduced by a Liberal Government, and we have acted in accordance with it.

The term of reference (e), relating to the principle of Ministerial responsibility in its application to the police and the Commissioner of Police, has already been the subject of a Royal Commission—the Royal Commission of Mr. Justice Bright. He dealt fully in his report with the question of Ministerial responsibility, and his findings appear as an appendix to Judge White's report. His finding, briefly summarising the whole thing, is in fact the first part of the motion before the House today. There is no purpose whatever in going into that matter in a further Royal Commission. It has already been dealt with fully. The Royal Commission report was accepted, and this House passed legislation on the basis of it.

The Hon. Hugh Hudson: And the Upper House agreed to it.

The Hon. D. A. DUNSTAN: That is so. This Parliament has acted on that report and it is not intended to reopen the matter. Turning to term of reference (f), relating to the maintenance of security files by a Special Branch of the Police Force and its relationship with the Australian Security Intelligence Organisation, that has been the subject of Judge White's report and of the Royal Commission of Mr. Justice Hope on intelligence and security. It was a very full and complete report by Judge Hope.

The Federal Government, quite laudably, has refused to follow the demands of local members of the Liberal Party in South Australia to play politics on this issue, but has proposed to the Government of South Australia that formal arrangements in relation to these matters should be made at Premiers' Conference in accordance with the recommendations of Mr. Justice Hope. That will be carried out.

There is no need for a further Royal Commission. The basis upon which arrangements should be made is already clear. There is absolutely no point whatever in appointing a further Royal Commission of inquiry into matters which have already been fully dealt with by proper and lengthy inquiries on these matters. The Government, therefore, will not appoint a Royal Commission of inquiry. There is no basis whatever for doing so.

I reiterate that this matter is a matter of the basis of responsible Government and its maintenance within the State. That is the sole issue. I have fought all my political life for the establishment of democratic government in this State and to ensure that the elected representatives of the people will be those who carry the ultimate responsibility to the people and to the Parliament for what is done by the Executive Government of the State and all its branches.

We will not have that system of responsible government overthrown by a section of administration which sets itself above loyalty to the Government of this State and believes that it owes a greater loyalty to ideas of security and to political views which have been found by both Mr. Justice Hope and Judge White to be erroneous, wrong, and improper.

The vote on this motion is a vote for democracy and responsible government and I ask all members of the House to support the motion.

There being a disturbance in the gallery:

The SPEAKER: Order! I should like to warn people in the gallery that silence is essential. I do not want to hear a repetition of what has just occurred. If that were to happen, I should have to clear the gallery.

Is the motion seconded?

The Hon. J. D. CORCORAN (Deputy Premier): I second the motion *pro forma*.

Mr. TONKIN (Leader of the Opposition): I would say to people who are supporting the Premier in what he has had to say today that there is a lot more to come up and a great deal more to be said on this entire matter which the Premier has deliberately chosen to ignore in this debate, which has lasted now for nearly an hour and 40 minutes. In that time, he has ignored the fundamental principles of the issues at stake and of concern in this community. Nothing he has said today has answered to my satisfaction or to the satisfaction of the majority of people in South Australia the questions which are currently on everyone's lips. Why did the Premier sack the Commissioner of Police so suddenly and appoint his successor so rapidly, and was he justified in doing so?

Members interjecting:

Honourable members may laugh, but that is a question that is being asked throughout South Australia. Why will the Premier not have a Royal Commission into the matter? His reasons are entirely specious, and what has he and his Government to hide? These are the questions that are being asked throughout the State, but the major points at issue are summed up by these questions, to which the Premier has given no rational answer.

He stated, when he began his speech, that the vote on this motion was a vote of confidence, and so it is, but what a specious remark it is to say that he will resign immediately if the motion is not carried! He knows that he has the numbers. He knows that Party politics comes into this and he knows that there is no chance of his being asked to resign, although we know that his credibility is reaching a stage now where there is every reason to suppose that he should.

This theatrical atmosphere has been used by the Premier in a desperate attempt at self-justification. He has provided hardly any new information. He has read at length from the White Report and he has quoted from his interview notes with the Commissioner of Police. He has been so desperate to clear himself that he has brought up chunks of unconfirmed ASIO reports which he says prove that Special Branch has been collecting material to pass to ASIO. That is a reflection on South Australia. He has no proof of that statement, and he admitted so in reply to an interjection.

He has used many selective quotes and extracts that really have provided nothing new, and the people, certainly the journalists who are listening to this debate, could be excused for wondering what he was talking about that was new. His emphasis on the files and the reports was, at all times, only to be expected, because he desperately wants to deflect public consideration from the questioning of his own credibility by the public and from the other serious matters about which the strongest possible doubt is expressed.

So desperate is he to deflect this criticism of his own actions that he has condemned himself this afternoon in the course of his speech. I quote, to show the low depths that the credibility of the Premier has reached, a report in the *Advertiser* of January 21, as follows:

The declarations were made by Mr. Dunstan's private secretary (Mr. S. R. Wright) and the Director-General of the Department of Economic Development (Mr. R. D. E. Bakewell). Mr. Bakewell was formerly head of the Premier's

Department.

That was the report of a press conference at which the Premier stated that he had statutory declarations from both those individuals. That was on January 20. Those statutory declarations have now been tabled in this House and, whilst the Premier did not tell a lie when he held them up and stated that he had statutory declarations from those two people, I point out that the statutory declaration signed by Robert David Eavestaff Bakewell, 29 Third Avenue, St. Peters, was not signed until January 23. So much for the Premier's credibility!

If the Premier is prepared to mislead the public to that extent, he is prepared to go to any lengths at all. How can anyone trust what he says on this entire matter? That and his entire actions and everything that he has said point to the ever-increasing need for a Royal Commission.

The Premier has not answered any of the public inquiries. In fact, I maintain that there is no justification and no excuse for what he has done to a most honourable man, to the reputation of a fine Police Force, to the system of responsible Government, and ultimately to the people of South Australia. To say that he has done what he has done in the name of democracy is nothing more than hypocrisy.

The Premier and the Government of this State have let power go to their heads. It has been apparent in the building up of what is now recognised as a Dunstan Establishment, with the appointment of friends, supporters or sympathisers to key positions, positions of power, and with the increasing disregard for public opinion in whatever the Premier and the Government do. The people of South Australia have been conditioned to the unusual, the unexpected, and the unconventional in their Premier and Government. This most recent and serious episode has finally broken the shock barrier for South Australians and has shown them, perhaps for the first time, the arrogance and the naked abuse of power that has become a characteristic of the present Administration.

Favours are given, and a price is ultimately demanded. There is a stink of corruption tainting the pure, clean air that we have previously enjoyed in South Australia. It has been said by many people this may be good enough for a banana republic, but it is not what the great majority of us want for South Australia.

The dismissal of the Commissioner, which the Premier has carefully kept off from the point of view of justification, was typical of the high-handed abuse of Executive power. It was the culmination of a series of events and burst like a bombshell on the people of South Australia. It stunned and shocked, and it was meant to do that. Once again, the South Australian public, numb with shock, was expected to swing behind the Premier, the Leader of the State, in his action against the Commissioner of Police and against the files. The public was not to think for itself: it was to accept the lead of its masters. Even the *Advertiser*, that journal of some repute, danced totally to the master's tune.

But this time the Premier and the Government chose the wrong man to be their scapegoat. They chose a man of recognised honour and integrity who had earned the complete respect of all South Australians. The people of South Australia quickly overcame their shock and, having examined all the circumstances surrounding the sacking of their Commissioner of Police and the precipitous way in which it was done, decided they did not like what they saw, and who could blame them? The sacking was not only precipitate but gave every appearance of viciousness and was totally unjustified.

The position was filled within 36 hours, obviously to set the seal on the deed, and the coup was complete. The time

table of the immediate events on that day already has been covered by the Premier, but with no emphasis on the haste with which events took place. It is almost impossible to believe that such things could happen in South Australia. Cabinet met to consider the White Report on Special Branch files on the Monday at 10.30 a.m. The Premier issued a statement that further inquiries would be made and that he would issue a statement within the week. At 3 p.m. on Tuesday, January 17, the Commissioner was called to the Premier's office and asked to resign, as we have heard. He refused to do so, because he considered there was no just cause for him to do so.

If the Premier is going to take the principle of Ministerial responsibility to its proper level, it should have been the Chief Secretary who was responsible for any impropriety on the part of the Commissioner and the Police Force. We know perfectly well that there are many occasions when the Minister of Transport, for instance, or other Ministers have misled this House. Let us talk about concrete and railway bridges.

The SPEAKER: Order! There is nothing about concrete in this motion.

Mr. TONKIN: No. I am sure the Minister does not want it raised.

The SPEAKER: I ask the honourable member to stick to the point.

Mr. TONKIN: Indeed, it is very germane to the point but I have not known the Premier to ask for the resignation of any of his Ministers who have misled this House.

At 5.15 p.m. a special meeting of Executive Council was called, and the Governor, called back from Victor Harbor, and acting on the recommendation of his Ministers, dismissed the Commissioner. At 6 p.m. a full transcript of the White Report and detailed statements from the Premier were made available to the *Advertiser* journalists, one a recently resigned member of the Premier's staff, in time to catch the country edition.

No other media service was notified and no other comment or point of view from any other source, contrary or otherwise, was allowed. The *Advertiser* did the Premier proud and produced that shocking front page, containing only the Government's side of the story. The man at the heart of the matter, the Commissioner of Police, who had no warning of his impending sacking, was finally notified by messenger at about 11.30 p.m., as the presses were about to roll. Is it any wonder that evidence of such remarkable and unbalanced behaviour by the Premier, and presumably the Government, should have raised serious doubts in the minds of the community?

Why did the Premier sack the Commissioner of Police so suddenly and appoint his successor so rapidly? Following that, was he justified in sacking the Commissioner? He says he was justified, but I do not believe it. He has in no way today justified his action.

The White Report, which will be dealt with in some detail by my colleagues, was used as basis and justification for the dismissal by the Premier. The Premier quoted today at length from that report. He was totally unjustified in using that report as a basis for the dismissal of the Commissioner of Police, as even a cursory examination of that report will show. The reasons given by the Premier were that the Commissioner of Police had given misleading and incomplete answers to questions about the extent and nature of Special Branch files. That statement, coming from a Government with Ministers who continually mislead Parliament in Question Time, quite often by not giving answers to questions asked or saying, in answer to Questions on Notice, that it would take too much trouble to get the information, and from a

Government which has suppressed more than one report, is the height of hypocrisy. I have yet to see the Premier demand the resignation of one of his Ministers.

Mr. Acting Justice White was appointed by Cabinet on November 7, 1977, and his appointment was announced by the Deputy Premier. He was to inquire into Special Branch security records. The initial report went to the Premier on December 21, 1977. The matter was announced again by the Deputy Premier on January 4, 1978; one wonders why the Premier divorced himself so much from the announcements on this matter. On January 10, the Premier announced that he was studying the report and that Cabinet would consider it on January 16. This it did, and the shattering series of events which followed on Tuesday, January 17, are well known to everyone.

It is most significant that the terms of reference of that inquiry do not refer at all to any investigation into the actions or reasons for those actions of the Commissioner. The report was not of an investigation into the activities of the Commissioner. It certainly was not a substitute for a proper inquiry into the dismissal of the Commissioner held before the time. In paragraph 2.12, Mr. Acting Justice White states:

In view of recent interest in the detailed workings of Special Branch displayed by the Commissioner and the Deputy Commissioner in charge, there is reason to believe that future activities of Special Branch will be confined to more genuine security matters. The new controls envisaged by the terms of reference should ensure that this happens. Nowhere could it be more clearly inferred that the dismissal of the Commissioner by the Government was the last thing Mr. Acting Justice White had in mind. In paragraph 6.3 he states:

I received the utmost co-operation from the Commissioner, Assistant Commissioner Calder and the staff of Special Branch. What I say in criticism of the policy or records at Special Branch is not said by way of criticism of present staff. I have not attempted to allocate blame for lack of frankness with the Government.

The Premier did not choose to read that extract today, but it is most important. How can the Premier possibly use the full comments in the White Report as a justification for sacking the Commissioner when the judge himself said that he did not allocate any blame. The Premier cannot put any blame away from himself onto someone else. He must take full responsibility for the decision he made; therefore he has to justify that decision to the people of South Australia and as yet he has not done so.

The findings show some 3 000 separate dossiers or files and more than 40 000 index cards. Of the 40 000 index cards, 28 500 cards refer to individuals of whom 11 500 are identified and 17 000 unnamed. Thus the report goes on. Throughout the report there is a disturbing lack of objectivity in many of the comments about the files. Paragraph 3.1.3 states:

While some of the contents of some of the dossiers may be classified as secret or genuinely confidential, most of the material consists of newspaper clippings and other papers, which could not be classified as confidential by any test. The subject sheets have the merit of revealing that many, if not most of the persons "under notice", should not have information kept about them.

Fair enough. Paragraph 3.2.4 states:

Material which I know to be inaccurate, and sometimes scandalously inaccurate, appears in some dossiers and on some cards. Time did not permit me to do more than make random spot checks—even if time had been available, I could not know whether material on cards and files of persons unknown to me was accurate or inaccurate.

Paragraph 4.2.2 states:

Often the opinions expressed were strongly contrary to the evidence on file or to facts known to me. How did the judge know which material was scandalously inaccurate?

Even if he knows people closely and well, does he pretend to know everything about everyone he knows? Friends are often the last people to know the truth in matters of security and, if he was so short of time, how did he find so many people he knew in a truly random check?

The whole report which was prepared in haste, bears a great deal of careful examination.

What steps, if any, did the judge take to check the information. Did he interview people? How did he find out that the information in many cases was scandalously inaccurate? These matters will be further ventilated by my colleagues, but it seems to me that Mr. Acting Justice White is guilty throughout the report of doing that for which he condemns past officers of Special Branch, that is, of setting his own opinion as the arbitrary norm from which to work. He asserts—he does not justify or reason. It is patent that His Honour took up his task with preconceived ideas and standards, and has been less than objective in his assessments.

Sergeant Huie comes in for much criticism, by implication, from 1967, because he did not mention the existence of sensitive records. Obviously, this policy had been followed since long before that time and was simply being followed, as it had been followed right through up to the present time. A major point made by Mr. Acting Justice White in paragraph 9.1 and following was that much of the information was obsolete or redundant and had not been culled out. Let us consider paragraph 4.4.3, relating to individual unions:

Much, but not all, of the material relates to alleged left-wing and communist influence in trade unions, or to speculation on the subject. Virtually none of the material could be considered confidential.

There is an inescapable impression of naivety that files should only be based on committed crime, when in fact one of the major principles of any Police Force is to keep the peace and prevent crime, and this applies equally to ASIO as it did to Special Branch. Mr. Salisbury had already told the Premier, in October, 1975, that records were kept on persons who had no criminal record or were not suspected of implication in actual criminal activity. There is evidence that the Premier had been well aware of this since 1968. The Premier refutes this.

One of the strong arguments for a Royal Commission is that there should be an opportunity for the Premier to put a point of view and for individuals and independent people to come forward and state what they know, because the Premier's credibility is on the line in his sacking of the Commissioner of Police. The White Report itself said that no election files had been kept since 1975.

Most important, in considering the options that were open to the Government is something that the Premier has already said this afternoon—that the Hope Report had already been published on October 25, 1977. It had foreshadowed a detailed, nation-wide inquiry into the working relationship between Special Branches and ASIO and their files. The Premier knows that full well. It was acknowledged in paragraph 10.1.4 of the White Report, as follows:

By reason of certain recommendations in the Hope Report, the criteria for identifying the enemies of the nation may be reviewed. Further, the working relationship between ASIO and Special Branches may be reviewed. Inevitably, the question must be asked, "Why, of all times did the Government choose to have a State inquiry after more than 29 years, when the whole system was to be

reviewed soon, anyway?" The Government knew that.

The Government's credibility is again under question. Why was the White inquiry suddenly found necessary? Bearing in mind the major shock which the dismissal of the Commissioner of Police caused in the community, the harsh and extreme penalty of summary dismissal imposed upon him, and the consequences of the Premier's action, which he said was his decision (although of course it was later backed up by Cabinet), we must now examine the courses of action open to the Government in dealing with this entire affair. Using the White Report, quite unjustifiably in my view as a case for the prosecution, the Premier and the Government without any brief for the defence acted as judge, jury and executioner all combined. What we want to know, and what the people of South Australia want to know, is why the Government acted in this vicious and extreme way. What alternative courses of action were open to it?

On the files issue there are several alternatives that the Government could have properly taken and should have taken. Concerning the first alternative, if it had really been dissatisfied with the answers forwarded by the Commissioner in response to queries on Special Branch in 1975 and 1977, it could have invoked section 21 of the Police Regulation Act. Members who were in this Parliament at that time will remember that, following the Bright report and its recommendations, we were given legislation to help define those grey areas that might arise in the special circumstances of Ministerial responsibility as it applied to the Commissioner of Police. This present Government, a Labor Government, was in office under the leadership of the Premier. In 1972, Parliament amended section 21 of the Police Regulation Act to provide for directions by the Governor to the Commissioner as to the control and management of the Police Force.

I recommend to the Premier and members opposite the lucid and clear comments of the member for Playford, probably the best lawyer on the other side of the House, when speaking on that issue. The comments of the honourable member at that time clearly defined the rather peculiar and unusual circumstances in which a Commissioner of Police could find himself in respect of responsibility to a Minister. Section 21 provides:

- (1) Subject to this Act and the directions of the Governor, the Commissioner shall have the control and management of the Police Force.
- (2) The Chief Secretary shall cause a copy of every direction under subsection (1) of this section to be laid before each House of Parliament within six sitting days of the date of the direction if Parliament is then in session or, if not, within six sitting days after the commencement of the next session of Parliament.
- (3) The Chief Secretary shall cause a copy of any direction under subsection (1) of this section to be included in an edition of the *Gazette* published not more than eight days after the date of the direction.

The consequence of this would presumably involve a direction of the Governor under section 21 to the Commissioner to provide the relevant information; there is no suggestion in section 21 that its provisions should be restricted to directions to act rather than to inform. Such a direction would have bound the Commissioner to answer properly, although the answer itself need not have been made public. However, the existence of such a direction would have become public knowledge and could have been debated in Parliament. As Mr. Justice Bright indicated, the responsibility for providing the answers would then have been the Government's, and not the Commissioner's.

Why did the Government not choose this course of action, which was available to it? Indeed, it was a proper course of action, which was provided, following the Bright report, specifically to cover situations such as those which have arisen. Further, it is not an obscure or ancient provision: it was especially designed and passed in 1972 to prevent from happening the sort of situation which has been happening and which the Premier has used as an excuse to sack the Commissioner of Police.

Did the Government not choose this course of action because it wanted to conceal its considerable interest in the files from the public, for the direction would have been gazetted under section 21, or did the Government not want its direction to the Commissioner to provide information to come to the notice of Parliament? Did it want to conceal its interest from Parliament? The most likely conclusion is that the Government knew that Parliament was not likely to agree to its direction to provide the information required and, true to form, it tried to short-circuit Parliament. In my view the Government is guilty of trying to mislead Parliament by failing to use section 21, thereby avoiding set Parliamentary practice if, in fact, it dismisses the Commissioner of Police and claims his lack of accountability to the Government as its justification.

By its lack of action, the Government is guilty of misleading Parliament and the people in these circumstances. Just compare that with what happened to the Commissioner for what is called his failure to supply sufficient information. It is impossible to cry out about the Commissioner's failure to adhere strictly to the principle of Ministerial responsibility, when the Government itself failed to use the special provisions designed in 1972 to cover this particular difficulty. The Premier's arguments are quite specious in the light of this fact.

There was a second alternative which the Government could have followed and which it did follow in part. The Government could have established a judicial inquiry to report on the records and criteria, to recommend new criteria, if necessary, and then to report to Parliament. The report could have been considered in Parliament; new criteria could have been gazetted and brought before Parliament for implementation; the judge could still have been appointed to supervise any necessary culling out of records, and updating of obsolete and outdated records approved by Parliament; and additional assistance could have been made available to Special Branch to carry out these recommendations, if that is what Parliament considered to be necessary. There was ample precedent for such action in the Hope Report into the Australian Security Services. The Hope Report, which is quoted extensively in the White Report, in paragraph 20 states:

In part on account of the unsatisfactory state of the submissions and other evidence from ASIO management, I found that I or my staff had to examine hundreds of ASIO files. I am bound to record that I found ASIO's files in such disorder that, in the time that has been available to me, I have been quite unable to establish the truth or otherwise of many of the particulars of matters alleged in evidence, or raised with ASIO as the result of other inquiries. I have taken the view, however, that my task is to make recommendations for the future rather than to seek to track down the truth or otherwise of past errors or alleged past errors.

Paragraph 195 states:

Not a few members of the public are concerned that ASIO might have a "file" about them. Being on ASIO's records is not, and should not be seen as, akin to having a police or criminal record. A very large number of ASIO's files establish that persons are not security risks.

Paragraph 196 states:

A requirement that ASIO destroy all records about people whom it has not established to be security risks is not justified. Such a requirement is based on a simplistic idea about the nature, and the difficulty, of ASIO's task. Information cannot be assessed until after it is collected. Apparently innocent information about people might, after the addition of other information, assume a different appearance. The reverse can also happen. However, ASIO does hold many records which are not, or are not now, of actual or potential security relevance. As resources allow, these records should be destroyed. I have been told by the DG that a start has already been made.

Paragraph 197 states:

While ASIO's task should be confined to collecting intelligence relevant to security, it must be given a broad brief to do so, subject to the principles and in relevant cases the controls that I have previously discussed.

These findings could very well sum up the White Report (stripped of its more subjective comments which are open to question), and apply to South Australia's Special Branch and, indeed, there are serious doubts now as to whether the White inquiry was really necessary, in view of the Hope Report recommendations.

The White Report should have been presented to Parliament, where it would have been debated and assessed by Parliament. Any resulting corrective measures put forward by the Government would be gazetted, and subject to Parliamentary scrutiny, as I understand this most recent group would be. Certainly any subsequent action would then be taken in the cool, calm atmosphere which makes for reasonable and rational decision.

This course of action would have satisfied those responsible people in the community concerned with civil liberties, as well as those who recognise that the keeping of security records is a necessary part of today's society. This balance is summed up in the Hope Report, and endorsed in the White Report, and if the Government had acted in this way it would have come to a clear and rational decision which would have pleased everyone in the community.

Why did the Government not choose this second alternative, a very proper action, in accordance with the principle of Government's responsibility to Parliament? It is an inescapable conclusion that it just did not suit the Government's plans for a shock announcement and a public performance of scandalised indignation: it did not suit it to act in a rational and responsible way.

This raises the third alternative, an equally responsible and rational move: the South Australian Government could have asked the Federal Government to implement a review of Special Branch/ASIO relationships urgently, beginning in South Australia. A judge could have been appointed to look after South Australia's interests, and again the whole matter could have been reported to Parliament for examination, debate, and approval. Why did the Government not adopt this third alternative course of action, a proper and responsible approach, satisfying most people in the community?

But the Government did not act in any of these reasonable and responsible ways. In what seems to be a characteristic of our present South Australian Government, it had to turn on a performance, and in doing so it acted most irresponsibly and irrationally, and did enormous harm to its own credibility and reputation, and to South Australia. A responsible Executive Government must exercise power responsibly if it is to maintain the confidence of the people.

The present South Australian Government is fast developing a reputation for arrogance and a ruthless use of

power which is disturbing increasing numbers of South Australians.

The Government's failure to act in a rational and responsible way to questions on the files inevitably raises other queries, and it is no good the Government's hoping that these questions will die down. They have been passed around in the community and are gaining momentum. Why was it suddenly found necessary to have a judicial inquiry last November? I have dealt with the fact that the Hope Report was available—and recently available to the Government. The Premier, Government Ministers, and others have obviously known about the Special Branch files for many years, as confirmed by the Premier's own reported statements and supported by the statements of ex-members of his staff, two past Premiers, and a former Chief Secretary. The 1970, 1975, and 1977 Government inquiries about Special Branch activities demonstrate a degree of knowledge about the files that could not have come about by accident.

I have no doubt in my mind that the Premier has known far more about Special Branch files for far longer than he would have us believe, and that this view is shared by the majority of the population. Why then, I repeat, was it suddenly necessary to set up our own judicial inquiry into Special Branch files in South Australia when similar questions had been raised in the past; when the Government had done virtually nothing about the files for nearly a decade; when the Government had not sought information using section 21 of the Police Regulation Act; and when the Federal Government, following the Hope inquiry last year, had undertaken to deal with and rationalise the situation anyway?

The Government did not want a calm and rational examination of the file situation, with resolution of it in the hands of Parliament. It wanted a show. Putting it bluntly, the Premier wanted an excuse for a public performance of scandalised outrage and shock. He desperately hoped for a public outcry, with massive public support for the disbanding of Special Branch, and calls for the total destruction of the files. This is what he wanted. So why was it necessary to sack the Commissioner of Police?

None of the rational alternatives previously outlined were of any value to him in his attack on the files: they would have resulted in rational solutions. He wanted an excuse to shock and numb public opinion, and sway it behind his sadly irrational actions. He needed a scapegoat to complete the show, and he chose the Commissioner of Police, Mr. Salisbury. In sacking Mr. Salisbury, using the totally inadequate reason that that gentleman had misled the Government, the Premier for perhaps the first time showed to the South Australian people his arrogant and ruthless abuse of executive power to gain his own ends. There is no question but that the Government has the power to sack the Commissioner. The important question is whether this power was abused.

Again, as with the files, let us consider the alternative courses open to rational action by the Government which could have been taken and which I believe were deliberately not taken. There could have been no action against the Commissioner: why should there have been? Nothing I have heard today justifies anything more than a fit of pique on the part of the Premier in summarily dismissing him. The Commissioner was at all times following the practice which had been adopted by his predecessors in office regarding Special Branch files, regardless of the Government of the day.

The Government could have sought information under section 21, if it had chosen to do so. The Commissioner stated in his September 2, 1977, answer, "There is no

surveillance on matters of pure politics". He was quite right when one considers the definition of "surveillance". The inclusion of newspaper clippings on files which already exist and which because the policy has not been changed continue to be updated is not surveillance. The White Report says such surveillance ceased after the 1975 election.

Mr. Dean Brown: The Parliamentary Library carries on the same sort of thing.

Mr. TONKIN: And so do most offices, and so does the Premier's Department. The White Report specifically allocates no blame against the Commissioner, the Deputy Commissioner, or indeed any member of present staff, but looks to the future. No term of reference required an inquiry into the actions of the Commissioner of Police or his reasons. Finally, and most importantly, Mr. Salisbury is generally and widely acknowledged to have been one of the finest Commissioners of Police that South Australia has ever had. His sacking can have no possible effect on the past history of Special Branch files (and I defy the Premier to tell us how it could) or on their future. How can the sacking of the Commissioner of Police now change anything that has been done in the past, or change anything that the Premier intends to do in future? Let the Premier answer that question. I do not believe that he has any way of answering it at all. It is one of the most shameful aspects of the present situation and a measure of the Premier's extraordinary state of mind that the Commissioner should have been dismissed without any right of appeal.

This is something which has particularly incensed the Police Association, and it is remarkable what solidarity has been shown for the Commissioner. The association knows what a fine man he is. Nowhere could we have a better testimony to that gentleman's high integrity and the regard in which he is held. This is something that has outraged the deeply held public belief that everyone deserves a fair go. Why was the Government not willing to adopt this alternative course of action, and take no action against the Commissioner of Police? There is no rational explanation, except to note that the Government has consistently refused to allow any inquiry. The only conclusion we can draw is that the Government was out to get the Commissioner. There was another rational alternative course of action that could have been followed, but the Government chose not to follow it: the Government could have suspended the Commissioner of Police, pending an independent inquiry. Before the Premier jumps up and down in his seat, I point out that section 36 of the Acts Interpretation Act, 1915-1975, provides that words giving power to appoint to any office include power "to suspend or remove any person under such power". The Commissioner of Police could have been suspended, pending an inquiry, and I believe the Premier knew that full well. If he did not know it, he should not be where he is.

Mr. Evans: He has misled Parliament.

Mr. TONKIN: He has not heard the last of misleading the people and the Parliament. The statement he has made today, to put it mildly, is not a strictly accurate statement of the true state of affairs. Why did the Government not take this alternative course of action? Why did it not suspend the Commissioner of Police, pending an inquiry into the matter? Again, it is patently obvious that the Government did not want an inquiry. So, it was not willing to suspend the Commissioner. All it wants, and all it has wanted for some time, is the destruction of Special Branch and its files and obviously (because it could have achieved that without the sacking of the Commissioner of Police) it wanted the sacking of the Commissioner.

The Premier suggested that I had made base allegations that there was common talk in the community that the Government was out to get the Commissioner. I have an informant, whose name I will not disclose for obvious reasons, who is willing to show on affidavit a conversation he had with a Labor Party member of Parliament some months ago in which that member is quoted as saying, "Salisbury is going." That statement was made last August. I do not think there are many people in the community who have not heard similar things said in the last few months. The Government sacked Commissioner Salisbury summarily without any right of appeal in a cold-blooded move to dress up its case in order to shock and to try to win public opinion behind its aim of destroying Special Branch files and in order to get rid of a man who the Government judged might stand in its way. The whole vicious, disgusting exercise makes ex-Senator Murphy's raid on ASIO look like a Sunday school kindergarten picnic. I have dealt in detail with the major question: why did the Premier sack the Commissioner of Police in the way that he did? The other major questions are, first, "Why will the Premier and the Government not set up a Royal Commission?" and, the one that follows, "What have he and the Government got to hide?" Those questions follow one upon the other. Certainly the matter of the Premier's credibility in this whole sordid affair must be clarified.

A man who is prepared to say at a press conference that he has statutory declarations in his hand supporting his own case, when, indeed, one was not signed and was not to be signed until two days later, is a man in whom the people of South Australia can have no trust any more. It is a grave charge, but I believe that that is exactly what the position was, and it has been shown by the dates on the statutory declarations tabled in this House today. How can anyone believe what the Premier says at a press conference ever again? The question of the long-standing knowledge of the files by the Premier has been referred to many times, and it will be expanded on by one of my colleagues. Nothing which occurred in the recent reconciliation between the Premier and Mr. Ward, the journalist, indicates any withdrawal of his earlier accusations. Further, in an article in *The Australian Humanist*, in June, 1970, the Hon. Mr. Dunstan, then Leader of the Opposition, made some interesting observations about files in an article entitled "Civil Liberties in the Seventies". It is appropriate that those views be now read in this House; they are as follows:

Dossiers may seem part of a James Bond world to most of us, but when I was Attorney-General of South Australia I was given clear evidence of their existence.

So much for the Premier's denial, and so much for his credibility, which has never been lower. Further, the reaction of members opposite and their obvious and keen embarrassment show clearly that the Premier's credibility has never been lower. The depth of public opinion that has resulted from the sacking has obviously shocked, surprised and dismayed the Government and the Premier. They have made an all-out attempt to try to swing public opinion back. They could have swung public opinion back to support the elected Government of the day if they had taken one simple step: if they had agreed to set up a Royal Commission, as demanded by so many people in the community.

This very afternoon more than 60 000 names appear on petition forms handed in. There are many more names on sheets of paper which will not qualify as official petition forms and, therefore, will not be handed in to this House. There is widespread public belief that the Commissioner of Police has not been given a fair go and that the

Government was not justified in sacking him. The petitions are still coming in. I have never experienced in my relatively short time in politics, including the time when I stood as a candidate in the Norwood District, such a depth of public reaction and concern. It is quite amazing, and I believe, judging from reports of telephone queries that have been made in the community, that the Labor Party, in a survey, knows full well what the people of South Australia think of it. I do not think it likes the report it has received.

There was doubt as to whether the attendance at the Victoria Square rally was 6 000 or 10 000 but, really, numbers do not matter: it is the fact that people were there and were willing to come and demonstrate their concern about this matter. It was a significant number, and it was not a number that could easily be ignored by the Government, unless it was desperately scared of something. There have been many letters to the editors of newspapers. There was a phenomenal number of letters to the *News*, and the tremendous weight of opinion is clear in those letters: it is about 3:1 in favour of a Royal Commission. Letters to the editor, phone calls, letters to members, and the rally on the front steps of Parliament House today are all surely indications of the attitude of the community. I know that one or two members opposite were in the crowd. I noticed them, but they were well and truly drowned out by the people concerned about the sacking. I have never known such a depth of public feeling shown by the fact that people were willing to come out and express their feelings. There is solid support in the Police Association for a Royal Commission.

The Uniting Church in an editorial and by way of its Moderator has come out with a strong plea for a Royal Commission to clear the air. Individual support has come from many prominent people. Sir Mark Oliphant feels so strongly about the matter that he has written two articles and has allowed portions of them to be delivered at the rally in Victoria Square as a strong summing up of the situation. He is greatly concerned at what is happening in South Australia. He has a regard for Harold Salisbury, for democracy, and for responsible Government, and the sacking of a Commissioner of Police in any circumstances without its reference to Parliament and in such a precipitate way gave him cause for concern. Some rather deprecating remarks have been made about Stewart Cockburn, who wrote probably one of the finest articles on this subject that has ever been published by the *Advertiser*.

There being a disturbance in the gallery:

The SPEAKER: Order! This is the second occasion on which I have had to warn the gallery. I will not warn them again, but will clear it. There is no reason for it and if it happens again I will clear the gallery.

Mr. TONKIN: Mr. Max Harris, whom once the Premier was proud to call a friend, has written a most adequate article.

Mr. Keneally: What did Norman Gunston say?

The SPEAKER: Order! The honourable Leader of the Opposition has the floor.

Mr. TONKIN: I would suggest, in response to the asinine interjection by the member for Stuart, who ought to know better, that most people in the community have had much to say about this matter (and Mr. Gunston probably has, too, but I have not asked him). I recommend Max Harris's article as compulsory reading for all those who value democracy. His article, under the heading, "It seems Emperor Dunstan is losing his clothes", is a definite and clear expose of the setting up of the Dunstan establishment and of the Dunstan power base in South Australia and of how it is beginning to run out of

steam because of a lack of credibility. I think that Stewart Cockburn concluded by saying, "When a politician feels he is powerful enough to sack a Police Commissioner as decent as Harold Salisbury, I start to get a bit scared." That palpable fear in the community is a real thing.

There are prominent people in Adelaide who, when asked to take some part in presiding at rallies or at public meetings have said, "No, we won't do it. We might offend the Premier. We might put him offside." That is something which is said only in the community. It has not been said in the House although it is about time that it was said in the House. There is an element of fear that is foreign to our whole way of life and to our community, but it is present. People such as public servants have been signing petitions. They are determined that they will sign petitions because they are incensed at what is happening: indeed, it might even happen to them at some time. They have expressed the fear that, if they sign those petitions, the fact could become known by virtue of their names and addresses appearing on the petitions. They have expressed serious concern that their future in the Public Service might be jeopardised. What a shocking thing for them to say to the community that they should believe this, but they do.

Mr. Evans: And they know it's true.

Mr. TONKIN: It is true, and they believe it. This is not the South Australia we used to know, and it is certainly not the South Australia that we on the Opposition side want (I am obviously unable to speak for the Government). The plain fact (and the fact we must not lose sight of in all the filibustering and red herrings which the Premier has tried to draw across the debate) is that the people of South Australia want a Royal Commission into the sacking of Salisbury. They will judge the Government by its attitude to this matter. Inevitably, why will the Government continue to refuse to give a Royal Commission? It appointed a Royal Commission promptly into the suspension of a schoolgirl, into land dealings at Monarto, and into the operations of the Juvenile Court. We have had some most worthwhile Royal Commissions, in addition to some which have been utterly unjustified and ridiculous.

We have never had a subject more important to the people of South Australia than this one. Suddenly, for some as yet still unexplained reason, the Government will not have a Royal Commission. The people want a Royal Commission into the Salisbury sacking. It is no good trying to patch up the affair or trying to divert attention from it. The Government must face the fact that South Australians see this as a symptom of a deep-seated disease that has affected the Government of our State. We have proposed a Royal Commission, and have set down the terms of reference, but the Government refuses still to allow a Royal Commission. I believe that it is necessary that this matter be tested.

I have considered the motion during the short time it has been available to us since shortly before 2 o'clock. I find it extremely difficult to justify many of the things that have been said in it. Indeed, I had hoped that I would be able to amend the motion. Having looked at it, I find that I cannot accept paragraph 1. Paragraph 2 is perfectly acceptable with the addition of the words with special provision under clause 21 giving special consideration of the Police Regulation Act, which already exists.

I find it difficult to accept paragraph 3, namely that Mr. Salisbury misled the Government in respect of the nature and extent of the activities of the Special Branch, as attributed to the report of Mr. Acting Justice White, because nowhere in the report does he say exactly that. He does not attribute blame. I certainly will not endorse the

Government's action in advising the Governor to dismiss the Commissioner of Police (Mr. Salisbury).

Paragraph 5, the giving of directions to the Commissioner of Police by the Governor in Council in respect of the collection of security information pursuant to the Police Regulation Act in accordance with the recommendations of Mr. Acting Justice White, is an improper motion to put before the House at this time, anyway, because regulations will come before us. I will not be a party to prejudging them before they come before the House to be considered in the proper way.

Regarding paragraph 6, saying that in these circumstances no purpose is to be served by appointing a Royal Commission to inquire into these matters, I believe that that is totally and absolutely untrue and that the Government is being totally and absolutely unrealistic, and dangerously so in believing that.

Why did the Premier sack the Commissioner of Police in the way in which he did? Why will the Government not have a Royal Commission into the whole affair? What have the Premier and his Government to hide? I believe that the Premier, by refusing to face the public scrutiny demanded by the people of South Australia, is tearing apart the whole fabric of democracy. How can he claim that, by refusing a Royal Commission, he is supporting democracy and its framework? It is a contradiction in terms, and he cannot justify it. If he wants to support democracy and freedom and to stand up for people's rights in this House, he will support a Royal Commission, and no kind of contradiction can change that. Accordingly, I intend to move an amendment to the motion, to strike out all words after "House" and insert in lieu thereof the following:

believes the Government should immediately set up a Royal Commission to investigate all aspects of the circumstances leading up to and surrounding the dismissal of the former Police Commissioner, Mr. Harold Salisbury, and other associated matters, and further:

1. that the Royal Commission should comprise a Supreme Court Judge from another State, with two other members;
2. that the terms of reference should include consideration of—
 - (a) the propriety of the Government's action in summarily dismissing the Police Commissioner;
 - (b) the Government's failure to institute a formal inquiry into his alleged misconduct before dismissing the Police Commissioner;
 - (c) other factors, if any, which could have influenced the Government in its action;
 - (d) the terms of appointment and employment of the Police Commissioner;
 - (e) the principle of Ministerial responsibility in its application to the police, and the Police Commissioner,

and

3. that the Royal Commission should report to Parliament as soon as possible.

I do this in the full knowledge that I have the support of the majority of South Australians. That has been clearly and concisely expressed. There is no question that this is what the people of South Australia want, and the Government will ignore their demands at its peril. I think it is only right that I should say that to suggest that a Supreme Court judge from another State should come is no reflection on the judges of South Australia.

A member interjecting:

Mr. Gunn: You are out of order.

The SPEAKER: The honourable member for Eyre is out of order.

Mr. TONKIN: In such a serious matter as this, justice must not only be done: it must be seen to be done. There must be no question in the public mind that it is not a fully and totally independent inquiry. I know perfectly well that I am speaking for the majority of South Australians when I make this demand for a Royal Commission, and so does the Government. What I cannot understand is why the Government so consistently and adamantly refuses to grant that Royal Commission. What does the Government have to hide which is so serious that it can fly in the face of such clearly expressed public opinion? Until this matter is resolved and a Royal Commission set up, that question will continue to be asked in South Australia and it will certainly continue to be asked over the next three years.

Mr. GOLDSWORTHY (Kavel): I second the motion.

The Hon. J. D. CORCORAN (Deputy Premier): The Leader opened his speech with an attack on the credibility of the Premier. He revealed a startling fact to the House. He said he had discovered, because the Premier tabled in this House this afternoon two copies of statutory declarations made by Mr. Bakewell and Mr. Wright of the Premier's Department, inconsistencies with the statement made in the *Advertiser* and with the date on the statutory declaration—the date I think in relation to Mr. Bakewell's statutory declaration, because I think the declaration made by Mr. Wright was dated the day of the press conference. If the Leader cares to check closely, he will find that the Premier said on that occasion that he was authorised to release the text of statutory declarations by Mr. Bakewell and Mr. Wright, and the reason why the Bakewell declaration was dated the 23rd instead of the 21st was that Mr. Bakewell happened to be in Mount Gambier and he gave authority to the Premier to do as the Premier said he would do at that press conference: the authority to release the text of that statutory declaration—

Members interjecting:

The SPEAKER: Order! The House has conducted itself quite well this afternoon, and now I want it to conduct itself in the same way. I will not allow a noise like that to continue. The honourable Deputy Premier.

The Hon. J. D. CORCORAN: On his return to Adelaide, Mr. Bakewell produced the signed and correctly dated declaration, which was completely in accord with the text that the Premier had issued.

Mr. Tonkin: When did he sign it?

The Hon. J. D. CORCORAN: He signed it on the 23rd. The Premier was authorised. If the Leader cannot see the validity of what I am saying, he does not want to see it; it is not because he is blind—it is because he does not want to see it.

Members interjecting:

The SPEAKER: Order! I warn the honourable member for Davenport.

The Hon. J. D. CORCORAN: The Premier was authorised to issue the text of that declaration, and the declaration was delivered true to that text when Mr. Bakewell returned to Adelaide. If that is the only thing that the Leader can raise in this House in connection with the credibility—

Mr. Dean Brown: What about the declaration and the press conference?

The Hon. J. D. CORCORAN: I am telling the House what the Premier told the press conference. The reason for the difference in date is as I have stated. I was going to challenge the Leader to state categorically to this House whether or not he would tolerate a Commissioner of Police withholding information for a constitutionally elected Government. I do not have to put that question to

him because he has already told this House that he would not have dismissed Mr. Salisbury as the Commissioner of Police; he has admitted it. What he has done in admitting that is that he has told the people of this State that, if he ever becomes the Premier, he will not require not only from the Commissioner of Police but also from senior public servants the information he is entitled to as the head of a constitutionally elected Government. He would accept the fact that the Commissioner of Police had rights to withhold information. He said he would not have sacked him.

Members interjecting:

The Hon. J. D. CORCORAN: We will come to the alternatives.

Mr. Allison: He would not have—

The SPEAKER: Order! The honourable member for Mount Gambier is out of order.

The Hon. J. D. CORCORAN: Not only if he had been the Premier do I suspect he would have accepted this situation but it also implies that, if he had commissioned the inquiry as we did, he would have suppressed its publication and covered up for the whole thing. The Leader calls on us to explain why we will not have a Royal Commission into this affair. There is no basis for a Royal Commission and surely, if the Premier did not make that clear in his speech, the Leader and his colleagues were not listening. There is absolutely no basis for a Royal Commission, and I will come to that later.

Mr. Dean Brown: Then all the people of South Australia are wrong?

The Hon. J. D. CORCORAN: The reasons I will state a little later. The Leader suggested that, instead of setting up this inquiry, we could have used section 21 of the Act. The reason we did not use section 21 was quite simple at the time: we believed the Commissioner of Police. How did we know that he was misinforming us? How did we know that we were not getting full information? The Premier has said he accepted, after close questioning, the information given to him by the Commissioner of Police in these matters. What point would there be at that stage anyway in setting in motion an instruction under section 21? The Leader has remarkable hindsight knowing what he knows now as the result of the White report: he says we should have used section 21. How ludicrous can he be!

It is difficult to believe that the Leader would be responsible for even assuming that that was a course that was open to the Government. Of course we did not know; we believed the Commissioner. In fact, the member for Mitcham, when he questioned people in this House, when he questioned the Ministers and put questions on notice in this House, did, in fact, and Mr. Ward, who has already been mentioned by the publication of articles in the *Australian*, did cause me much concern, particularly when Mr. Baker's name was mentioned as being on file. That disturbed me, and it was, in fact, on my initiative that I put to Cabinet that it should in fact hold a judicial inquiry into this matter.

Mr. Millhouse: Dunstan should have done it.

The Hon. J. D. CORCORAN: The honourable member did not actually say that at the time we set up this particular inquiry, but he has changed his mind. The Leader has changed his mind, too, about this matter and whilst he can go on about all the particular courses open to the Government, and he cites the Acts Interpretation Act this afternoon (and I am not going to get involved in a legal argument about that), the information given to the Government was that there was no power to suspend.

Mr. Tonkin: That's wrong.

The Hon. J. D. CORCORAN: The Leader says it is wrong, but I do not know what he bases his authority on. I

want to come back to the importance of the statement made by the Leader this afternoon because he has demonstrated to the people of South Australia that he is not interested in that fundamental principle of Government in a democracy, that fundamental principle—

Mr. Tonkin:—of responsibility?

The Hon. J. D. CORCORAN: Yes, of responsibility to the people, and the only way in which the Leader, as Premier of this State, could be responsible to the people of this State is to have full and unguarded information from the officers who serve the Government but not condone, as he has this afternoon, the action of a Commissioner of Police who says he withheld information intentionally. It is not his motive—he simply said that he believed he had the right not to give the constitutionally elected Government information that he thought it ought not know. He withheld it because he thought it was right.

Mr. Nankivell: You withhold information, too.

The Hon. J. D. CORCORAN: The honourable member is trying to draw a red herring across the path and I am not going to be drawn.

Members interjecting:

The SPEAKER: Order!

The Hon. J. D. CORCORAN: I want to tell the Leader, and in this I am supported by the *Advertiser*, no less, because about this particular matter (and I am talking about that fundamental principle that the Leader has obviously chosen to ignore), an article appears in the editorial the day of the event which states as follows:

There is no doubt that Mr. Salisbury acted honourably as he saw his duty, but the effect is to set a secret organisation above the control of an elected Government, and this is a precedent too dangerous to allow.

In our system of responsible government the non-elected official should not refuse to divulge information which an elected Government leader might reasonably demand. Mr. Dunstan would have been straining the proprieties if he had asked for full details of a specific file, but he demanded to know only the scope of the Branch's activities. This issue of responsibility is fundamental and must apply despite the ebb and flow of political and emotional heat.

It states further:

But this newspaper, often strongly opposed to many of his (Mr. Dunstan's) political decisions and judgments, has never known him to be personally dishonest.

The central point is that in a Parliamentary democracy we cannot have a senior public servant saying that he is not responsible to the elected Government, and that should not be in dispute. It is in dispute this afternoon because the Leader says he does not subscribe to that principle. I cannot, for the life of me, believe that and I am certain that the member for Mitcham (who will no doubt enter this debate later this evening) will have something to say about this principle and something to say about his attitude to public servants or persons who serve the Government breaking that principle.

I think both the Leader and the member for Mitcham have displayed unbelievable inconsistencies and blatant political and headline-grabbing opportunities in this whole affair. Initially, when the Government appointed Mr. Acting Justice White to carry out the inquiry it was both concerned with fundamental and civil libertarian matters. This situation was apparent immediately following the dismissal of the Police Commissioner, but when the going got a bit rough through the introduction of all those red herrings I have mentioned they abandoned principle and, particularly in the Leader's case, bent with every change in the breeze, whether initiated by the media or elsewhere.

Let us take a look at the crazy way, or the maze of altered courses that they have followed, by looking at their

own words. The Leader first, because I think he has quite a few changes, more than the member for Mitcham, who is not quite up with him. In the *News* of November 8 last, the day after the Government appointed Mr. Acting Justice White to carry out the inquiry, the Leader said (and it is important I read this because of the criticism he has levelled at the Government for setting up the inquiry):

I have grave doubts about the propriety of maintaining files, if they do exist, on people who have not committed any offences or are not connected in any way with groups who could prove some threat to State security. What I want to know is whether such files exist—nothing but speculation on their existence has come to light to date.

In the same article the Leader called for the findings of the White Report to be made public to clear the air. This is what he said in *Hansard* on November 15, 1977:

I welcome the statement . . .

that is different from what he said today . . .

. . . that Mr. Acting Justice Michael White will inquire into all matters pertaining to those secret files and documents. Mr. Justice Hope, when inquiring into the affairs of ASIO held that civil liberties must be balanced against the need to protect the community. That is a matter that must still concern this community. I am pleased that the investigation is being made.

That is what he said in November, yet today he says that we should not have set up the investigation, that it was not necessary and that it did not do anything.

Following the dismissal of the Commissioner of Police the main thrust of the Leader's arguments was that the matter should be debated in Parliament. Indeed in the *Advertiser* of January 19 he said, referring to the dismissal:

This is a most serious action, and the Government must now justify that action in Parliament.

In the same report he also said:

The disclosures in the White Report about secret files are certainly disturbing.

In the *Advertiser* of January 21 the Leader is reported as saying that the matter would be raised in Parliament. It was interesting to note, in fact, in Greg Kelton's column in the same issue on January 21 a quote from an unnamed Liberal member who said:

We must be careful that we are not seen as attacking the Government just for the sake of securing a few political points.

The Hon. Hugh Hudson: They forgot about that.

The Hon. J.D. CORCORAN: They forgot about that, too. It does seem, from a close examination of the report, that Mr. Salisbury did mislead the Government, and thereby the Parliament and the people. At least one Liberal honestly put the matter in its proper perspective. It is a sad reflection on his Party that he had not the courage to put his name to the statement. By January 23 the Leader was still calling for a Royal Commission and he uses the word "still" very loosely as previously he had only made fleeting reference to the possibility of such a course. According to the *Advertiser* of that day he was also investigating calling people before the Bar of the Upper House. I think it is significant to recall that.

It is significant to recall that the member for Mitcham had written to the Leader on the previous day calling for his support in a bid for the appointment of a Royal Commission. The member for Mitcham also said that the Leader's suggestion of calling people before the bar of the Upper House would lead to an absurd farce, and I could not agree more with the member for Mitcham on that statement. I do not think this is a power that the Upper House should have, and we ought to do something about seeing that it is removed.

In the *News* of January 23, the Leader changed his

course again. On that occasion he talked about a Federal Royal Commission. In the *Australian* of that same day he expressed doubts about the value of calling people before the bar of the Upper House. He had second thoughts about that following what the member for Mitcham said. He got the message! In the *Advertiser* of January 24, the Leader told what he must have considered was an astonished world that the Commissioner of Police had been legally dismissed. There is no doubt about that. In the legal opinion released by the Leader the following was stated:

As a disciplined force in the service of the Crown, it is necessary that the Executive Government maintain overall control and responsibility.

That was in the legal opinion released by the Leader. By Friday last, February 3, the Leader had yet another approach. He wrote to me stating that the Opposition would move a vote of no confidence in the Government. That evening, we had the most nonsensical farce of all, where the Leader, probably in another headline-grabbing effort, hinted at the possibility of withdrawal of Supply while at the same time backing away from such a course. On the following day (last Saturday) we had another change in tactics by the Leader. This time he offered to defer his no-confidence motion which he proposed the previous day and which members will probably find it hard to remember, because so many things had happened in between. He then sought the Government's agreement to adopt a motion calling for a Royal Commission.

Even yesterday, we had further evidence of the total confusion that is the hallmark of his leadership. The Leader once more returned to the issue of withdrawal of Supply. In yesterday's *News*, the Leader was reported as saying that the Opposition had not yet adopted a firm stand on whether continuation of Supply would be granted through the Upper House. The Leader was quoted as saying:

The question of Supply has not been considered at this stage.

In the next paragraph of that report, the Hon. Mr. DeGaris made clear that Supply would not be refused. All through this exercise, the Leader's only success has been in portraying himself as probably the most indecisive man who ever held the leadership of a political Party in this State.

The Leader has played second fiddle throughout to the member for Mitcham, barking when he was told to bark. As I have said previously, the member for Mitcham can adequately be described as the tail that wags the Liberal dog, and he does it very effectively. It is patently obvious that the member for Mitcham has enjoyed himself immensely, particularly on television, when one can see him virtually lecturing the Leader on the steps he should be taking, because the Leader was, after all, a little school boy. He does this with great delight.

However, I do not think the member for Mitcham deserves much credit for his stance in this matter, either. Before the Government decided to establish the White inquiry, the member for Mitcham rightly expressed his concern about some files. The following was reported in the November 7 issue of the *News*:

The big problem is that the information in these files can be used for purposes quite apart from the security of the State. We also face the problem that the information can be inaccurate, or unfair, to the people involved.

In the same report, he also said:

There ought to be full and frank answers from the Government on the whole issue.

In the *News* of November 8 (after the Government had established the inquiry), the member for Mitcham was

reported as saying:

Anything uncovered must be made available to public scrutiny.

In the same *News* report, he could not resist having a go at the Government (as seems to be almost inevitable) over the establishment of the inquiry, because he said:

However, to me it appears the Government has overreacted to the situation.

In fact, he went on to say that because Dunstan was out of the State the Government was having great difficulty in running it, or words to that effect. He went on to say further that the Government was sidestepping the main issue, that is, that the files were being kept. That is why we set up the judicial inquiry.

Mr. Millhouse: I was wrong in that.

The Hon. J. D. CORCORAN: Of course the honourable member was wrong, and he was wrong about many other things, too. Subsequent events have proved how foolhardy was that statement and the honourable member's criticism of the Government. Following the dismissal of the Commissioner of Police, the member for Mitcham, as reported in the January 19 issue of the *Advertiser*, described the sacking of the Commissioner as "politically justified". He was quoted in that report as stating that the Government was in a very difficult situation. He said further:

I think it is unreasonable to criticise them for having done what they did.

Following the press conference given by the former Commissioner of Police (Mr. Salisbury), the member for Mitcham was quoted in the January 21 issue of the *Advertiser* as saying:

I think Salisbury made two grave mistakes. One was in allowing a relatively junior officer complete discretion in the power and keeping of these files. He was wrong in that—I am still quoting.

Mr. Millhouse: I was right in saying that.

The Hon. J. D. CORCORAN: I said that I am still quoting. The honourable member continued:

Also, in a Parliamentary democracy you cannot have a senior public servant saying he is not responsible to the elected Government. In both these things, Mr. Salisbury is in error.

We clearly see that there is now a very large gap between the thinking of the member for Mitcham and that of the Leader of the Opposition. The member for Mitcham has been much more trenchant in his acknowledgement of the basic and fundamental issues involved in this matter than has the Leader of the Opposition, but the member for Mitcham has allowed himself to be diverted by red herrings into the calling for the appointment of a Royal Commission. I am sad about that, because at times I have placed some value on the judgment of the member for Mitcham. I will refer more fully later to those red herrings. However, the member for Mitcham, who initially questioned the legality of the Commissioner's dismissal, knows full well that the Commissioner was dismissed only after every proper and legal step had been taken.

I should like to talk briefly (because the Premier has already mentioned this aspect) about the events surrounding the establishment of the White inquiry. I have already referred to the date on which the inquiry was appointed. I have said that the proposal was put to Cabinet. In fact, in conference with the Solicitor-General when drawing up the terms of reference, I conferred with Mr. Draper and Mr. Salisbury about them. I gave them an opportunity to peruse the terms of reference and, indeed, I made some minor alterations as a result of their observations. That was before the inquiry was set up; they were then able to examine the terms of reference.

I have said that I was disturbed by the public disquiet that had been aroused by questioning in the House by the member for Mitcham and the articles written, particularly in the *Australian* by Mr. Peter Ward. It was that which motivated the Government to take the decision it took. As the Premier said, he was kept fully informed on the matter, and knew what was happening. He agreed with the terms of reference and concurred in the appointment of Mr. Acting Justice White.

The Government has made perfectly clear throughout this operation that it is in favour of the maintenance of a valid intelligence operation. Many people are making statements to the effect that the Government wants to see the Special Branch, or the functions carried out by it, totally and completely destroyed. That is not true. In fact, the instructions which were given to the Commissioner at the same time and which will be talked about later (in fact, the instructions were given at the same Executive Council meeting as that at which it was decided to sack the Commissioner of Police) show clearly the Government's intention regarding the future of this branch.

It is true, as the Premier has said, that if anything the Prime Minister of this country has followed the lead given by this State in relation to the manner in which Special Branches, and indeed ASIO, will conduct their business of security in the future. As an ex-Army officer, I am conscious of the need for security, but I am also conscious of the need—and I get back again to that fundamental principle—for any public servant's being responsible to the constitutionally elected Government, whether it be a police force or an Army; we do not see generals running their own armies, and fighting their own private wars. I am reminded of General MacArthur, who thought that he was greater than the elected President of the United States.

Mr. Allison: He was still a good general.

The Hon. J. D. CORCORAN: He was a good general. He was so good that he thought he was better than the elected President of the United States, and that resulted in his dismissal. He was removed. The same basic principle applies to his removal as applies to the removal of Mr. Salisbury. Let us not think it happens only here. It happened for the same reason in America, although on a much higher scale. The late President Truman, who took that decision, knew that it would not be a popular one. I want to make clear that this Government recognised that its action would not be a politically popular decision, but it recognised its responsibility to govern effectively and properly, and that caused it to take the course it did. I have no regrets about that.

Because time is running out, I want to come to the reasons why I do not think a Royal Commission is necessary, despite the pleadings of the Leader of the Opposition. It is true that, amid all the millions of words that have been written and spoken over the past three weeks, not one valid reason has been expounded for holding a Royal Commission. A judicial inquiry was established following expressions of public disquiet concerning the activities of Special Branch. The findings of Mr. Acting Justice White have been made public, and the recommendations have been adopted by the Government. His Honour found that the Government had been misled over a period of years. An unrepentant Commissioner of Police, who thought he was entitled to withhold information from the Government and who continued doing so, was dismissed. The Government and the former Commissioner of Police have been unequivocal in making their position clear to the public. A Royal Commission would not change the Government's basic principles.

The DEPUTY SPEAKER: Order! The honourable Minister's time has expired.

Mr. GOLDSWORTHY (Kavel): I reject entirely the attempt by the Government to whitewash its disgraceful activities in the sacking of the Commissioner of Police, and I wholeheartedly support the amendment which was moved by the Leader and which I believe quite clearly is endorsed by the vast majority of people in this State. That amendment merely seeks to set up an impartial Royal Commission to get to the bottom of this confused scene. We know perfectly well what have been the tendencies of the Government in the past and how the Minister of Education set up a Royal Commission into the suspension of a schoolgirl for a week because he thought he would have trouble explaining away his political situation at the Labor Party's annual conference.

The Hon. Hugh Hudson: That's not true.

Mr. Gunn: It's absolutely true.

Mr. GOLDSWORTHY: Those were the findings of the Royal Commission, and I refer the Minister to them. Here, the Government sacked summarily one of the top officers in this State, and it is not prepared to have any scrutiny of the circumstances surrounding the sacking. I submit to this House that the Government has got its priorities completely wrong. The Premier mentioned that the Government had no other course open to it. Despite what the Premier said this afternoon, the Government could have suspended the Commissioner. I was surprised that the Premier was not aware of that. He asserted quite unequivocally that the Government had no other course open to it, but that is sheer nonsense.

The Deputy Premier's suggestion that the Prime Minister is following the lead of the South Australian Government is the height of hypocrisy and nonsense. A far more extensive inquiry than this rather rushed affair, this White affair of the State Government which did not start until November last, has been going on for a considerable time at Federal level. It is absolute nonsense for the Deputy Premier to suggest that the Prime Minister is following the lead of the South Australian Government in this matter.

No-one for a moment denies the legality of what the Premier did. We know the Government has the power to sack the Commissioner of Police; if the Premier does not like the way the Commissioner addresses him or doffs his cap, he has the power to sack the Commissioner, but that does not justify this summary dismissal. The sequence of events has been related to the House, but the events of the sacking took place in less than a week. Cabinet members were given the White report towards the end of the week of January 11. They had one day to consider it. Knowing the speed with which the Government has examined documents in the past, I doubt very much whether Cabinet members came to the meeting *au fait* with what was in the report. Monday was given over to discussion of the report, even if that was the only matter on the agenda. On the Tuesday night, the man was sacked. This is what the Premier said about the Commissioner when he came to South Australia:

While there were some people with valuable experience in Australia, none quite measured up to the standard we had from Mr. Salisbury. I am sure that when the people of South Australia have met him they will realise what a good choice we have made.

That was perfectly true. South Australians were proud of the Commissioner of Police.

Mrs. Adamson: We are proud of him.

Mr. GOLDSWORTHY: I am talking about when he was Commissioner. We are highly incensed that he is no longer Commissioner. From what we have heard and read in the report, Mr. McKinna would have had to go, too. It is clear

that Mr. McKinna's crimes, in terms of what the Premier said, were more serious than were those of Mr. Salisbury. It is clear that every other Commissioner of Police in Australia would have had to be dismissed. This is happening not only in South Australia but on the nationwide scene. As was said by Mr. Acting Justice White in his report, the waters are far from clear; we are in a grey area. The matter is being investigated far more thoroughly on the national scene than has happened in South Australia.

The Premier mentioned that Mr. Salisbury had had ample opportunity to take up the statements he has made. Mr. Salisbury has made no secret of the fact that he would welcome a Royal Commission, where he would feel free to speak publicly, whereas, no doubt with his experience as a Commissioner of Police, he feels inhibited in conducting his debate through the press. Mr. McKinna said something similar.

Mr. Allison: They are both good gentlemen, too.

Mr. GOLDSWORTHY: Of course. They believe that a properly constituted inquiry would give them the forum they desire. They are not trying to put anything over. They are merely asking for a fair go. When Mr. Salisbury found out that he had been sacked—and they had to send out a runner to find the man at about 11.30 that night—

The Hon. J. D. Corcoran: That's not true.

Mr. GOLDSWORTHY: That is what the report tells us. The assistant to the Premier was sent with a letter for Mr. Salisbury. They could not find him, because he was out. If he had stayed away, he would have been able to read about his sacking in the morning's press.

The Hon. J. D. Corcoran: He spoke to Salisbury at 7.30 and Salisbury requested that he did not come to the house until 11.30.

Mr. GOLDSWORTHY: Well, let us hear what Mr. Salisbury had to say when he finally spoke to the press. He said:

I have been sacked, and it was in a matter of hours, with no chance to defend or explain the situation which has led to this quite dreadful retribution and the end to a career in the police service of nearly 45 years.

He spoke of the sort of justice which would have been meted out in different circumstances. He said:

In Great Britain a Chief Constable could not be sacked in this way. He would be suspended and a long and searching inquiry by agencies entirely unconnected with his employers conducted.

There would then be a hearing—a criminal (hearing) of course, if a criminal offence were alleged—and he would have a right of appeal on the police career aspect to the Home Secretary, who would not be a member of the authority employing the Chief Constable.

He goes on to say:

It is a traumatic and terrible experience which few people would have had. I have been discharged with ignominy, and this is how the whole world will see it unless there is an inquiry where my damnation can be either confirmed or I can be cleared.

The Government is denying him that opportunity. The only forum that Salisbury has had has been a discussion with the Premier on the Friday before the Monday Cabinet meeting for 1¼ hours, at which the Premier took such extensive notes that he must have been particularly adept at shorthand. He even had in fine detail the discussions at the conference. In any case, that is the only opportunity that Mr. Salisbury had to put his position to the Government before he was summarily sacked. The Premier said that Mr. Salisbury was not given a chance to check the accuracy of that account. I was rather amazed at the detail of the account. I do not know whether a tape

recording was used, but I doubt that the Premier would be so adept at shorthand as to be able to get it down in so much detail. Anyway that was the only opportunity Mr. Salisbury apparently had to explain his position before the decision that they were going to unload him, sack him. Obviously, he was stunned by the decision.

There is an air of unreality about all these events, that this sort of thing is happening in South Australia in 1978. The whole business did not get going until November, 1977, when Mr. Acting Justice White's Report was commissioned. Within about six weeks, the report was available on what was supposed to be a cursory view, a random view, of all these files. It was then about a month before the Premier got the report and it was about January 11 when he looked at it. Four days later Cabinet had the meeting and the Commissioner was out of a job. I believe that the Government has got this whole issue way out of proportion, particularly as these matters are of national significance and are being discussed nationally and in far more detail than has occurred in this State.

The White Report is far from an adequate report, in my view. Mr. Acting Justice White himself calls it an initial report. It was only the first stage of his inquiry. Obviously, as I have said, it was written in some haste. In my view, it is far from adequate, and I can mention some inadequacies. However, the report indicates an improving situation in relation to the activities of Special Branch. At page 5, in paragraph 2.12, the report states:

In view of recent interest in the detailed workings of Special Branch displayed by the Commissioner and the Deputy Commissioner in charge, there is reason to believe that future activities of Special Branch will be confined to more genuine security matters. The new controls envisaged by the terms of reference should ensure that this happens.

The situation was going to improve, under the direction of the now deposed Commissioner and his deputy. At page 16, in paragraph 6.3, the report states:

I received the utmost co-operation from the Commissioner, Assistant Commissioner Calder and the staff of Special Branch. What I say in criticism of the policy or records at Special Branch is not said by way of criticism of present staff.

The Deputy Premier has said that he showed the terms of reference of Mr. Acting Justice White's inquiry to the Commissioner before the inquiry was held. The Commissioner obviously thought that he had nothing to fear. He has been completely co-operative in all this activity, and Mr. Acting Justice White describes this in the report. Obviously the Premier and his Government are worried and queasy about access to information, and at page 23 the report refers to dissemination of this information. The Premier made much play on the fact that, in evidence before the Hope Commission at a national level, evidence was given that information was fed from South Australia. The Premier does not know that that was from Special Branch. ASIO has its own officers in South Australia and the Premier does not know that other ASIO officers did not gather that information. The Premier has made an unwarranted assumption, on the basis of information given to him.

Mr. Dean Brown: It is a baseless allegation.

Mr. GOLDSWORTHY: It is. There is not a shred of evidence that that came from Special Branch. In relation to access to information, at page 23 the report states:

The rate of requests for checks has now slowed down to about 150 each year; they almost invariably have resulted in the answer "Not recorded at Special Branch or Central Records".

At page 63, there is further reference to the situation. It is rather more difficult to see now that the television lights

have gone off, Mr. Speaker, but at that page the report states:

Whatever the mistakes of the past, the Commissioner sees better prospects for smooth and efficient running of Special Branches in the future.

He sees the necessity for the active intervention of a high ranking officer in the day-to-day work of Special Branch, with regular checks, possibly monthly, of policy and implementation. The officer would be an Assistant Commissioner.

The Commissioner himself has attended each of the 1976 and 1977 ASIO seminars and recently became more aware of the defects in Special Branch records.

The need for review of the criteria and procedures has been realised at Federal and State levels within ASIO and Special Branches. The new Director-General, aided by the Hope Report, and the Commissioners of Police, should be able to overcome past objections.

That is a clear indication that the situation will be improving and that the former Commissioner recognises that changes are necessary and desirable. Finally, regarding future action, there is a reference at page 69 of the report to the destruction of records, which the Government apparently decided would occur in a short space of time, and reports were published in the press indicating the method of destruction. At that page, the report states:

I do not recommend the wholesale destruction of most of the records at Special Branch. I merely indicate that a reasonable case could be made out for that course.

In my judgment, Mr. Acting Justice White rather overstated his case in coming to that conclusion. Nevertheless, he went on:

I would not implement, without specific instructions, such a severe culling out of the Special Branch records. I would prefer to give Special Branch an opportunity to consider this report and to be heard further upon classes of material which it considers essential for security purposes in the light of the criteria set out in paragraph 2

It is obvious to anyone who reads the report that Mr. Acting Justice White, on whose report the Government has based its entire case for sacking the Commissioner, did not even contemplate that the Commissioner would go. He points to the fact that the situation is improving. The Leader has referred to the fact that there has been no surveillance of elections since 1975. I could find that reference, but there is no point in doing so. What is the Government doing, when, in fact, the situation is improving, the former Commissioner recognised that changes were needed, and he was completely co-operative in relation to the initial terms of reference and the conduct of the investigation? From reading the report, we see that he had not been given an inkling that he should go. There are some other relevant matters which I want to raise and which indicate the complete stupidity, in my view, of the Government's recent activities, particularly the sacking of Mr. Salisbury.

The report indicates that the operations in question go back to 1949, nearly 30 years ago. This sort of operation, which has been carried out in the Special Branch in this State, and doubtless in every other State, took this course in 1953-54. The report acknowledges this and is critical of Sergeant Huie concerning the course followed. Nevertheless, the fact of life is that such activity has gone on for about 25 years.

Mr. Salisbury has been the Commissioner of Police for about five years. Certainly, he was appointed by this Government a couple of years after it took office. What is the justification for making this man the scapegoat for the sort of activity that has taken place for so many years in

this State and in this nation? Brigadier McKinna would have had to go even more quickly than has Mr. Salisbury.

Further, the records of the 1970 activities are very thin. The fact is that, if Mr. Salisbury misled the Government, Brigadier McKinna misled it to an even greater degree. That is obvious from the records in this report. The only fact which clouds the issue rather more is that the 1970 records are particularly thin. No correspondence or minutes are quoted in relation to the Premier's knowledge of the 1970 events; there are only two or three newspaper quotations in the appendices of this report. Obviously, Brigadier McKinna, if we are to give any credence to what is in the report, would have been sacked with one minute's notice.

Indeed, I submit that every other Commissioner of Police in Australia would be sacked similarly. This seems to be an incredible situation when such activity has been going on in this form for 25 years, although the situation is improving. Mr. Salisbury, who has been the Commissioner here for five years, has been made the scapegoat for this activity. My next point concerns this report, which must have been a hastily compiled report.

Mr. Chapman: By his own admission.

Mr. GOLDSWORTHY: His Honour states that it is an interim report and was obviously hastily prepared, simply because of the time span involved. Attention was drawn to an article in the *New Yorker* after His Honour had written his original draft report. I do not know much about that publication, which is obviously an American publication, in which some civil rights writer—

Mr. Millhouse: It's a wellknown publication.

Mr. GOLDSWORTHY: I do not read widely American publications. His Honour's attention was drawn to this publication and it seems that the sentiments in the article had a profound influence on his thinking. I refer to the fairly lengthy extracts in the report and, indeed, His Honour accepts the proposition that the F.B.I. in America has been extremely influential in the activities of ASIO in Australia and that, in effect, ASIO has been controlling the Special Branches in the Australian States.

I believe that sums up the situation, and that is reflected elsewhere in the report, other than in reference to this article in the *New Yorker*. The British intelligence system has had some influence, too. I detect in the report a serious note of disapproval by His Honour that this is the case. He asserts that the F.B.I., especially under J. Edgar Hoover, acted in a most scandalous manner, far worse than the Special Branches have acted in Australia. The suggestion is that the F.B.I. has influenced ASIO in Australia. ASIO has patented itself on the F.B.I.'s style of operation, and that ASIO controls the States' Special Branches. Where does Mr. Salisbury fit into the scene? Is he to be lumped with the blame for the activities occurring on the international scene, which His Honour disapproves of on the national scene?

Mr. Nankivell: Other State Commissioners have not been sacked.

Mr. GOLDSWORTHY: No, but they would have to be sacked if other Governments acted as precipitately as this Government has acted.

The only ground on which the Government has peremptorily sacked the Commissioner is because he is reputed to have misled it in its duty to inform Parliament and the South Australian public. That is utter and complete humbug, and the Premier knows it. The Government (and this has been a matter of complaint by the Opposition ever since I have been in this place), deliberately and consistently conceals information from the House and from the public if it so suits it.

Mr. Evans: And refuses to answer questions.

Mr. GOLDSWORTHY: True, yet there is all this claptrap about its responsibility to the South Australian public, and about keeping the public informed about what is going on. Such statements by the Government, especially in relation to an area as grey as this, concerning security, defence and the like, are absolute and complete humbug. One matter sprung to mind immediately. The Opposition was seeking information about one of the Premier's friends, who is now Chairman of the Housing Trust, Mr. Liberman.

The SPEAKER: I hope that the honourable member can tie this up with the debate.

Mr. Dean Brown: We were promised a full and frank debate this afternoon.

The SPEAKER: Order! The honourable member for Davenport has been warned. I do not want to go further.

Mr. GOLDSWORTHY: I am making the point that serious allegations were made regarding land deals at West Lakes. It was alleged that Mr. Liberman was involved in companies which made tremendous profits in a short period, but we could not get information from the Government. I refer to this fact to highlight the fact that the Government is unwilling to give information.

The SPEAKER: Order! I ask the honourable member to keep within the debate. I do not want him to refer to this matter any longer.

Mr. GOLDSWORTHY: How can I illustrate to this House and to the public that the Government withholds information if I am precluded from referring to a question I asked in the House and the Premier's reply, when he refused to give me information?

The SPEAKER: I can tell the honourable member that I can see no relation between his present comments and this debate.

Mr. EVANS: I rise on a point of order, Mr. Speaker. The whole basis of the Government's argument on this matter has been that it believes the Commissioner has a responsibility to the Government, and the Government has a responsibility to Parliament, and that Parliament should not be misled by either a Minister or any person appointed to represent any department. The Deputy Leader's point is that the Government has a responsibility to Parliament not to withhold information. That is part of the argument and part of the whole basis of the debate, and for that reason I take up this point of order with you.

The SPEAKER: There is no point of order, and I hope that the honourable member will stick to the debate.

Mr. GOLDSWORTHY: The only point on which the Premier has hung the sacking of the Commissioner of Police is that the Commissioner misled the Government by withholding information, so that the Government could not inform the House and the people. I wish to point out to the House one instance where the Premier has refused to provide information. It is precisely the same situation in relation to the Government, yet I am ruled out of order, and that is the most incredible situation I have encountered since I have been in this place. If one has not got the wit—

The SPEAKER: Order! If the honourable member continues in this vein I will rule him out of order, and he can then disagree with the Chair.

Mr. GOLDSWORTHY: If one cannot see the link between not giving information to the Government which can then not give information to the public and the Government's not giving information to the House through a constitutionally elected member, words fail me. On page 2409—

The SPEAKER: Order! Will the honourable member resume his seat. If I remember correctly, he was talking about land deals, and there is nothing in the debate about

land deals.

Mr. GOLDSWORTHY: I am not talking about land deals: I am talking about the failure of the Government to give information and I am dealing with an example of that failure. Mr. Speaker, if you will allow me to quote the question I asked, my point will be abundantly clear to you. On February 17, 1976 (as recorded at page 2409 of *Hansard*), I asked the following question.

1. What were the total business interests of Mr. Liberman disclosed to the Government when he was appointed to the Housing Trust?

2. What were the business interests he had disposed of and which were retained?

3. What was the account given to the Government of the business interests retained?

The reply given by this Government, which is so uptight about the fact that it has no information from Mr. Salisbury to give to the public, was as follows:

1. A list of interests which he had relinquished and those he had retained.

2. This information is not available for full public disclosure.

3. Full information was given.

The Government will not give this information to constitutionally elected members. The Government and the Premier have made great play of being constitutionally elected, but the Premier has refused to give me, a constitutionally elected member, a complete answer, because he believes that, in this grey area as acknowledged in the White Report, he has some wider responsibility. We all happen to be constitutionally elected members and representatives of the people, but the Government does not apply the same test to the information it is prepared to feed us. There is thus one rule for Salisbury and one rule for the Government. There are numerous examples of the Government's withholding information from constitutionally elected members and from the public. It is complete and utter nonsense for the Premier to claim that Mr. Salisbury misled the Government. If we look in the White Report at the appendix relating to October 16, 1975, it is obvious that it was known then that there were more than 40 000 files. There is a long and detailed answer to those questions. The appendix states:

How many names are in the file index?

The answer is as follows:

The number of names and index files are too numerous to be counted manually. A figure of 41 000 was arrived at by the use of the measuring system.

The Premier had a fair idea then from answers that Mr. Salisbury had given as to the number of files. Time precludes me from dealing in more detail with the report, although I should have liked to have more time at my disposal to deal with the colour of the report and with the authoritative comments that had been made on it.

The SPEAKER: Order! The honourable member's time has expired.

The Hon. D. W. SIMMONS (Chief Secretary): This matter has caused me great concern in one way or another practically since I took up my duties as Chief Secretary just four months ago. This concern stems from several causes. First, I say sincerely that I greatly regret that it has been necessary to terminate the services of Mr. Salisbury. After my appointment, I believe that we quickly established good personal relations. Mr. Salisbury paid both to me and to the Government generous tributes for our attitude towards him, while I extended to him the courtesy and respect due to a person of his status and service experience.

Again, if it is appropriate, and I believe it is, that the Commissioner should take the consequences of faults in

his administration, he should also be given credit for the generally high reputation of the South Australian Police Force. I believe further that Mr. Salisbury is a sincere man. He honestly believes that he has the right to mislead the Ministers who have the responsibility of advising representatives of the Crown in South Australia and through them the Parliament and people of this State.

I came away quite despondent from the meeting between Mr. Salisbury, the Premier and me on the Friday before the Commissioner was dismissed, and I can testify to the accuracy of the Premier's record of that discussion.

Mr. Gunn: How was that record kept?

The SPEAKER: Order! The honourable member for Eyre is out of order.

The Hon. D.W. SIMMONS: The Premier has a capacity far beyond that of the member for Eyre, and it has been demonstrated many times. In my opinion, it was an accurate record of the discussion. I came away despondent because it was obvious that Mr. Salisbury did not understand what it was all about. Certainly, the absolutely unfounded suggestion from the Leader this afternoon that the Government was out to get Mr. Salisbury came as a complete surprise to me. In all of the negotiations that took place between us on this matter, including those when the Deputy Premier was acting in the Premier's absence, when I had meetings with Mr. Salisbury and Mr. Draper, and the subsequent meetings following the receipt of the White Report, no suggestion was ever made to me that we should "get" Mr. Salisbury; that is a figment of the Leader's rather weird imagination.

However, my concern about the personal consequences to Mr. Salisbury was overshadowed by the far greater concern I have come to feel for those citizens of South Australia who must have been adversely affected by the uncontrolled operations of Special Branch. Mr. Justice White, in paragraph 16.2.10 of his report, states:

I have seen a number of cards where information, patently false to my own knowledge, has been used to the attempted disadvantage of certain persons. There may be hundreds of other instances which I have not seen or about which I could not know. I did not delve unnecessarily into individual files and cards.

The Premier has referred to the findings of the Hope Report, which show the consequences of the passing of scandalously inaccurate information. That is the situation Mr. Salisbury sincerely believes he has a right to maintain. Sincerity, in my view, is just not enough.

Finally, my greatest concern in the matter stems from the attack on the very basis of democratic government inherent in Mr. Salisbury's view that he can, if he thinks fit, give misleading information to the Government. What is even more frightening is the obvious willingness of the Opposition to support such a view and to whip up a dishonest and hysterical campaign, for narrow political purposes, to denigrate a Premier and a Government who have done their duty to protect democracy in South Australia.

I turn now to some of the dishonest criticisms levelled against the Government. Harold H. Salisbury was appointed Commissioner of the South Australian Police in June, 1972, pursuant to section 6 of the Police Regulation Act, 1952-1972. In this office as Commissioner of Police he was responsible only to the State of South Australia and its people. His responsibility was to act on behalf of this State and its people where its Police Force was concerned and not to act for anyone else. No responsibility to the Commonwealth Government or to ASIO was prescribed in the terms of his commission.

Much has been made of Mr. Salisbury's responsibilities to ASIO in terms of some particular oath. Stewart

Cockburn in his interview on the Phillip Satchell Show on A.B.C. radio on Friday morning, January 27, 1978, made the following quite dishonest statement:

Mr. Salisbury had a great problem in the sense that 98 per cent of his work perhaps was known to the South Australian Government and 2 per cent perhaps for the Commonwealth Government and he had separate oaths of loyalty. There was a separate oath in relation to records in the Special Branch and this oath specified that his loyalty was to the Commonwealth and through the Commonwealth to ASIO and under that oath Mr. Dunstan was not an authorised person to receive that information.

In reply to a question whether there was a separate oath covering work for ASIO Mr. Cockburn replied:

My understanding of it is that it is a separate oath and it is taken in respect to his role as the man who is in charge of the activities in the Special Branch.

This was, of course, blatantly untrue and yet another red herring subsequently latched on to by the media. In fact, Mr. Salisbury himself later denied that he took any such oath, and I quote from his letter to the *Advertiser* on February 3, 1978, as follows:

I should like to clarify a misunderstanding apparent in your editorial (*Advertiser* 28/1/78) where you referred to the oath of secrecy in relation to the work of the Special Branch. I did not personally take such an oath nor have I ever intended it to be understood that I did so.

Mr. Salisbury was not always wrong. His reference to Stanley Baldwin's famous description of the press was bang on so far as Mr. Cockburn was concerned.

I now draw attention to the philosophy underlying Executive check of the power of the Commissioner of Police in this State. I quote the Bright commission report, 1970, chapter 9, paragraph 79.9, as follows:

The Police Force has some independence of operation under the Police Regulations Act (4) but it is still a part of Executive operation. In a system of responsible Government there must ultimately be a Minister of State answerable in Parliament and to Parliament for any executive operation.

Consequently, Mr. Justice Bright made the following recommendation. I quote chapter 10, paragraph 2 entitled "Status of Commissioner of Police", as follows:

(a) I recommend that for the reasons stated in chapter 9 the Commissioner of Police should retain the independence of action appropriate to his high office but should be ultimately responsible, like his colleagues in many other parts of Australasia, to the Executive Government. To achieve this end section 21 of the Police Regulations Act, 1952-69, may be amended so as to read: "Subject to this Act and to any directions in writing from the Chief Secretary, the Commissioner shall have the control and management of the Police Force" or, if Parliament thinks fit, the more formal course of a direction by the Governor in Executive Council may be adopted as in Victoria. If I may express a preference, it is for the less formal discussion between Minister and Commissioner, leading at times (not necessarily as a result of disagreement) to a written Ministerial direction.

(b) Consequential provision should be made for making public at the appropriate time the fact and contents of any such direction.

A convention should be established, as discussed in chapter 9, with regard to the limits within which any such written direction may properly be given. The honourable Chief Secretary and the Commissioner of Police ought to be able to reach an understanding which would form the basis of this convention.

These recommendations were, in fact, given effect to in

1972 and an amendment to this effect was passed by a majority in both Houses. I may also point out that the amendment to section 21 of the principal Act has never been used before in this State and has only been invoked in this somewhat exceptional circumstance. That, I think, is a measure of the Government's desire to interfere as little as possible with the operations of the Police Force. This has been attested to by Mr. Salisbury many times in public before me and also at his recent press conference, when he said:

Up to this time I have had no collision with the Government on any matter except in a formal and reasoned way over my proposed dismissal of a constable.

He restated this position several times in answer to questions at that conference. Section 21 of the principal Act is the source of the Commissioner's power to govern and control the Police Force. This section was subsequently amended in 1972 to provide:

Subject to this Act and the directions of the Governor, the Commissioner shall have the control and management of the Police Force.

Further subsections provide:

The Chief Secretary shall cause a copy of every direction under subsection (1) of this section to be laid before each House of Parliament within six sitting days of the date of the direction if Parliament is then in session or, if not, within six sitting days after the commencement of the next session of Parliament.

Pursuant to that Statute, I lay on the table the Police Regulation Act, 1952-1975, the direction of the Chief Secretary dated January 18, 1978, to the Commissioner of Police in relation to records or other material which shall be kept at Special Branch in the Police Department.

Finally, subsection (3) of section 21 states:

The Chief Secretary shall cause a copy of any direction under subsection (1) of this section to be included in an edition of the *Gazette* published not more than eight days after the date of the direction.

Thus, in issuing the recent direction to the Commissioner in relation to the Special Branch and its files, I have fully adhered to these statutory provisions. No-one could say that these directive powers may be exercised in other than a very formal manner, and this was the course adopted by me in relation to the Special Branch files. These directions were handed by me to the then Acting Police Commissioner, Mr. Draper, the first thing in the morning of January 18, 1978.

I shall deal individually with these directives, with which I hope all members are now familiar. Primarily, it was directed that:

No records or other material shall be kept in Special Branch or elsewhere in relation to security matters by the Commissioner or any other person under his control as Commissioner with respect to any person unless (1) that record of material contains matters which give rise to a reasonable suspicion that the person has committed an offence relevant to matters of security.

Surely that is what it is all about—the security of our State, security against subversive activity with the most necessary requirement that there be “reasonable suspicion”. Mr. Salisbury in his statement in the press on January 21, 1978, goes to some pains to stress the need for information to combat possible subversion, citing amongst other instances the Profumo case. He seemed to come back to the Profumo case several times in his discussions with the Premier and me, and it was rather interesting because he justified the existence of all this irrelevant material in Special Branch files as pointing out that, if this had been acted on in the case of Profumo, the consequences might have been less serious. He was asked by the Premier, to

whom the information would have been given, and he said, “to the Prime Minister”. In fact, it was not given to the Prime Minister. Therefore, it seems to me that, even in the case which he was at some pains to point out, the collection of this material served no useful purpose.

The Hon. Hugh Hudson: Anyway, Profumo resigned because he lied to Parliament.

The SPEAKER: Order!

The Hon. D. W. SIMMONS: True. What appears in the Special Branch files, if one has regard to the White report, would seem to be a far cry from the intention of combating subversion. Mr. Salisbury himself on January 21, 1978, cited the White report's finding that there is much useless and irrelevant material. He in fact conceded that this might well be the case. So I conclude that this directive would thus appear to be eminently reasonable and desirable in the interests of the State, as would the second directive:

(2) That record of material contains matters which formed the whole or part of the facts with respect to which that person has been charged with an offence relevant to matters of security in respect of which proceedings have not been dismissed or withdrawn.

If one has regard to a recent finding of the Hope committee, to which the Premier alluded, that ASIO has undertaken some 80 000 vettings a year using Special Branch files of the various States, we must conclude that these files are of some, if not considerable, importance to their investigations. This relationship between the Special Branches in the various States has caused the Federal Government some considerable concern in recent weeks. The Prime Minister has recognised the importance of this issue and the question of this relationship is presently before the Hope committee. The Prime Minister in his reply to the Premier in this matter has shown himself to be eminently more sensible and reasonable than members of the opposition in this Chamber.

[Sitting suspended from 6 to 7.30 p.m.]

The Hon. D. W. SIMMONS: I had reached the third part of directive No. 1 before dinner. This provides as follows:

That record or material, either alone or with other existing records or material, contains matters which give rise to a reasonable suspicion that that person, either alone or with other persons, may do any act or thing which would overthrow, or tend to overthrow, by force or violence, the constitutionally established Government of South Australia or of the Commonwealth of Australia, or may commit or incite the commission of acts of violence against any person or persons.

Again is this not a reasonable directive aimed at possibly subversive activity? Directive 2 looks at the future of Special Branch files and provides as follows:

All existing records or material created, gathered or held in Special Branch or elsewhere in relation to security matters by the Commissioner or any person under his control as Commissioner, not in conformity with the criteria set out in 1 above shall be destroyed together with all copies wherever held and in whatever form. The culling and destruction of such records or material shall be conducted under the direct supervision of the Honourable Mr. Acting Justice White.

This directive makes it quite apparent that the Government does not intend the destruction of all Special Branch files. Stewart Cockburn, in the *Advertiser* of January 26, saw fit to state unequivocally that the Government proposes to destroy all records. I will quote from the article in which he referred to sweeping changes in relation to security procedures. He goes on to refer to

the severing of unsupervised links between ASIO and the Police Force.

Directives 3, 4 and 5, which I shall read to you shortly, show clearly that is not intended by the Government and this statement of Cockburn's is wanton and completely unfounded. Further, Stewart Cockburn writes on some unknown authority. He states:

It has been stated, for example, that the Government proposes to destroy all records at present within the Special Branch other than those approved by Government.

Who stated that? Certainly not the Premier, nor did I, as Chief Secretary. Indeed, the 3rd directive which I shall now read states:

The two most senior officers at present in the Special Branch shall be retained to assist Judge White in the culling and destruction of records.

That is shown in directive No. 2 above.

Mr. Millhouse: One has already resigned.

The Hon. D. W. SIMMONS: For whatever reason the resignation took place, it happened after this particular resolution was issued. Mr. Salisbury himself recognised the need for some thinning of the files within the Special Branch; however, he saw it primarily as an administrative issue and not one of the essential liberty of the individual. In his interview of January 21, 1978, he has this to say:

It is said in Judge White's report that there is much useless and irrelevant material. Possibly there is, I do not know. There is, I do know, a lot of old material which is probably of no use now. But culling out is a matter of staff strength and the force just does not have the numbers. Judge White has said it would take a year. In any case, I repeat, the material is totally secure.

The Premier has already dealt with the security of that particular material. It has been passed on interstate, quite possibly overseas and has gone beyond our control, at any rate. He continued:

It really boils down to a matter of wasted storage space and a possible increase in search time—no more.

And that is how Mr. Salisbury saw the issue of the future of the files!

What is contemplated by these directives is the retention of files relating to security, not, for example, the attitudes of persons to the police, religious belief and homosexuality. Again, in the interview of January 21, 1978, Mr. Salisbury was intent upon quoting the Profumo case to indicate for example that such traits as homosexuality would make a person liable to blackmail. This is, however, not an issue since homosexuality between consenting adults is no longer a criminal offence. The appointment of the two most senior staff to "cull and destroy" files with Mr. Acting Justice White does not contemplate members of the Government ever seeing these files. Directives 4 and 5 relate to the personnel within the Special Branch. Directive 4 provides:

All other Special Branch personnel shall be transferred to other duties within the South Australian Police Force immediately.

I am sure they can be used for useful purposes within that force. Further, Directive 5 provides:

No further appointments or transfers to Special Branch shall be made without the prior written approval of the Chief Secretary.

Disbandment of the Special Branch is clearly not envisaged if one has particular regard to directive 5. Directive 6 provides:

No activities shall be undertaken by the Special Branch or elsewhere within the Police Force as being necessary for security unless those activities are in fact directly relevant to matters of security.

This reinforces the intended future of the Special Branch

preserved to deal with matters involving the security of the State. Directive 7 provides:

The approval of the Chief Secretary shall be obtained before information gathered or held by the Special Branch is made available to ASIO, the Special Branches of other police forces or any other organisation, group or individual.

It is not intended that in order for such approval to be obtained from me the relevant material shall be vetted by me. Yet Stewart Cockburn, in his extraordinary article of January 26, 1978, states:

It has also been stated that information sought by ASIO in its day-to-day work would have to be requested through the Chief Secretary. Here at once the particular security problem emerges which probably caused the late Labor Prime Minister, Ben Chifflay, whose Government established ASIO in 1949, to declare that there would be no political interference with its work.

Although it has been suggested by Acting Justice White that such material be handed over to the Chief Secretary, the Government does in fact recognise the difficulty in this respect and methods are being determined which will permit control of the passage of information by the Chief Secretary or any other relevant Minister without them being privy to the details of the information. Finally, Directive 8 provides:

Special Branch shall cease recruiting, paying, servicing, or otherwise acting as intermediary for agents of ASIO or any other organisation and shall act in all respects only as a branch of the Police Force to serve the interests of the people of South Australia.

This, I think, is most reasonable in its intent. The recommendations of the Hope report have already prompted the Federal Government to consider the respective position and formalise the relationship between the Special Branch and ASIO. We are only trying to do the same in this State for the benefits of this State and in an effort to preserve some formality within and between police forces in general.

I wish now to deal briefly with the dismissal of Mr. Salisbury. He was dismissed from the office of Commissioner of Police pursuant to powers at common law. A letter of dismissal was received by the then Commissioner, Mr. Salisbury, late at night on January 17, 1978, although he was aware of this move some hours earlier. In view of the extraordinary nonsense that has been said about the presses rolling without his knowing anything about it, I think it is as well to quote from a press release made by the Deputy Premier. The Premier called Mr. Salisbury to his office at 3 p.m. on January 17 and told him of Cabinet's decision. Mr. Salisbury refused to resign.

As the Premier has already indicated, he then said he would have to proceed with the Cabinet's decision. At 5.20 p.m. on the same day the Governor in Council dismissed Mr. Salisbury. Within a half-hour after Executive Council the Premier had signed a letter to Mr. Salisbury and the Executive Assistant to the Premier, Mr. Bruce Guerin, tried to get in contact with Mr. Salisbury. Since Mr. Salisbury's silent home number had not been made available to the Government, Mr. Guerin sought assistance from Police Headquarters in Angas Street to locate him. Mr. Guerin finally contacted Mr. Salisbury at a friend's home at approximately 7.30 p.m. Mr. Salisbury said he guessed what the message was and asked Mr. Guerin not to deliver the letter to him at his friend's home as it would be very embarrassing. He asked Mr. Guerin to deliver it to his own home which he expected to reach between 11 p.m. and 11.30 p.m. Mr. Guerin did as Mr. Salisbury requested. Mr. Corcoran went on to say:

I cite this detailed litany of the events surrounding Mr. Salisbury's dismissal because there is a false impression

abroad that his sacking was carried out in a somewhat furtive sort of way under cover of darkness. He knew what his situation was at 3 p.m. that day when he chose dismissal rather than resignation.

And so on. It is a lot of nonsense to say that he was not aware of it and did not actually get the formal notification until after the presses were rolling, because it was at his own request that he got the letter as late as that at night.

There was some suggestion at one stage that the dismissal was illegal. I think this can be answered quite adequately by the fact that in the *Advertiser* of January 24 there appeared a report about the Liberal Party commissioning a legal opinion. It was reported that the Liberal Party had commissioned a legal opinion on the legality of the former Police Commissioner's dismissal. The report said a leading constitutional lawyer had found that the Government did not act illegally in dismissing Mr. Salisbury. The opinion is reported to have said, in part, that section 54 makes it clear that the Crown (the Governor-in-Council) retains the right to dispense with the services of any member of the Police Force and there is no appeal from dismissal by the Crown.

On January 18, as part of this whole process, the Premier forwarded to the Prime Minister, Mr. Malcolm Fraser, the findings of Mr. Justice White, together with a copy of the criteria by which the gathering and maintenance of information on security matters are now controlled. That was involved with the directive to which I have referred. The Prime Minister replied by telex on January 25, and it is worth while my reading some short extracts from that correspondence, as follows:

As you are aware, the functions and activities of the Australian Security Intelligence Organization have been the subject of an exhaustive inquiry by the Royal Commission on Intelligence and Security constituted by Mr. Justice Hope. The Royal Commission made a large number of recommendations directed to improving the effectiveness of ASIO and removing deficiencies in past practices . . . The Commonwealth recognises that State Police Force Special Branches have a variety of functions and are the responsibility of the States. The Royal Commissioner concluded that, given appropriate inter-governmental arrangements, it is both important and quite proper for ASIO to co-operate with the Police Forces of the States in respect of matters within its charter. My Government agrees with this approach and will be seeking the views of the States about co-operative arrangements when the legislation has been prepared . . . My Government's objective in this matter, and I am sure this is also the objective of all State Premiers, is the preservation of the security of the nation with the minimum intrusion on the rights and freedoms of individuals.

Some proper arrangements entered into between the two Governments at the Premiers' Conference on that basis hopefully will ensure that in future Special Branch files in this State are not used for the gross invasion of the privacy of individuals to which they have been subjected over many years and which the former Commissioner of Police—

The SPEAKER: Order! The honourable Minister's time has expired. The honourable member for Davenport.

Mr. DEAN BROWN (Davenport): The history of South Australia will record that, first, in 1978 a Commissioner of Police was condemned and convicted on subjective, inconclusive and inconsistent evidence, namely, the White report, which places personal opinion ahead of facts. Secondly, history will also record that the penalty imposed on that Commissioner, that is, instant dismissal without a right to be heard, was harsh, unjust and unreasonable, and

against the principles of industrial legislation of this State and against the industrial policies of the Australian Labor Party. Thirdly, history will record that there were serious doubts as to the motives why the Premier took the rash and precipitate action that he took.

The Premier of South Australia has blood on his hands. Today, he had a chance to clear his name, but he failed to do so. He went on this afternoon (for the benefit of those who now are present but who did not hear his speech) for one hour and 40 minutes in self-justification. It was most unconvincing. The Premier took selective quotations from the White Report, and based his entire defence upon that report, which I believe and which I will prove is, to say the least, a flimsy report. The Premier came out with only two new pieces of information. One was the so-called secret minute that was sent to the Government by the Commissioner of Police. In fact, I have read that so-called secret letter, and it gives no new information whatsoever. This letter was sent by the Commissioner of Police to the Premier with the answer to Mr. Millhouse's questions.

The Hon. Hugh Hudson: There's nothing secret about that.

Mr. DEAN BROWN: The recent news release clearly states that the Premier, Mr. Dunstan, released a secret minute given to the Government by the former Commissioner of Police.

Members interjecting:

The SPEAKER: Order! There are too many interjections.

Mr. DEAN BROWN: That was their claim, not mine. We all know what it was. The document has been cited, and it gives no new information whatsoever. The Premier certainly cannot justify, on that document, his statement that the Commissioner of Police misled the Government. The only other piece of new information introduced by the Premier was the incredible accusation he made concerning allegations apparently made to the Hope Commission. He made an incredible, baseless accusation that South Australia's Special Branch had been involved in the collection of that information. He produced not one skerrick of information to back up that allegation. He merely threw it forward knowing that this was an issue on which he could grab the following morning's headlines. It was a baseless accusation, and it did the Premier no credit in dragging it out.

I said that the Premier based his entire case this afternoon on the White Report. A person, whose judgment I respect greatly, said to me yesterday that it was an intellectually sloppy report. That is a statement that has been backed up by many people around Adelaide who have had a chance to read the report.

The Hon. R. G. Payne: Is that your opinion?

Mr. DEAN BROWN: Yes: that it is an intellectually sloppy report, and I will give reasons why I say that. Rather than present a balanced, factual account of the Special Branch and its records, the Government was presented with a subjective, superficial, incomplete and contradictory report by Mr. Acting Justice White. Members need not take my judgment on this report; they need merely to look at the facts. I will go through and substantiate the allegations I have made. I refer, first, to the contradictions within the report. I take the example of the method of selection used in examining files and cards. The terms of reference given to Mr. Acting Justice White instructed that he was to "examine a random sample of files and/or other medium of recording information". On page 7 of his report, His Honour said:

Time did not permit me to do more than make random spot checks.

Yet on page 15 of the report His Honour says that his

method of search involved "a list of all members of Parliament, of all Parties, State and Federal, of all heads of State Government departments, and of all members of the judiciary and the magistracy". That is not a random check. His Honour went into Special Branch knowing that he was going to go after certain files and cards on persons. Such a check was not a random one. Indeed, it was highly selective.

Mr. Salisbury, at his press conference, also confirmed that Mr. Acting Justice White went after selective information. In other words, his earlier statement relating to random spot checks was not true, and he apparently, or obviously, breached his terms of reference. That is the first case of contradiction. I will now put up another one.

Mr. Acting Justice White was extremely critical of inaccurate information in the files. I take a quotation: "material which I know to be inaccurate". Yet appendix 2 on page 82 of the report clearly indicates that the police knew that some information was inaccurate. All information was recorded and then checked for validity. The Hope report accepted the validity of such an information-collecting system, that is, that one collects all the information and then tries to verify whether or not it is accurate. Obviously, information that had not been verified would not be used as absolute proof, as implied by Mr. Acting Justice White.

The third inconsistency in the report is on page 31, where His Honour says:

The dangers to freedom of thought and of political action inherent in the exercise are so grave. . .

What an absurd remark for a judge to make!

How can the collection of information by the secret police reduce freedom of thought of any individual or freedom of political action? They had no power whatever to use that information to arrest individuals. That such a statement was made, while I confess that it may be an infringement of privacy (and I will come to that shortly), certainly is not an infringement of freedom of thought. I can think whatever I like, irrespective of whether Special Branch has files on me and I can take whatever political action I like in this State still, despite what Special Branch might have on me.

As I said, the one area in which it could be accused of infringing any of the rights of an individual was the area of privacy. On page 58 His Honour quotes what the N.S.W. Privacy Committee concluded on the matter of secret files and similar information being collected and this infringement of privacy. The committee said that even possibly irrelevant and subjective information of security files is acceptable with the right to privacy, provided the information is used only for the purposes for which it is collected. In other words, the so-called infringement on the right to privacy is acceptable, provided that information is correctly used.

The Hon. Hugh Hudson: But why can't you—

The SPEAKER: Order! I call the honourable Minister to order. He will have an opportunity to speak during the debate. The honourable member for Davenport.

Mr. DEAN BROWN: There is no evidence that that information has been incorrectly used by Special Branch—none whatever. Therefore, all we can conclude is that any infringement of a person's individual privacy, as accepted by the New South Wales Privacy Committee, is quite acceptable. Mr. Acting Justice White simply dismisses the views of that committee, but dismisses them with no statement of justification whatever. I therefore cannot accept his judgment.

I said that the report was subjective and full of subjective statements and on several occasions it placed personal opinion over fact. I will now substantiate that

allegation. I take as the first example a statement on page 7, where the report makes the following statement:

Material which I know to be inaccurate, and sometimes scandalously inaccurate, appears in some dossiers and on some cards.

How did His Honour know that it was inaccurate? What methods did he use? Did he discuss the files or the contents of the files with outside persons about whom the information was contained? He admitted that there was no file about himself, and I believe the only person one can be absolutely sure of regarding the accuracy of information is oneself. He admitted there was no such file about himself. He must have discussed the contents of the files with outside persons, or he had no real proof that the information was incorrect. Having made that allegation, he presented no proof in the report, and I ask what Acting Judge of our State would accept such evidence in a court. None!

I take as a second example a quotation from page 37 of the report, when comparing the South Australian Police Force with the Federal Bureau of Investigation in the United States. The report states:

whereas in South Australia it appears that the scale of actual harm was far lower.

His Honour claims obviously that there was some harm but that it was lower than with the F.B.I. in the United States. He presented no evidence once again to suggest that there had been any harm to any individual. Where is the proof? Yet the Government has damned the Commissioner on this sort of evidence when there is no proof whatever. On pages 23 and 24 of the report, His Honour said that he accepted at face value the use to which the information had been put. He accepted, as the Special Branch had said, that it had not been misused, and yet in another part of the report he claimed that it had caused actual harm—actual harm was lower, but it caused some harm. One part of the report is totally contradictory to the other, and he presents no evidence to back up his allegation.

On page 30 he brings out an analogy of collecting general information on a community with fishing. He likened the collection of general information by Special Branch to casting a net deep when fishing, which "will destroy all or most relevant life and movement in the waters". No proof was given by His Honour that such information had ever significantly affected the lives of people in South Australia, let alone destroyed life and relevant movement in this State. It was a highly emotional statement to come from an Acting Judge. I believe it sounded more like a cadet journalist than an Acting Judge of the Supreme Court of South Australia. I was ashamed to see such a statement in a report, let alone in a report being used to damn the Commissioner of Police and sack him. I take another example, this time quoting from page 39 of the report, as follows:

The time is coming, it would seem, when gross invasions of privacy and civil rights will be against the law.

What right has he, as an Acting Judge, to suppose what the laws of this State may be? What right has he to say that this Parliament may in future pass a law? More importantly, when have the judges of our State decided to act on future possible law rather than present and existing law?

I give yet another example. This certainly is not an exhaustive list of examples from the report, but I have gone through it and I hope I have picked out some of the more pertinent examples. To show how subjective the report was, I quote from page 55, as follows:

I have seen a number of cards where information, patently false to my own knowledge, has been used to the attempted

disadvantage of certain persons.

First, where is the information or the evidence that that information was incorrect; secondly, where is the evidence that it has been used to the disadvantage or to the attempted disadvantage of certain persons? By the evidence he puts in another part of the report, His Honour damns that statement. He said that information apparently had been used correctly.

I turn now to some of the incompleteness and grave omissions which I believe existed in the report as presented. First, His Honour did not interview Sergeant Huie, the man who had been in charge of Special Branch for some 12 years, the man he was very critical of in his report.

Mr. Goldsworthy: He gave him a pay-out.

Mr. DEAN BROWN: Yes, and yet apparently in carrying out this comprehensive report he did not even bother to interview Sergeant Huie. What a damnation of an Acting Judge when the report is to be used to condemn the Commissioner of Police!

Members interjecting:

Mr. DEAN BROWN: Just listen! Your members will have the chance to reply shortly.

The SPEAKER: Order! The honourable member knows that he must refer to "honourable members", not to "your members".

Mr. DEAN BROWN: The second grave omission was that no correspondence or answers were documented for 1970. The point has been clearly made throughout the report, and made again by the Premier today, that the Premier sought to obtain information about Special Branch in 1970, 1975, and 1977. The report does contain correspondence, memoranda, that went back and forth between the Premier and the Commissioner of Police, and some that occurred within the Police Department, and yet nowhere is there any evidence as to what the Premier attempted to do in seeking information in 1970. Page 74 of the report contains the following statement:

Attempts by the Government to intervene in 1970, 1975, and earlier in 1977 were deflected by Special Branch, speaking through the Commissioner.

As I say, there is no evidence of what the Premier tried to seek in 1970 and what answers he was given. Three newspaper accounts were contained in one of the appendices as to what was claimed, but there was no evidence of what information was given to the Premier and what information he sought.

Therefore, I contend (and I think the report backs this up) that we must take only the 1975 and 1977 evidence and strike out the fact that any attempt was made in 1970. The third grave omission from the report (and I made this note today, before the Premier spoke) is that the report refers to, I think, the questions asked in Parliament by the member for Mitcham and replies sought. It is dealt with at page 114 of the report. It lists the questions asked by the member for Mitcham but does not give the details that were given in the replies. The Premier tabled that in the House this afternoon but, if he thought it was a significant new piece of information that he had this afternoon, why was it omitted from the original report?

I have grave suspicions. One becomes extremely suspicious when, in presenting to the House a report of such an investigation, some information is included and some information is not. This afternoon the Premier presented proof that some information was left out. One can only conclude that it was deliberate.

I hope that I have presented a case that damns the White Report and the sort of conclusion that the Premier is trying to achieve from it. Even if one accepted the report, I believe one could come to different conclusions

from those reached by the Premier. On the alleged misleading of the Government, as the Premier claimed this afternoon and when he sacked the Commissioner, I refer to page 73 of the report, where Mr. Acting Justice White states:

In the past, Special Branch (through the Commissioner) has failed to keep the State Government fully informed about the existence of sensitive files on political and trade union matters (and on other matters).

He did not say that the Commissioner of Police of the Special Branch had misled Parliament or the Government. He said that they had not kept Parliament fully informed. On page 16 of the report, His Honour states:

I have not attempted to allocate blame for lack of frankness with the Government.

It was not a matter of misleading Parliament as the motion claims but simply a lack of frankness with the Government, which is a totally different degree of guilt. These statements are mild, compared to the severe action taken by the Premier in dismissing the Commissioner of Police. Why dismiss a Commissioner for so-called lack of frankness with the Government?

Also, we should look at some other statements in the White Report. On page 23, His Honour admits that no use was made of political and trade union information currently. No use was made of the information to which the Premier has objected. Secondly, His Honour states at page 11 that "virtually none of the material (about individual unions) could be considered confidential". Again, that is part of the report to which the Premier objected. Thirdly, at page 10 of the report, His Honour states, "Most of the (political) material is harmless, being a collection of material available in newspaper libraries and unrelated to security matters." That is a totally different conclusion from the one reached by the Premier in dismissing the Commissioner of Police. It was merely the sort of file that our Parliamentary Library maintains, yet the Premier has dismissed the Police Commissioner on that ground. Fourthly, at page 10 His Honour states: "Since 1975, the election files have ceased to be active." Finally, at page 9 he states:

To their credit, the police generally made favourable and restrained reports about persons and their opinions.

I agree that they are selective quotes, but they are no more selective than those which the Premier picked this afternoon. On the list of quotes that I have given one would come to a totally different conclusion from that reached by the Premier and Cabinet. On the information that I have presented, one would never dismiss a Commissioner of Police. That dismissal was rash and totally uncontrolled behaviour by the Premier. I contend that the White Report, on which the Premier has based his entire defence today, is inconclusive, places personal opinion above fact, and is not the sort of material that one would use to dismiss a Commissioner of Police unjustly and harshly.

I wish to take up a few industrial matters regarding this dismissal, because Cabinet has acted in a way such that it has not allowed to the Commissioner of Police the same right as it would demand for any other worker who was dismissed. The Industrial Conciliation and Arbitration Act, in section 15(1)(e), clearly establishes the principles that every employee shall have the right of appeal or review against his dismissal. If the dismissal is found to be "harsh, unjust or unreasonable", the court may direct the employer to re-employ the person. The Act also gives (and this was denied to Mr. Salisbury) 21 days for that person to take the matter up in the courts.

The Dunstan Government has refused Mr. Salisbury the industrial justice and principle that it would demand for

everyone else in the State. Another example is the Australian Labor Party industrial policy. The 1975 working environment policy statement of the Labor Party states that no persons shall be disciplined or dismissed "without the benefit of counsel and representation". It goes on to state:

Notice of intention to dismiss an employee after he has been disciplined with right of counsel and representation should be of not less than three weeks, during which time he shall remain on full pay, the union being granted three weeks to lodge a complaint under the amended Act for a hearing.

That was denied to Mr. Salisbury. The Labor Party claims to be the champion of industrial reform, but the Government has used eighteenth century techniques to dismiss a Commissioner of Police, and he has no right of appeal. I refer now to the International Labour Organisation recommendations of 1963. In that year the I.L.O. laid down the following recommendation No. 119 on dismissals and termination of employment:

A worker who feels that his employment has been unjustifiably terminated should be entitled . . . to appeal within a reasonable time, against that termination with the assistance . . . of a person representing him to . . . a neutral body such as a court . . . Before a decision to dismiss a worker for serious misconduct becomes finally effective, the worker should be given an opportunity to state his case, with the assistance where appropriate of a person representing him.

That was denied to Mr. Harold Salisbury, yet the champion in this Parliament of I.L.O. conventions, the Minister of Labour and Industry, was a party to and one who gave his consent to this unjust dismissal of the Commissioner of Police.

I refer to another example, the case of Mr. Werner Lachs, whom the Deputy Premier dismissed from his department. I will not go into the case other than to say that, when Mr. Lachs was dismissed, he appealed to the Industrial Court. The court accepted his evidence, and a judge ordered that he should be reinstated.

The court found that the dismissal was harsh, unjust and unreasonable. It also found that the information given to this House by the Minister was quite inaccurate. The Industrial Court found that the claims by the Minister of Works in this House were quite incorrect, yet that Minister did not have the decency to resign. However, he gave his consent to the dismissal of a man for committing a similar offence. I do not believe he did commit a similar offence, but the Minister is claiming that he did. He would not apply the same standards then as he has applied now to Mr. Salisbury. That is not my wild claim: that was from evidence presented to the Industrial Court and the decision of an industrial judge in this State, under legislation introduced by the Dunstan Government.

I refer to another case where this Parliament has been misled by one of the men who consented to the dismissal of Harold Salisbury. On August 13, 1974, the Minister of Transport in this Parliament denied that concrete in the foundation of railway bridges did not pass the South Australian Railways specified strength tests. Then in Parliament on August 20, 1974, the Minister admitted that about 80 per cent of the concrete failed to meet the strength tests. The Minister by his own admission of the facts had misled Parliament. He did not resign, yet he now sacks a man for supposedly doing the same thing.

I am not surprised that Harold Salisbury feels unjustifiably treated. He feels that he has been shabbily dealt with by a group of men who claim one thing to the South Australian public and the Parliament yet act in another way themselves. These men have two standards: one for when they want to dismiss someone and play their

dirty politics, and another standard for when they go out seeking to win votes. Harold Salisbury has been unjustly, harshly, and unreasonably dismissed. He deserves justice, and the only way he can get that justice is through a Royal Commission. Therefore, I oppose the motion and support the amendment.

Mr. BANNON (Ross Smith): In opening his remarks, the member for Davenport invited us to consider certain historical facts in relation to this day. He claimed that 1978 would be remembered for a series of events, which he then outlined to us. I was listening closely to his remarks to see whether I could attach any such similar historical significance to them. I noticed two things in his speech. The first half was devoted to a denigration of Mr. Acting Justice White and his report. I thought that that was not historic: that that sort of thing has been done year after year by the honourable member.

However, the second part of his speech did break completely new ground. Today, February 7, 1978, the member for Davenport has discovered industrial principles: he has discovered fair deals for workers; he has discovered reinstatement rights. Considering the honourable member's record of opposition to every single piece of industrial legislation introduced into this place by this Government, it is extraordinary hypocrisy for him to use that argument in defence of Mr. Salisbury, the ex-Commissioner of Police.

Mr. Gunn: And you—

The SPEAKER: Order! The member for Eyre is out of order. On several occasions this evening he has interjected. The honourable member for Ross Smith.

Mr. BANNON: I think the very hypocrisy in using that type of argument highlights the fact that unfortunately Mr. Salisbury, who I am sure members from both sides and the public at large will agree is a man of integrity, with a fine record of achievement, who has been a good Commissioner of Police, is being cynically used in this unfortunate situation by the Opposition, which sees the Salisbury affair, and categorises this situation, as a means of getting at the Dunstan Government, and especially the Premier himself.

At last the Opposition believes it has an issue on which it can hang its hat: it has some way of dislodging what looks like an entrenched, competent Government enjoying enormous levels of public support unprecedented in this State and with security of tenure. The Opposition thinks, "Here is an issue", and poor old Salisbury is the victim of it. I will go further into that aspect shortly.

Mr. Becker: That is a funny way of recognising the integrity of Mr. Salisbury.

Mr. BANNON: I will deal with that. Turning first to the member for Davenport's statement and his denigration of Mr. Acting Justice White. It ill behoves a former Agriculture Department employee who is now a politician of some five years standing to make comments such as "cadet journalist" and discredit a report of a man of 50 years, who has seen war service, who has graduated as a mature-age student from the university and who has been a lawyer all his working life dealing with the assessments of facts, the weighing of evidence, the presenting of a case, the assessment and precisising of material—all skills that lawyers develop over a long period. He has been a judge, and a highly praised judge, in the Local and District Criminal Court for seven years; indeed, his high standing in his profession was recognised by his recent appointment as an Acting Justice.

The man with this record, we are told by the member for Davenport, cannot produce a report that is worthy of relying on. He says that it cannot be believed and that His

Honour's judgments are worthless, yet these are judgments of a lawyer based on the assessment of material.

I can see that the report must present a problem for the member for Davenport, because it deals with principles—the principles of Government and security relationships. It deals with facts discovered by His Honour when he examined those files. The report derives from them conclusions that are firmly and soundly based. It pulls no punches, which is unfortunate for the member for Davenport. It does not try to judge the issue or gloss over it. His Honour, appalled by what he had found (and that is an emotion shared by many of us when we examined the evidence), pulled no punches in the way he expressed his findings in his report. He has the material there, and I refer to just one point raised by the member for Davenport, that is, the question of misleading the Government.

What did His Honour say about that? We were invited by the honourable member to feel that His Honour really did not see that as a major issue at all; that it did not really happen; that in some way it was an irrelevancy and, therefore, the action taken by the Government in relation to the Commissioner was wrong. At page 68 of his report (18.5.2) His Honour states:

It is necessary for me to deal with the failure of Special Branch (through the Commissioner) to inform the Government fully . . .

That is a clear categorical statement: there was a failure by the Special Branch (through the Commissioner) to inform the Government fully. Clearly, a misleading is involved there. In paragraph 18.7 His Honour states:

The same practice of naming acceptable categories of files, while maintaining silence about the sensitive categories of files, may be seen in all memoranda. This conveyed the misleading impression that there were no such sensitive files. The answers deflected attention away from the substantial degree of Special Branch interest in political and trade union (and other non-security) matters.

I refer to the words "misleading impression" and "deflected attention away". Nothing could be clearer than that. In paragraph 18.8 His Honour states:

It seems that, in 1970 also, Special Branch through the Commissioner was preventing the Government from learning what it wished to know about Special Branch activities.

Again, note the phrase "preventing the Government from learning". In paragraph 18.9, the paragraph seized on by the member for Davenport, His Honour states:

I have made no attempt to allocate blame between the Commissioner, the Assistant Commissioner and Special Branch for failure to respond frankly to the Premier's requests for information about Special Branch records on political and trade union matters.

He is not saying that there is no blame to be allocated, that no responsibility is to be laid: he is merely saying that he is not willing to allocate that responsibility. He sees that as a decision to be taken by the Government, and that is quite proper. His Honour has reported to the Government on the facts: he has pointed out that the Government has been misled, and he has said, "I, as judge, am not going to recommend any action you may take or blame you may lay. That is a decision for the Government to take." The Government took that decision.

The responsibility clearly lay with the Commissioner of Police. That responsibility was conferred on him by the Police Regulation Act appointing him Commissioner. The responsibility was conferred on him by the fact of his holding that office. His responsibility in this respect was betrayed: it was not lived up to fully and, in the circumstances surrounding it, the Government had no

alternative but to dismiss him. That was not on the recommendation of Judge White, but it was clearly based on the facts and information presented by him.

I should now like to deal with the industrial principles, and here, as I say, I find it quite distasteful to have to argue with the member for Davenport about industrial principles, especially when he appears today in the hypocritical guise of standard-bearer for the rights of the worker. However, I have noted his remarks, and I think we will probably find a change in his attitude when we come to debate the Conciliation and Arbitration Act later this year.

The important thing to remember is that we are not dealing with an ordinary rank-and-file workman on the shop floor or the kind of employee contemplated as needing the protection provided by the Conciliation and Arbitration Act: we are dealing with an individual in a highly sensitive and responsible position who enjoys qualifications and standing which place him in a different category and which place different responsibilities and duties on him.

Notice these important things, too. Mr. Salisbury has suffered no financial loss as a result of his dismissal, and that is the normal sanction applied against any workman peremptorily dismissed from the job. There has been no denigration of him. On the contrary, we have heard during the past two weeks and we heard today from the Premier and from the Chief Secretary high praise and tribute to him for his work as Commissioner of Police.

Members interjecting:

The SPEAKER: Order! There are too many interjections. The honourable member for Ross Smith.

Mr. BANNON: The fact in relation to Mr. Salisbury's tenure—

Dr. Eastick interjecting:

The SPEAKER: Order! The honourable member for Light is out of order. The honourable member for Ross Smith.

Mr. BANNON: The fact about the ex-Commissioner of Police—

Mr. Goldsworthy interjecting:

The SPEAKER: Order! The honourable member for Kavel—this is the second time today.

Mr. GOLDSWORTHY: On a point of order, Mr. Speaker, I have been warned only once today. I had an altercation with you prior to the dinner adjournment when you asserted that I was not speaking to the motion. I wanted to refresh your memory on that point.

The SPEAKER: There is no point of order. I did not warn the honourable member.

Mr. BANNON: The Deputy Leader is intent on depriving me of as many seconds as possible. I can understand that, and forgive him. The ex-Commissioner of Police was dismissed not because he failed in his general duties or because he was a bad Commissioner but because of a particular issue of major principle related to the rights of the democratically elected Government to be provided with correct information so as to be fully informed, and, therefore, to be able to act for the benefit of the electors on this matter. In relation to Special Branch activities, the Government and the Commissioner could not agree. Not only did the Commissioner say that he did not believe that there had been any misleading or wrong action on his behalf; but also his whole stand on the matter was that he was right so to maintain. Therefore, if he continued as Commissioner, he would continue to maintain that right. I am not questioning the sincerity with which Mr. Salisbury held that view, but, if a wrong view is wrong, it does not matter how sincerely one holds it: the point is not one's sincerity but whether the view objectively is right or

wrong. It is wrong in this case. It is a wrong principle, and therefore there was no alternative to the Government's action.

Let us put the matter in some perspective. We are really grappling with three issues in this debate, namely, the files themselves and their use and abuse; secondly, the dismissal of Mr. Salisbury—which the Government contends is legal, necessary and inevitable, given the stand taken by him; and thirdly, the reaction to what was done and the Opposition's role in promoting and stimulating that reaction. The question of security and personal liberty is extremely delicate and sensitive in any democracy. A balance must be maintained between the protection of the State and the trampling on rights of the individuals in that State. If there is to be error one way or the other, it must be looked at in relation to particular cases.

A number of inquiries and commissions have looked at security services and tried to bring down some principles on which those activities can take place. A classic example was Lord Denning's report on the Profumo affair, which was referred to in the debate earlier and which has been referred to by Mr. Salisbury himself. Mr. Salisbury, as a British policeman, would have been well aware of the situation in the Profumo case and the issues involved therein. It is interesting, first, to note that in that situation, where the Security Branch was putting under surveillance a Minister of the Crown, the Home Secretary (and I quote from Lord Denning's report at page 65) felt that he ought to know the facts. The report states:

So on March 27, 1963, he sent for the Head of the Security Service and the Commissioner of Police and asked to be put into the picture. There was present, too, the Permanent Under-Secretary of State of the Home Office. The meeting was so valuable that it affords a useful pattern as to the way in which such a problem—of mixed security and police interest—should be handled.

The important lesson to be drawn from that is, first, that the Home Secretary in charge of the Security Service, the responsible Parliamentarian, and, therefore, the representative of the people in relation to it, called in the Head of the Security Service and the Commissioner of Police, who told him fully, frankly and factually, what they knew about the matter.

There was no call on their part to some higher loyalty or a claim that the Queen should have been present. They saw their responsibilities clearly, and that the Home Secretary, as the responsible Minister of the Crown, was in a position of having a right to know the facts of the situation. Unfortunately, in relation to Special Branch activities in South Australia, Mr. Salisbury shares no such conviction that there is a right to know, and that is the point at which he and the Government part company.

Mr. Millhouse: Are you saying that that's the only point?

Mr. BANNON: No, but it is the clearest and most important point, because it is the basic principle on which this issue has arisen. Let us now look at what Lord Denning had to say about the role of a security service, as follows:

Their operations are to be used for one purpose, and one purpose only—the defence of the realm. They are not to be used so as to pry into any man's private conduct, or business affairs: or even into his political opinions, except in so far as they are subversive, that is, they would contemplate the overthrow of the Government by unlawful means.

Is that the test applied by the Special Branch in the files and information it collected? The answer clearly is "No". Even if only one-quarter of what Acting Justice White discovered is true (and I am suggesting that his work is a solid and thorough evaluation of the situation) the Special

Branch clearly has transgressed that fundamental principle that subversive activities should be the only purpose for which information should be collected. Lord Denning goes on to say (and the Opposition could heed these words, because its stand on this issue is leading us into the situation of which he is frightened):

Most people in this country would, I am sure, wholeheartedly support this principle, for it would be intolerable to us to have anything in the nature of a Gestapo or Secret Police to snoop into all that we do, let alone into our morals.

We are being led into that situation by an attitude in this public controversy that suggests that the Special Branch, the police, and the Commissioner have some unfettered right and discretion to decide what information to collect, how to collect it, and whom to tell about it, without any reference, guidelines or overriding control from the democratically elected Government.

If they believe in those principles, the difference between them and the Secret Police, the Gestapo, or the K.G.B. is indistinguishable. The British Security Service works on clear principles that were set down by Lord Denning in his report when he recorded the directive issued by the Conservative Home Secretary in 1952, Sir David Maxwell Fyfe, which is still broadly in operation in Britain. He was referring to the Director-General of the Security Service; this relates to a specific security service, not to the situation we have in South Australia where the Commissioner is the Commissioner of Police, not in charge of security in that sense, and where the Special Branch is just one division of his activities. The directive states:

In your appointment as Director-General, you will be responsible to the Home Secretary personally.

There is one principle—responsibility to an elected Government Minister, a prime starting point for any individual in that situation and one, as I say, that Mr. Salisbury repeatedly has denied is acceptable to him. The directive continues:

The Security Service is part of the Defence Force of the country. Its task is the defence of the realm as a whole, from external and internal dangers arising from attempts at espionage and sabotage, or from actions of persons and organisations whether directed from within or without the country, which may be judged to be subversive of the State.

We have seen from the White Report the categories on file which suggest the odd and biased definition of "subversion" which the Special Branch had in this instance. The directive goes on:

You will take special care to see that the work of the Security Service is strictly limited to what is necessary for the purposes of this task.

Again, the White Report, and the Hope Report on ASIO, highlight the indiscriminate manner in which information is collected and surveillance carried on—things which we should all be concerned about, because those institutions unchecked were going their own way. They have been brought up short, thank goodness, by the events of the last two months. The directive continues:

It is essential that the Security Service should be kept absolutely free from any political bias or influence and nothing should be done that might lend colour to any suggestion that it is concerned with the interests of any particular section of the community, or with any other matter than the defence of the realm as a whole.

Here, it may be worth quoting an editorial from the *Australian*, which is not noted for its support or defence of the Dunstan Government, as follows:

The clear implication is that for Mr. Salisbury and the South Australian Special Branch one political activity that

constituted a subversive danger was that which bears the name the Australian Labor Party, the Party of the South Australian Government and the alternative Government of Australia.

What an extraordinary definition! If members opposite believe (and perhaps in their heart of hearts they do) that we on this side of the House, taking part in the democratic Government of the State, elected by the people, are in some way subversive to the State, we have come to a very sorry pass in our community. I will return to that point in a couple of minutes.

I have referred to the Denning analysis of what security forces are about and the very strict rules and parameters in which they must operate. It is only possible for them to be controlled to operate in those parameters if the Government is fully aware of what they are doing and where they are doing it; and that is what this dispute is about. Our Special Branch felt no obligation to inform the Government. To the contrary, the Commissioner, as the responsible officer, was prepared to mislead the Government as to what it was doing.

There have been a number of inquiries into the activities of the Central Intelligence Agency in the United States. One commission which was set up by President Ford in June, 1975, was headed by Mr. Rockefeller, the Vice-President, and it had on it such luminaries as ex-Governor Reagan of California, so its political complexion was clearly not radical or "subversive". It is important to listen (and members opposite should listen closely) to what this commission saw as the fundamental issues and activities of the security service. It states:

Any intrusive investigation of an American citizen by the Government must have a sufficient basis to warrant the invasion caused by the particular investigative practices which are utilised.

We must overlook some of the American bureaucratic language. It continues:

Government monitoring of a citizen's political activities requires even greater justification. The scope of any resulting intrusion on personal privacy must not exceed the degree reasonably believed necessary.

Those are again the strict parameters which have been laid down for security activities. It cannot be an indiscriminate or voracious collection of information, documents and dossiers on people who may have nothing to do with subversion, with political movements seeking the overthrow of the State but who are ordinary citizens going about their business. The report continues:

Whenever the activities of a Government agency exceed its authority, individual liberty may be impaired.

There is clear evidence that individual liberty stands at great risk when within our State there is a branch collecting information on a wide range of citizens who are unaware of that, and which is passing that information freely to ASIO, again without the knowledge of the people who are the subject of that information; and further through that national security body are sending that information overseas to fellow security services—to the British service, the American C.I.A., and elsewhere. How many individuals are there who fail to get a job in a high Government office or other sensitive post or fail to get a visa to enter America or a working permit or a promotion that they have every right to expect and who are not certain of the reason? How many such individuals have been blocked by some security report based on that chain of badly collected, baseless and irrelevant information that Acting Justice White has revealed? Of course, it would be difficult to find names and places because another overriding problem with our security services is that the victim of the reports is not informed.

There is no right to know that a security reason is the reason for failure to get a job or promotion. These sorts of things have to be corrected, and again the events of the last two months here in South Australia have shown the urgent need for action to be taken and will act as a catalyst, a catalyst surprisingly being responded to by the Prime Minister, Mr. Fraser, himself, wanting to do something about it.

The Premier referred to the Hope Report and dealt with some very startling and disturbing facts coming out of it, but anyone who reads particularly volume 1 of the Fourth Report will see that those principles shown up in the C.I.A. investigations and in Lord Denning's report in 1963 are clearly repeated by Hope—the requirement of the Director-General of ASIO to provide information to the Minister. Paragraph 350 refers to this specifically, saying that this has always been the case. There is no question that the information he must provide will be misleading or in some way means that the Minister is not fully informed, and Hope affirms that, where this is not clear under ASIO's charter, it should be spelt out specifically in the amendments to the Act contemplated by the current Prime Minister. He points out:

Even the limited activities of collecting, and assessing and disseminating intelligence must be subject to controls. It is important that the security organisation should not have the role or powers of a secret political police and should not act so as to permit a belief to develop that it has the character and powers of a secret political police.

I think the overriding test that one can apply to the situation is: is this security service under democratic Government control? Is there a Minister to which it is responsible? Is it required to report to him on request? If that does not exist, we are definitely in a secret police situation.

An interesting point also arising from the Hope Report is the reference to the close collaboration between ASIO and the State Special Branch where, according to Mr. Justice Hope, sometimes it appears that a State Government is not aware either of the details of operations or the intelligence collected and communicated or even the nature of the arrangements made between ASIO and its own Police Force. Mr. Justice Hope says:

The relationship should be regulated by proper arrangements made at Government level.

The question in this case is: how can such arrangements be made if, first, the Government is not aware that such contacts are taking place, and, secondly, if its requests for information as to the nature of contacts made are constantly denied or presented in a misleading way?

It is only if a democratically elected Government is fully aware of what the security service is doing that it can act to properly regulate the activities of a security service and have some kind of check over its parameters of operation—not the specific information it collects, but the way in which it goes about it.

I will conclude by referring to the way in which the Opposition has behaved in this matter. It is true, I think, as the Leader said, that the Commissioner's dismissal has stunned many people. The first reaction was that it was a fairly major step. The unbiased reaction was then to work through the documents, reports and reasons given to find out just what was involved. The hysterical reaction, I think, is one which has occurred and which has been whipped up into a frenzy by many members of the Opposition. We have had petitions. I had occasion last week to make a report at a local police station and on the counter was a petition, to be returned to the Leader of the Opposition, which was being put to anyone who happened to come into that police station. That would apply in many

other places. There has been concerted activity to try to collect as many signatures as possible. We have also had the demonstrations and it has been quite clear that there, too, the Liberal Party has been behind every bit of the organisation. It has been reported in the paper that the demonstration arrangements were made by the campaign manager of the Liberal Party, and a random shot of the crowd just happens to show, right in the middle, the gentleman who opposed the member for Mitcham in the recent election. The motives of the Liberals in this matter are to get the Dunstan Government. They fear there is a new establishment. Their psychology is that we have no right to govern, that we as Labor people are in some way basically subversive—

The SPEAKER: Order! The honourable member's time has expired.

Mr. MILLHOUSE (Mitcham): This motion is like the curate's egg, good in some parts and very bad in other parts. I can support paragraphs 1, 2 and 3. I cannot support paragraph 4, which endorses the actions of the Government in advising the Governor to dismiss the Commissioner of Police. I am doubtful about paragraph 5, and paragraph 6, which is the guts of the whole thing, does not follow from the other five paragraphs and I am entirely opposed to it. It states:

In these circumstances believes that there is no purpose to be served by appointing a Royal Commission of inquiry into these matters.

That is just what I have been urging since two or three days after the stunning (and I use the word used by the member for Ross Smith) news of the dismissal of Mr. Salisbury. Therefore, I cannot support the motion the Government has introduced. I regret that it was a self-congratulatory motion. I think the good sense of this situation required a neutral motion which we could debate, such as the noting of the White report at this stage, and perhaps that would have led to a better debate and less point scoring than we have had. I am not altogether enthusiastic about the amendment that has been moved by the Leader of the Opposition. There are some parts of it which I do not like. Of course, that does ask for a Royal Commission and, therefore, because that is broadly my view, I must support the amendment and oppose the motion itself.

I do not regret for a moment having raised this matter in the House by way of question. The way it happened was this: I found out, through reading the *Australian*, that the Premier was avoiding giving information which had been requested by a journalist, Mr. Peter Ward, who was formerly one of the closest assistants of the Premier. As I am always suspicious when I find that the Premier is avoiding giving information, I probe to try to get it. That is exactly what happened in this case. I put on the Notice Paper a series of questions which were in conformity with Standing Orders and which sought the information that was not disclosed to Mr. Ward in the questions which he put. No-one suggested at the time that the questions were improper. When the answers came, I was not entirely satisfied with them, and I said so. However, no-one at that stage, certainly not I, could have guessed that I had started a chain of events which would lead to the dismissal of the Commissioner of Police.

I have said that I do not regret having raised the matter, because what has happened has uncovered a situation which was wrong, which was contrary to my concept of civil liberties, and which had to be changed. I hope that the situation will be changed, and I believe that it will be changed as a result of what has happened. In passing I say that I hope it is not changed precisely in the way that Mr.

Justice Hope has recommended. For example, one of his recommendations which has been accepted by the Liberal and National Country Parties Government in Canberra is that in future, by law, the Minister in charge of ASIO will not be allowed, except in the discretion of the Director-General, to know the contents of any file. In other words, Ministerial responsibility in that regard, on the recommendation of Mr. Justice Hope, will have gone. I do not agree with that. I do not know whether the Government in this State agrees with it or not, but I think that is the opposite of what should happen.

Of course, it was that view held by Mr. Salisbury which has caused the situation leading to his dismissal. I only make that point to show that he is not alone in believing that a man in his position (because he is in the same position in South Australia as the Director-General would be in Canberra in relation to ASIO) is justified in withholding that information, and the Federal Government apparently is going to legislate in that way. It will certainly be with my disapproval, but nevertheless that is what is proposed in the Hope report.

Be all that as it may, the real issues that we are debating today are not these issues at all and I know that members on the other side are keen to concentrate on the evils of the files. I agree with them on that, but the real issue in the community (say what any member of this House may like) is the dismissal out of hand of the Commissioner of Police, which has caused a tremendous public reaction against the Government: in my experience the biggest and the strongest reaction against this Government since it took office in 1970. I do not think many Government members would deny that.

Mr. Salisbury has complained bitterly at his sacking. He believes that he has been unjustly treated, and I must say that I believe that he has a justifiable cause for complaint, the more so because the man was actually invited by this Government to come to South Australia as the Commissioner of Police. He probably had never heard of the place before he was invited, I think by Mr. Bakewell, to come to South Australia, and yet we are now treating him in this shabby way.

The member for Davenport has said something about section 15 (1) (e) of the Industrial Conciliation and Arbitration Act. If any workman thinks that he has been treated, by dismissal, harshly, unjustly, or unreasonably he can go to the Industrial Court. If any member of the Public Service is dismissed he has a right of appeal to the Public Service Board. If any member of the Police Force is dismissed he has a right of appeal to the Police Appeal Board.

Mr. Salisbury is almost alone in not having any of these remedies. As he is a servant of the Crown, it was possible, legally, for the Government to take the action that it did: dismissal out of hand. He is certainly justified in complaining about the treatment that he has had. The only redress that is left to him, a man, as I say, with a justifiable grievance, is a proper inquiry and in all the circumstances the only inquiry that could possibly bring justice is a Royal Commission.

Heaven knows, he is not the only one who has asked for it. Unanimously, a meeting of about half the members of the Police Force in this State passed a resolution calling for a Royal Commission. The papers have been full of it. They, like me, at first did not realise the enormity of what had been done, and both the *Advertiser* and the *News* said in the first day or so that Mr. Salisbury's dismissal was justified. But both of those newspapers, and indeed many other people, have since realised that it was not a justifiable action for the Government to take, and I am among those people.

Thousands of citizens, through the petitions that they are signing (I have never known there to be such a flood of people wanting to sign petitions as we have now), are saying the same thing. Is Mr. McKinna, a former Commissioner of Police, who, on what has been said by the Government, is equally as guilty as this man of misdoing, to be given no chance to justify himself or to retrieve his own reputation? He has said that he would speak at a Royal Commission.

Then, last Saturday morning, we had the most extraordinary article from the Premier's present wife, who also suggests that there should be a Royal Commission. I do not want to go into that report in any depth. I was amazed to see it. I had to read it two or three times to get the sense of it. However, in fact she, in her position, is as muddled in her thinking as apparently she is, God knows what everyone else in the community must be like. In view of everything that the Premier has said about Mr. Salisbury, let us consider what she said, as follows:

Mr. Salisbury's name does not need clearing. He has emerged from the whole affair with his reputation completely untarnished. Which is just as it should be since his character, his integrity and his uprightness have never been at issue.

Then, we had something the same from the member for Ross Smith, who has just spoken in the debate and who said that the only thing about Mr. Salisbury was that he and the Government had parted company on a matter of opinion whether or not he should give the information.

Mr. Bannon: A basic principle.

Mr. MILLHOUSE: Was it? On the day that the Government had the front page of the *Advertiser* on this matter, that is not what the Premier said. Under the heading "Why he was sacked—Dunstan", Mr. Dunstan was reported as saying:

We cannot absolve the Commissioner of Police of the responsibility for giving inaccurate information as to the activities of the Special Branch to the Government.

The Premier went on actually to use the word "misled". In other words, Mr. Salisbury, according to the Premier (and this is common ground, except for Miss Koh apparently), was dismissed because he misled, indeed lied to, the Government.

How anyone in that circumstance can say that Mr. Salisbury leaves his job as things stand now with an unblemished reputation, I do not know, because it is nonsense. The whole complaint Mr. Salisbury makes is that his reputation has been taken away from him. I do not intend to use the somewhat intemperate language that the member for Davenport used regarding Mr. Acting Justice White's report. However, I will say that His Honour in any proper judicial jurisdiction would be subject to appeal. In this case, however, he is subject to no appeal. Any judgment that he wrote would be scrutinised by a higher court, but what he wrote in this report is to be taken as gospel. No-one can check it, and a man's reputation is ruined as a result of it.

This was not a judicial inquiry: it was an inquiry conducted by a judicial officer. There was no question of counsel, of taking evidence or of anything else, except that the judge himself, in the time available to him (while he was still engaged, full-time, to my knowledge, in the Supreme Court, anyway), was to go across and have a look at these files. It was, in fact, an administrative inquiry, as the report clearly shows. His Honour has acted on his own knowledge of people. How that knowledge has been obtained, we do not know; no-one can check it. That report is of necessity full of opinion. Most of it is His Honour's own personal opinion. It is not tried or tested in any way.

Dr. Eastick: How correct it is cannot be tested, either.

Mr. MILLHOUSE: No. There is no way in which anyone can check the accuracy of what he has said, yet it is being taken by the Government as the last word, the absolute, on the whole topic. The Commissioner is dismissed. The question of the files is to be taken just as His Honour has recommended in his report, and nothing more. That, of itself, is an entirely unsatisfactory situation.

I wrote to the Premier about this matter soon after it happened, and I set out three or four reasons why we should have a Royal Commission. First, I said that Mr. Salisbury had been peremptorily dismissed, and I quoted what he had said in his own statement a couple of days before, as follows:

I have been sacked—in a matter of hours—with no chance to defend or explain the situation which has led to this quite dreadful retribution.

Members opposite can say what they damn well like about Mr. Salisbury's having had a chance to justify himself; he does not believe that he has had a chance to justify himself. Then, I went on to deal with what I still regard as a serious and most curious aspect of this whole business, that is, the grave allegation against the Premier personally by Mr. Peter Ward. I said:

As I understand their purport, it is that you have known for some time far more about the activities of the Special Branch than you have been prepared to admit; that you could not have been misled by the former Police Commissioner because you already knew the true position.

I went on:

If the allegations be true, then you are guilty of misleading Parliament and the community in the same way as you complain Mr. Salisbury has done.

In his reply to me all the Premier said was as follows:

In fact, I believe that Mr. Ward's remarks arose from misunderstanding of previous statements I had made as to material contained in general police records not related to Special Branch. I now believe that all those misunderstandings are in fact cleared up by the interview which has been published in today's *Australian*. There is no question of my credibility in this matter left—

there he is: judge and jury in his own cause—

I suggest that you read the detail and that statement, which I am sure is now accepted by Mr. Ward himself.

Well, I have read the detail, and that statement is entirely incorrect. Mr. Ward has not resiled from most of the things he said about the Premier in his earlier statement. He had said the day before:

Nothing the Premier said makes me climb down.

Let me quote a couple of sentences, as follows:

And the sad thing is how old it all is: more than 10 years for all this. No amount of dissembling can, as Mr. Dunstan knows very well, cover the fact that his and my discussions on the issue of secret police files in South Australia go back that far.

Another paragraph was as follows:

But nothing he said yesterday makes me climb down from my original positions, which were that the secret police files existed, that he knew they did and did so for more than a decade, and that he found the matter too hot to handle.

He says the same thing again and again. If we look at the face-to-face article that the Premier says justified him, we find that that aspect of the matter is not touched at all. The following question on this point was asked of the Premier:

When did you first become concerned about the possibility of police having files or dossiers on non-convicted people in South Australia?

The answer was as follows:

Certainly, from the period of the first Labor Government and subsequently it has always been a matter of concern to me that there might be information about non-convicted

persons held by the police which could conceivably be used to their detriment. But, of course, it is very difficult to advise the means of coping with that particular matter.

When he was in Malaysia his colleagues—and we heard this directly from the Deputy Premier this afternoon—coped with it, but he had been avoiding coping with it all the time he had been here and in charge. The article continues:

My concern in this area was a general one. It did not relate to areas of security information or questions of subversion by violent overthrow of the Government or matters of that kind. Maybe it did not, but there is no doubt whatever in my mind from what the Premier, when Leader of the Opposition and earlier, had said, that he knew very well that there was more to this than he cared to find out for himself. We know about the appointment in 1966 or 1967. We know who was involved, and I do not propose to mention the name now. I do not suppose that there is any member in the Chamber who does not know. We know, and Ward had a photograph of it in the *Australian*, that in 1968 the Premier complained in the *News* about this. Not only that—and I do not take much from that—but the Leader of the Opposition this afternoon quoted, curiously enough, only one sentence from the *Australian Humanist* of June, 1970. Members opposite challenged him to quote more, and he could not; but I can, and I have it here. It is headed, "Civil Liberties in the Seventies". It is the abridged text, the explanation says, of an address by Mr. Dunstan when he was Leader of the Opposition in South Australia. It appeared in the month in which he resumed office as Premier of this State and by the time this appeared he was in a position to do something about it if he had wanted to. This is what he said on this topic. Let me quote the whole paragraph. Every honourable member on both sides of the Chamber can make up his mind as to whether or not the Premier knew more than he now cares to admit about this matter. The article states:

There is a case for surveillance when national security is clearly endangered, but a close limit must be set, and when it is exceeded or when an individual feels he has suffered a security injustice, there must be an adequate system of appeal—

not quite the case of Salisbury, but on the right track; it is not to be put into effect now, of course—

Dossiers may seem part of a James Bond world to most of us, but when I was Attorney-General of South Australia I was given clear evidence of their existence.

Note those words: "clear evidence of their existence". He says that that was when he was Attorney-General. He may try to crawl out of it and say someone from ASIO told him about this, but the overwhelming chances are that that is a reference to dossiers kept by our own Police Force. The next sentence the Leader of the Opposition did not quote is as follows—and you see how closely the thinking follows or precedes the report of Mr. Acting Justice White, as follows:

There can obviously be no objection to the maintenance of descriptive and statistical criminal records—
note the next bit—

but the vague surmises and gossipy innuendoes that find themselves illiterately inscribed on dossiers about law-abiding citizens should never be countenanced by any decent government.

The next sentence is the last I need quote, because he then goes on to another topic. The article states:

In the seventies—
and this was in 1970, right at the beginning of the decade, just as he was taking office again, and in a position to do something about it if he had wanted to—

the coming battle for the retention of our remaining civil

liberties will not only concern the existence of such irresponsible collections of trivia, but with the associative availability of computer data on personal lives.

And then he goes on to that. He knew in 1970 that there was something wrong. You cannot tell me that a man would write that if he did not know or strongly suspect what was happening in South Australia; that, coupled with the other references we have, shows pretty well that the Premier knew what was going on and turned a blind eye to it.

In my view, the responsibility for the present unhappy situation rests with the Premier. He could and he should have taken some action in 1970 when he came back into office. After all, those words had been written only a few weeks, or months at the most, beforehand. He did not, and despite all his protestations about civil liberties he did not, and he hoped that the issue would never surface, but it did surface. If it surfaced through my questions, that is his bad luck and bad luck for other people, but I do not regret it. The significant thing is that it came to a head only when he was out of the country and the Deputy Premier made the decision apparently, with his Cabinet colleagues and a telephone call to the Premier, to have a judicial inquiry. If he had not been abroad having his holiday in Malaysia, this may never have come about. Now this has come about, and the Premier has handled it very badly indeed.

He muffed it with the press—and there can be no other way of describing it. There was calculated discourtesy, of course, in even giving it to the press before they were absolutely certain that Salisbury knew about it and had the letter, but they went ahead and did it. I was rung up by 5DN on the preceding night. I did not get the call, but they tried to get me at about 9 p.m., two hours before Mr. Salisbury had the letter. That was a calculated discourtesy.

Then there was the folly of giving it only to the *Advertiser*, and for a while it worked. We all thought what a dreadful thing, that Salisbury had got to go. Everyone was taken in for the first day or so by that, but nearly everyone now, unless they have something personally at stake, as every Labor member has, has resiled from that. It caused the row that erupted with the *Australian* and with every other news medium in this State, and above all else—and this is where the Premier's Party may well suffer—there was the disastrous miscalculation of public reaction about this. Whether it is right or wrong, the public reaction is very adverse indeed to the Government, despite all it has been able to say in the last fortnight about it. People are not taking that into account at all. Their public relations on this issue has so far absolutely failed.

No-one can say that the Liberal Party could whip up what has happened. It has been a spontaneous reaction in the community to what has happened. The plain fact is that very many people in our community have shown that they believe that we are denying justice—or, at the very least, the appearance of justice—to Mr. Salisbury, and that there is only one way now in which we can even hope to give him any justice, to give him a chance to justify what I believe is a completely mistaken outlook, but I am not the one to judge him any more than the Premier should be; that is, through a Royal Commission.

The denial of a Royal Commission comes, ironically enough, from people, members of the Government, who have always boasted of their sense of fairness and concern for individuals; but my word, not on your life in this case! There is too much at stake for them personally. I said in my original letter to the Premier that people were already asking what the Government had to hide and what he had to hide. It has not been said today, but we all know that people in the community are giving their own answers now

and that the most scandalous and frightful stories are circulating about prominent members of the community, in this place and elsewhere, because of what has happened. People are working out now for themselves what the Premier has to hide, what it can be that is so vital that he is prepared to go through this to keep it hidden. He is not the only one. It goes from the Governor down, and we all know that it does.

All I can say in conclusion is that if Mr. Salisbury leaves this State now with a sense of grievance—and he will unless there is a Royal Commission—then the reputation of the Premier, the reputation of the Government, and the State itself will have suffered, and it will have suffered rightly. Whether or not the Government can weather this storm, whether it can sit it out and refuse the Royal Commission—and it probably will—the Premier's reputation as a democrat, as one who is fair, as one who likes to see justice done to everyone and is determined that in our State of South Australia we will be a model for this—that reputation will have been permanently tarnished.

It may not matter to him. It may not cost him even one member at the next election, but after this his reputation will never be the same again. That is about as much as I have time to say. I do not believe a debate like this, the result of which is totally predictable (and we had those brave but hollow words of the Premier this afternoon about resigning if he loses the vote) will solve anything. It will not assuage public disquiet. It will not stop the issue being discussed in public. In the debate, we have not got beyond the superficialities, simply because Parliament is not the proper place to do that. We are not equipped to cope with this problem. There is only one way to do that (and Government members know it as well as members on this side) and that is through a searching judicial inquiry in the form of a Royal Commission.

The Hon. HUGH HUDSON (Minister of Mines and Energy): This afternoon on channel 9 news, I think it was Mr. David Webb, of the *News*, who said that the result of this debate was predictable because everyone would vote on Party lines, not according to their conscience. The member for Mitcham has made a similar point. I record that, on this matter, I have never known the members of the Government and the Parliamentary Labor Party Caucus to be so united, so completely in agreement on the action that has been taken and on the view that the Government has adopted. There has been no criticism within the Party and, if any vote was taken on a conscience basis, a few members opposite might wobble if they thought they could get away with it in their Party. So far as members on this side are concerned, there is complete unanimity.

I will deal now with some matters that have been raised. The first is the question of whether there should be a Royal Commission. It seems to me that the circumstances of a Royal Commission are appropriate where facts are in dispute and where the policies that would flow from any given set of facts are not the subject of agreement so far as the Government is concerned. However, so far as members of Cabinet and of the Labor Party are concerned, there is no dispute on either of those two matters, despite whatever scandalous innuendoes the member for Mitcham, the Leader of the Opposition, or any other Opposition member is prepared to engage in about the Premier. On this side there is complete unanimity on what the facts are and on what policies should flow from those facts. A Royal Commission could not alter one iota the stand that the Government has taken and the policy conclusions that have been reached.

I will deal immediately with the suggestion by the member for Mitcham that the Premier had knowledge

prior to the knowledge that he has already indicated. I remind honourable members that I think the member for Mitcham came into this House in the year of the Petrov affair, at the time when the Special Branch was first involved in the establishment of political files and the keeping of political files. I ask the member for Mitcham whether he knew of the existence of the Special Branch and when he came to know of that existence. The Premier has told me that, whilst he knew that some dossiers were kept in the Criminal Investigation Branch in relation to criminal or suspected criminal matters, he did not know until 1970 that the Special Branch even existed. I should like to know from the member for Mitcham whether he knew, when he was Attorney-General from 1968 to 1970, that the Special Branch existed.

Mr. Millhouse: To the best of my recollection, no.

The Hon. D. A. Dunstan: How should I have known?

The Hon. HUGH HUDSON: Exactly. The Premier did not know of the Special Branch until he made an oral inquiry of Commissioner McKinna in 1970, when he was Premier again. The member for Mitcham, having been a member of this Parliament for almost a quarter of a century and a Minister for two of those years, did not know of the existence of the Special Branch over any of that period, except as a result of the Premier's oral inquiry in 1970, which produced the report in the newspapers that is referred to by Mr. Acting Justice White. That was the degree of secrecy that was involved.

All on this side agree that the member for Mitcham is a capable and competent member of Parliament, and so is the Premier, but until 1970 that honourable member and the Premier did not know of the existence of the Special Branch, over a period of about 17 years in the case of the Premier and over a period of about 16 years in the case of the member for Mitcham, including two years that that honourable member spent as a Minister and, in the Premier's case, two years as a Minister and one as Premier. That shows how secret it was. That is an absolutely extraordinary situation.

There is no doubt that the Commissioner of Police, Mr. Salisbury, misled the Government, because he has admitted that. He said that he felt he owed a wider loyalty than that to the Government. The only dispute that there can be is, first, about what kind of files should or should not be kept and, secondly, about what action the Government should or should not have taken regarding Mr. Salisbury. I draw attention to the fact that, despite quotation by members of provisions of our industrial law, democracy has certain sanctions against certain people. Democracy and the rules of the democratic system have the sanction of instant dismissal of every member of this Parliament, without appeal. Democracy has a sanction of instant dismissal of any Minister of any Government in a democratic State, without appeal, except at a subsequent election in about three years time.

I did not hear the Leader of the Opposition or the member for Mitcham (although I may do that honourable member an injustice) complain about the instant dismissal that applied to Mr. Whitlam. However, that was one of the sanctions of our system. Further, I did not hear about the subsequent election. The system of instant dismissal of elected members of Parliament applies because we, as elected members in a democratic system, must be responsible to the people and that responsibility gives the people the right to kick us out instantly, without appeal and without any Royal Commission, if we have done the wrong thing.

The consequence of that responsibility of elected members of Parliament to the people has a further consequence, and the member for Mallee, of all people,

should know that. It has the further consequence that heads of branches within the Government that have some statutory obligations to the Government are responsible to the elected Government. If they are not responsible, democracy becomes a sham. The people can vote as they please at election after election but the Government goes on as before. If the member for Mitcham and the Premier did not know of Special Branch until 1970, how many people in South Australia knew about it? Did the people of South Australia have any legitimate right to expect that, for a period of almost 30 years, they were going to be kept ignorant of the existence of the Special Branch? They knew about ASIO from the time of its establishment: but they did not know about Special Branch in a democratic system. That is a disgraceful situation, and it is a situation that cannot be tolerated.

Secondly, I agree with Mr. Justice Hope in referring to the remarks of the member for Mitcham if his recommendation that the Minister responsible should not see the contents of any file meant that he should not find out details about any specific file. I agree with that. I do not agree that the Minister responsible should not be able to find out the nature of the files that are kept, and there is a distinction here that is important, because it is fundamental to the kind of distortion that was indulged in earlier by the member for Davenport. The honourable member wanted to say that it was all an assertion by His Honour, that we have no proof that people were damaged. Did the honourable member think for one moment of what would have to happen if His Honour had provided proof of damage to people: he would have had to report on specific details against some person or persons. He would have had to give some scandalous information, and even the member for Mitcham, in the instance he quoted about 1966-67, that we all know about, was not willing to give those details because he knew that those details were slanderous and libellous in relation to the person involved.

Of course His Honour was not able to give in his report to the Government details of individual cases where damage had been done: he could have done that only by slandering the individuals concerned. Doubtless, the Government could have been sued as a consequence if the report had been released in any way that made it public. That is a fundamental principle applying in relation to these files. Apart from that, surely we must say to ourselves, "We as public representatives should not see the contents of files about our colleagues or about our opponents, because we may be tempted to misuse those contents; we must establish appropriate criteria in order to see that the files are kept in a way that minimises any possible potential damage to individuals." Let us be clear about this: I accept in full His Honour's proposition that damage has been done. Regular information was passed to ASIO, and some of the information would have been used to determine whether persons A, B, X or Y got promoted or got a particular job.

Mr. Allison: That's suppositious.

The Hon. HUGH HUDSON: It is not just supposition.

Mr. Nankivell: Where's your proof?

The Hon. HUGH HUDSON: I am not in a position to give proof without naming names and committing slander. If the member for Mallee and the member for Mount Gambier use their intelligence, with which I have always credited them, they would—

Mr. Allison: I thought it was secret inquiry.

The Hon. HUGH HUDSON: I know of instances where inquiries have been made.

Mr. Allison: What has the man done?

The Hon. HUGH HUDSON: I know that those sorts of inquiries—if they led to slanderous statements being

made, which were not checked, would lead to damage. I know of cases where damage, in relation to a specific job, was attempted in my own case. I do not propose to go into that, because I have to slander myself in order to do that, to detail some of the accusations that have been made against me. I know of accusations that have been made in various political campaigns in which I have been involved, against me and against my wife. Doubtless, some of that material has got on Special Branch files because, if there is anything that our opponents are good at, it is scandalous gossip, and they go on and on with it.

Members interjecting:

The SPEAKER: Order! There are far too many interjections. The honourable Minister.

The Hon. HUGH HUDSON: The member for Mitcham and the Leader of the Opposition, as well as other honourable members opposite, indicated this afternoon what they really wanted. They do not want a Royal Commission that will do justice to Mr. Salisbury: they want a Royal Commission into the Premier. They want a Royal Commission that will enable them, under privilege, to have all sorts of allegations and alleged facts about the Premier to be investigated, and the basis of any alleged facts that are not in dispute, that was put up by the member for Mitcham, of relevance to a Royal Commission, all related to allegations that had been made about knowledge of the files before other than the knowledge to which the Premier has admitted, and I have dealt with that point already.

I charge honourable members opposite with wanting to use this whole affair as a means of damaging the personal reputation of the Premier. The Leader gave the game away this afternoon because, although he knows that every decision that was made was made by Cabinet, although he started off talking about the decision of Cabinet to dismiss the Commissioner, he could not stop himself from spending the rest of his speech saying that Dunstan had sacked the Commissioner, that it was Dunstan's personal decision, again and again. Certainly, if the Leader checks the record of what he said, he will find that he was wanting to attach personal blame to the Premier in the same way as the member for Mitcham did, and in the same way as the member for Davenport did. They do not want to attack the Government on this issue: they want to attack the Premier personally. They want the Royal Commission as a means, under privilege, of dealing with the Premier for good and for all. As I have already stated, the basic facts are not in dispute, and the policies that flow from those facts are not in dispute either. I refer to the White Report (paragraph 22.1), which states:

The rank of the officer responsible for the determination of what is recorded is:

- (i) Initially, the Commissioner of Police.
- (ii) Ultimately, the Commissioner of Police.

There can be no doubt whatever that the Government was given information which is clearly incomplete and seriously misleading. The information withheld not only related to the major part of Special Branch files but also had nothing to do with genuine matters of security. It did not relate to secret or subversive activity, it dealt with the proper exercise of the freedom of political expression by innocent citizens in our community. Nor can there be any doubt about the responsibility of the Commissioner of Police to give full and effective information on the activities of this most sensitive branch under his control.

On the face of His Honour's report there were two alternative reasons—and there could be only two—which could be advanced for the Commissioner's failure to give proper information to the Government.

The first is that the Commissioner, although responsible

for the actions of Special Branch and despite repeated and detailed requests from the elected head of Government in this State about that branch, failed properly to inform himself of the working of Special Branch and was misled by Special Branch officers into giving the untrue replies to the Government that have been outlined in Mr. Justice White's Report.

Mr. Goldsworthy: That's untrue! Come on! Wake up!

The Hon. HUGH HUDSON: If questions are asked and misleading information is given, the answer is untrue. I would not want to rely in any circumstances on the Deputy Leader's definition of truth.

Members interjecting:

The SPEAKER: Order! It is awkward for the Chair to hear, and I hope that interjections will cease.

The Hon. HUGH HUDSON: I have mentioned that possibly the Commissioner himself was misled by Special Branch officers, but it is difficult to credit that this could be so. True, the Commissioner has said publicly that he believed that he should not go and look at the files himself, and in fact only recently did so; that the contents of the files should be known only to Special Branch and to ASIO. However, the Commissioner has clearly excluded other senior officers of the force from involvement in or knowledge of the working of Special Branch. Other police officers were excluded from access to information contained in Special Branch files. The Commissioner of Police must take direct responsibility for Special Branch. After hearing submissions from Mr. Salisbury, Assistant Commissioner Calder and Special Branch officers, Mr. Justice White has found as a matter of fact that both the initial and the ultimate responsibility for the collection and storage of material by Special Branch lay with the Commissioner.

The second reason that could be explained for the misleading answers that were given is one which Mr. Salisbury himself has put to us as a Government and has admitted to publicly, that is, by intention he withheld from us information that has now been revealed, and he has asserted that publicly. Those basic facts are indisputable, and they are not disputed by Mr. Salisbury himself. The only question in dispute on this issue is whether or not the Government, faced with the withholding of this information, should or should not have taken the action it did in dismissing the Commissioner. The Government is not prepared to retract from its position in this matter. We can have all the inquiries we like, under privilege and not under privilege, but the Government's position on this matter is firm: it believes that it is essential to establish as a fundamental principle of democracy that officers who hold positions such as that of Commissioner of Police must be responsible to the Ministers and to the heads of Government with which they are associated. That is ultimately something on which we will not give way, and we regard it as sufficiently serious a matter as to lead to dismissal. The member for Davenport referred in one of his excruciating criticisms of Mr. Acting Justice White to the report on page 31, where Mr. Justice White said:

The dangers to freedom of thought and of political action inherent in the exercise are so grave that any counteractivity, including collection of information, should be conducted—if at all—at the highest level of intelligence, with the most exquisite delicacy, and with constant vigilance that any "security" benefit derived from such security activity is not achieved at the expense of such freedoms.

The member for Davenport pooh-poohed the proposition that there could be any risk of a danger to freedom of thought and, needless to say, he took the whole thing out of context. There were passages prior to that quotation dealing with for example, the K.G.B. I would have

thought that the Opposition, which is vocal about Soviet Russia in other circumstances, might have given some thought to the basis of a dictatorial system and to what kind of dictatorial system would be necessary in Australia if democracy ever broke down. I am sufficiently pessimistic to believe that there are grave risks in the years ahead that democracy will break down. The fundamental support for any dictatorial system, whether Nazi Germany, Franco Spain, or Soviet Russia, is the existence of a secret police force which maintains dossiers (accurate or not, no-one ever really knows) that are used in a deliberate and extensive way to damage citizens. No-one is suggesting that deliberate and extensive damage to citizens has been done in the case of the activities of Special Branch, but let us remind ourselves of what happened in Germany under the Gestapo and of what still goes on in Russia today in relation to the K.G.B.

The Hon. J.D. Corcoran: What about the F.B.I. in America?

The Hon. HUGH HUDSON: I will deal with Soviet Russia, because the Opposition will have greater sympathy with the points I will make relative to it. The danger in Soviet Russia which affects people's behaviour and which destroys the quality of life is that one comes under notice, and that is what one must avoid. In Soviet Russia, and in Germany when Hitler was in power, one must not come under notice. Once one is on the secret police dossiers, there is not much one can do about it, and one is likely as not to have had it. One of the reasons why social life and behaviour in Soviet Russia are so difficult is that people adopt all kinds of protective device to avoid coming under notice.

Mrs. Adamson: Like people who won't sign petitions, because they are frightened they will lose their jobs.

The Hon. HUGH HUDSON: That has happened many times in South Australia. Whenever any petition is circulated, some people say that. I am proud to justify the right of South Australians to vote as they please and if, when the time comes, they want to kick me out that is fine. Until then, I will still represent them to the best of my ability. They have that right but, as regards Soviet Russia (and I am sure that the member for Coles would support me here), no Soviet citizens can afford free contact with foreigners because, if they do, they will come under notice. If they come under notice and get on the K.G.B. files, their whole future is likely to be damaged; that is the fundamental danger that exists in relation to the kind of activities that take place within Special Branch.

While we maintain a democratic system, it is not too bad that all kinds of inaccurate and misleading information are held although damage may be done to some people. If the democratic system ever breaks down, however, we will see the work of the secret police and the multiplication of dossiers, with people frightened about coming under notice, living in fear of coming under notice and not knowing whether they have or not, until late at night when they hear a knock at the door.

Mr. Dean Brown: Like Salisbury!

The Hon. HUGH HUDSON: As the Chief Secretary made clear, he was informed early at night. Mr. Guerin did not visit Mr. Salisbury until the time he did at Mr. Salisbury's specific request. That has been made clear several times, and I hope that I will not have to repeat it again.

I will now re-emphasise certain fundamental points. First, there is no dispute within the Government on this issue. The Ministry is unanimous on this matter, as are Government back-benchers. There is not one single item of questioning about the actions that have been taken in relation to it.

Mr. Tonkin: There should be.

The Hon. HUGH HUDSON: I will bet that there is some criticism in the Opposition Party over the way the Leader has behaved. Secondly, we accept completely that the Premier did not know of the existence of Special Branch until 1970. He did not know of the existence of political files within Special Branch until he read Mr. Acting Justice White's report.

We have heard the admission from the member for Mitcham, in response to my questioning, that despite being an active and competent member of this House for many years (in fact, he was the Attorney-General for two years) he did not know of the Special Branch either until certain information was published as a consequence of the action of the Premier in 1970. He did not know about the political files; he asked the question, on his own admission, because he saw something in the press about it.

There will be no Royal Commission on this matter, because the basic facts are not in dispute. If we sort out all the unnecessary allegations and innuendoes, the facts are clear, and the policies that must be followed in response to those facts are clear also, and they are fundamental if we are to maintain the democratic system in this State. I support the motion *in toto* and with enthusiasm.

Mr. BLACKER (Flinders): I oppose the motion and support the amendment moved by the Leader of the Opposition. I do so because I believe a Royal Commission is the only possible way in which this matter can be publicly cleared up and the leading people of this State can have their names cleared.

I wish to speak now not to recapitulate the many things that have been said but to add some more points which need further explanation. I think the White report has been used as an electioneering tool. I say that because of the sequence and history of events as they have become public, and more particularly since they have come to the public notice since September 1. On September 1 a request was forwarded by a journalist, Mr. P. Ward, seeking relevant information from the Premier's Department. September 1 was just 17 days before the State election. Naturally enough, questioning of this type would have been embarrassing to the Government at such short notice before an election. Therefore, it was the very next day that a minute came from the department giving some answer, and this in turn did not reach public airing until Mr. Ward took it to the *Australian*.

It was at that time that the member for Mitcham became involved. I believe he was used, and I think he himself would probably admit now that he was used. This information came to his notice and he put it forward. We must ask ourselves a further question on the motives behind this report. The Premier had been able to hold this information over the State election, but he knew full well that, with a Federal election on the doorstep, he would not be able publicly to announce an inquiry into it or to appoint a judicial inquiry, because further questions would be asked.

As the relevant questions had been asked, the Premier had all the ammunition he wanted to appoint a judicial inquiry. That having been done, the whole affair was silenced until this report was published. I believe it was a political and electioneering motive that surrounded the latter part of these events, particularly since September 1, 1977. I do not believe that that aspect has been mentioned so far in this debate, and I am a little surprised at that. I can read electioneering politics into this issue right through.

I go one step further. It has been reported that this document was in the hands of the Premier at least a week

prior to publication. I have been in this House long enough to know that the Premier is a very astute politician. He had time to consider the report and analyse just what the public reaction to it would be. I go further and say that he would have been able to gauge the reaction with a fair degree of accuracy. With that in mind, the Premier would obviously have chosen the easiest way out. He having chosen the easiest way out, the mind boggles as to what could have happened if he had not used his discretion and political knowledge to make it most comfortable for himself. I would not call this affair comfortable for the Premier. His reputation and the reputation of his Government, his Ministers and all those who have supported him have suffered. Public reaction is one of amazement, criticism and awe. People cannot understand how the Premier could treat the Commissioner of Police in such a manner.

No matter what explanation the Government has put forward today, no matter what explanation the Premier gives, it still will not satisfy those demands and cries for a fair go, and issues of that sort. The people will remember. The Premier, as I said at the beginning, has been able to tide the matter over the State and Federal elections, and unfortunately there are three years until the next State election. This is probably the only real complaint I have, because I believe the Premier has handled the affair shabbily.

A comment has been made by the Minister of Mines and Energy that the Opposition should have been clamouring for a Royal Commission for the sacking of Mr. Whitlam. Mr. Whitlam had the right of appeal; he went to the people and the people made their judgment.

Dr. Eastick: And the people of South Australia would make the same judgment about the Premier, if given the chance.

Mr. BLACKER: Yes, if they were given the opportunity to make that judgment, but a few politicians have made a judgment on Mr. Harold Salisbury. Just what is it that is so offensive in this report? What is it that concerns the Premier so? Is it the political bias mentioned by Mr. Acting Justice White in his report? I freely admit that I believe there should be more files, not files on members of one Party and not on those of another. There should be a file on everyone; there should be a file on me. I hope it would not have an adverse effect but it should be there for my protection because, if undesirable characters with whatever political views they may have are seen to be hanging around my place, there would be some files there to offer me some protection and give the Special Branch some information on the circumstances. I have only the press report to say that there may not be a file there. I hope there is a file there, because it would be for my protection, and such files would be for the protection of every honest citizen in South Australia.

Mr. Venning: It's only the crooks who don't want them.

Mr. BLACKER: It is only the crooks who are frightened of these files. I have no fear of a file on myself. I noted that not once did the Premier refer to the comments about communism. This is a sensitive matter.

Mr. Keneally: What about the League of Rights?

Mr. BLACKER: The League of Rights would probably come into a similar category—I do not know. Those people go to the extreme right. The fact is that this report has, on the one hand, indicated that communism is a subversive element and therefore should be watched. If a member of the public has nothing to hide, what has he to fear from reports of this nature?

In relation to communism, I would like to quote an extract from the White report, at page 45, part 14, under the heading "Who clearly are not security risks?", as

follows:

Persons who advocate fundamental changes to the present Australian constitution are not security risks, because they do not use nor advocate violence and because they have no past history of violence when seeking to attain their ends. There is no reason to suspect or fear violence from them, now or in the long run. Although they want fundamental change in the established constitution, they want to achieve it by persuasion. Yet such persons might often appear on platforms with communists or appear to be making common cause with them on certain matters. They are often the subject of cards and files, but they should not be.

Those are the words of Mr. Acting Justice White. He maintains that, even though these people may appear on public platforms together "making common cause with them on certain matters", they should not come under notice. On one hand it is stated in this report that communists are a subversive element, and on the other hand it is stated that those who frequent with communists should not be brought under notice. There is a hollowness in that whole argument.

Another aspect which has obviously annoyed the Government and got under its skin is that an inference is made by Mr. Acting Justice White that an assumption about elected members of Parliament seems to involve an implied insult, not only to those who are elected but also to those who elected them. In the case of A.L.P. Parliamentarians, that involves about half the South Australian population. We could not help but read Party politics into that. There is no reason in the world why similar files should not be kept for members on the other side of the House. If I have any criticism of the report of the secret files or the actions of the Special Branch it is that there should be files, equally, on all politicians.

Another aspect that I believe needs mentioning appears under the section dealing with F.B.I. activities, as follows:

Remarkable parallels exist between "persons coming under notice" in Special Branch and F.B.I. files. The same bias is evident in both sets of records, resulting in the like potential for intrusion upon privacy and freedom of opinion. The main difference is that in the United States the potential for harm was often realised in damage to individuals, whereas in South Australia it appears that the scale of actual harm was far lower.

The only difference being drawn here is that there are more assaults in the United States than there are in Australia. Everything else is identical, and that is accepted here in the report, but just because there is less assault or less "damage to individuals" is realised, then it comes into a different category. Although they are the same people and the same subversive elements, Mr. Acting Justice White is trying to say that we cannot compare the two because we have a different rate of crime, if I may use that term.

I make one other point: the Government has acted on what it referred to as an "initial report". I assume there will be a further or follow-up report. Does that mean that further drastic action is to be taken on a similar line to this? Are we to go through a similar process? Parts 4 and 5 of the terms of reference are as follows:

4. To require the Commissioner to give a certificate (after causing an examination of current information) that the records then held contain only information in conformity with the criteria in 2 above. 5. Following receipt of the certificate to make such random checks as you consider necessary to satisfy yourself as to the accuracy of the certificate of the Commissioner.

That, I think, sets up Commissioner Draper. It puts him in the situation where he is over a barrel, so to speak, in any further investigation.

At the request of others I have endeavoured to keep my remarks short. I just add that, despite all the talk about democracy and about the actions of the Government being right and proper, today's *News* states that Labor plans a spy file on Liberals. The report is as follows:

CANBERRA: The Labor Party is compiling a spy file on the financial and company connections of Liberal and Country MP's. The information will be supplied to top Labor Federal politicians to be used in Parliament to embarrass the Federal Government.

What is this debate all about? The report continues:

The Labor Party's new research unit is doing the work in a follow-up to last year's controversy over alleged land dealings by the former Treasurer, Mr. Lynch. Information on financial interests is being obtained from public records such as lists of company share-holders and stock exchange records. It is believed the mortgage arrangements of at least one Government Minister are being looked at.

Is it not hypocrisy when a political Party on a national basis says that openly? I point out that the Premier was probably involved in some of the debate that took place.

The Hon. D. A. Dunstan: What debate?

Mr. BLACKER: It is stated that the research unit was set up at the Labor Party's post-mortem last month on the outcome of the Federal election. If I have said the wrong thing in saying that the Premier was involved, I withdraw that, but there would have been South Australian delegates at that meeting. That is what the Labor Party is doing, and on this occasion it is condemning every action of it.

Because of the release of this report, the findings that have come out, the reactions of the public (Sir Mark Oliphant has become involved, saying that he was "deeply disturbed" by the sacking, and thousands of others, like Sir Mark, have openly stated their opinion), the Government's integrity is in question. This whole shemozzle can be easily rectified and the Government's reputation and the Premier's and the Commissioner's name cleared by a Royal Commission. It was good enough to have a Royal Commission about a schoolgirl, and we have had Royal Commissions on numerous other occasions. As the reputation of a Government and a Premier are at stake, and the reputation of South Australia as a whole will be reflected, not only across the nation but across the western world, we should have a Royal Commission. I oppose the motion presented by the Government and support the amendment moved by the Leader of the Opposition.

Mr. GROOM (Morphett): From the outset I want to make it clear that I support Cabinet's decision to recommend to the Governor the dismissal of the Police Commissioner. I put it that way because members opposite appear to have little conception of responsible Government. There is no possible way that Mr. Salisbury can be cleared by a Royal Commission, an inquiry, or otherwise. If he is able to deceive Parliament, to deceive an elected Government and to deceive the Crown, then we move to a new system of government. Is that what members opposite want? I do not believe that the people of South Australia want to move away from our system of responsible government.

What, indeed, would a Royal Commission achieve? Mr. Salisbury has said that he was sworn to an oath of secrecy, so even before a Royal Commission whether held in camera or otherwise he would, if he was true to his oath, have to decline to answer some important questions asked before the Royal Commission, as would his brother members of ASIO and the Special Branch.

I want briefly to turn to the role of some specific

personalities in this dispute. I refer first to the Leader of the Opposition. He sees this dispute as political capital in the short term to be gained for him and his Party. In doing so, he is setting in train a dangerous doctrine to democracies, that is, that a Commissioner of Police or a responsible public servant has the right to deceive an elected Government. He was reported in the January 26 issue of the *Advertiser*, in reply to the question, "Was the sacking of Mr. Salisbury justified given the circumstances?" as saying, "I do not believe it was." I consider that to be an incredible denial of the principles of responsible Government. In the *News* of January 20, 1978, I believe that one of the most irresponsible statements of all time was attributed to the Leader of the Opposition. It was claimed in the *News* of that date that the sacking was planned a year ago. That was a startling charge made by Dr. Tonkin, who went on to say:

Labor Ministers and members of Parliament have openly talked about the sacking for over a year.

That is a complete distortion and untruth, and the only evidence he could tender to this House this afternoon was the one instance, in which he was not prepared to divulge the name of the person who allegedly had a conversation with one of the members of Parliament from the Government side. He was not even willing to name that member, yet he told the Murdoch press something about "Labor Ministers and members of Parliament". Today, however, he was able to give only one example, one singular unsubstantiated instance, and he is not willing to divulge the names of any of the parties involved. That is absolutely disgraceful. Even Mr. Salisbury, in his press conference, denied this.

What of Mr. DeGaris, the former Chief Secretary in the Hall Government between 1968 and 1970? In the *News* of January 18 he was reported as saying:

When I was Chief Secretary I knew the files existed. They didn't concern me at all.

What of Mr. Hall, the former Premier, who was reported in the January 22 issue of the *Sunday Mail* as making clear that, during his term as Premier, he had full knowledge of the existence of the Special Branch and of the files it collected? Yet the member for Mitcham, who was Attorney-General in that Government, has categorically denied that he had any knowledge of the nature and extent of the Special Branch files.

These statements by a former Premier and the Chief Secretary in his Government are incredible. Yet Mr. Salisbury says that he swore an oath of secrecy, and presumably Mr. McKinna swore such an oath as well. Evidently, the Premier of the day was let into the secret, as was his Chief Secretary, but his Attorney-General was not. What a conspiracy! Why was not the Attorney-General let into their secret? Some secret! If ever an inquiry is warranted, it is into the activities of the Liberal Government between 1968 and 1970, because statements by the then Premier and Chief Secretary show that the Liberal Party during these years actively encouraged the erosion of civil liberties and spying on thousands of innocent South Australians. Indeed, they must have suppressed this information from their Attorney-General.

I should like now to turn to some of the facts in issue regarding the Salisbury dismissal. The reasons for that dismissal were outlined by the Premier, as reported in the *Advertiser* of January 18. The Premier said:

We cannot absolve the Commissioner of Police of the responsibility for giving inaccurate information as to the activities of the Special Branch to the Government. We cannot absolve him of the responsibility of having so misled the Government that wrong information was given to Parliament and the public.

That is a clear enunciation of the principles of responsible Government that guide our community. What did the White Report say regarding those matters? I refer to paragraph 18.2 on page 67 of that report, as follows:

There is substantial proof in the records of Special Branch and of the Commissioner of Police that from 1970 onwards the Premier of South Australia was prevented from learning of the existence or nature of substantial sections of Special Branch files on political and trade union matters, in spite of specific inquiry by the Premier in October, 1970, July, 1975, and October, 1977.

Three times, the Commissioner of Police for the time being gave answers which did not disclose the existence of such files on political and trade union matters.

What is Mr. Salisbury's version regarding his dismissal? He admitted that, by a deliberate act, he misled the Government. At his press conference on January 20, Mr. Salisbury said:

The third alternative was to treat the matter generally in some but not all detail but not revealing the more delicate aspects and very real requirements of the secret work. I chose the third.

An *Advertiser* report of January 20, was to the effect that Mr. Salisbury had said on the previous day that he had deliberately withheld information on the Special Branch from the Premier. If that is not an overt admission that he deliberately withheld information from the Government and deliberately provided false information, I do not know what is. I refer now to the editorial in the January 18, issue of the *News*, part of which is as follows:

The State Government has acted decisively and drastically in sacking the Police Commissioner over the issue of Special Branch files. But it had no choice . . . Mr. Dunstan, it is apparent, gave Mr. Salisbury every opportunity to go with as much dignity as the circumstances warranted.

Towards the end of the editorial, the following appears:

Yet these were some of the people on the Special Branch index and, having put them there, the Police Commissioner tried to cover up. In light of these facts, Mr. Salisbury had to go.

He had to go because he had breached the fundamental principle of responsible Government. What is his own view of his responsibilities? During his press conference, Mr. Salisbury was asked:

But ultimately, Sir, don't you take the responsibility for what is in those files?

He said:

No, I don't.

When asked who did, Mr. Salisbury said:

I think that the Special Branch itself, in conjunction with ASIO, takes responsibility for those files.

Even in that utterance alone is contained a clear breach of his statutory obligations to the law, the Parliament and the Crown. Section 21 of the Police Regulation Act, 1952, as amended, provides:

Subject to this Act and the directions of the Governor, the Commissioner shall have the control and management of the Police Force.

Yet, when asked, "But ultimately, Sir, don't you take responsibility for what is in those files?", Mr. Salisbury said, "No, I don't." That is in clear breach of his statutory obligations to this State. He said: "I think Special Branch itself, in conjunction with ASIO, does." In fairness to Mr. Salisbury, I should state that some further questions were asked of him. He was asked:

You have been quoted in the White Report as saying that you had initial and ultimate responsibility for those files. Are you denying that?

In reply, Mr. Salisbury said:

I have initial and ultimate responsibility for the activities of

the force.

When asked, "Well, you also have under that responsibility initial and ultimate responsibility for the files of the Special Branch?", he said, "No further comment."

With great respect to Mr. Salisbury, that shows quite clearly that he has misconceived his duty, not only in terms of a convention of Parliamentary responsibility, but under Statute, because he is expressly charged with the control and management of the Police Force. Further on in his press conference, this line of questioning takes place:

Q. To whom should you be responsible?

A. To whom should I be responsible? To the Crown.

Q. That is directly to the Queen?

A. Yes.

Q. Or her representative in Australia?

A. Yes.

It was the Crown which dismissed Mr. Salisbury, acting on the advice of the Crown's responsible Ministers. Further on in his press conference he had something to say in relation to the officers in charge of Special Branch under the Commissioner of Police. The questions were concerned with whether or not the Commissioner himself had been misled by any of the officers under him. The report states:

Q. Do you still have faith in that sergeant now that you have found out there were files on political people?

A. I have total faith in him.

Q. Still?

A. Yes.

Q. Do you think he misled you?

A. No, I do not think he misled me at all.

There is an admission by the Commissioner that he was not misled by his junior officers in relation to the files. He was stating quite clearly, by implication, that he had knowledge of the nature and extent of those files. He gave as his reason for having to mislead the Government that he was under an oath of secrecy to ASIO and other security organisations beyond Australia. They had all sworn these oaths amongst themselves. If Mr. Salisbury can deceive the elected Government of South Australia and if he considers that he is in part responsible to the South Australian Government and in part responsible to Special Branch and ASIO, to whom in turn are those organisations responsible? They must arrogate the same right when it comes to the Commonwealth Attorney-General and the Commonwealth Government: they must equally claim the right to deceive that Government. They say that they are responsible to security organisations beyond Australia. If we go to England, equally the security branches in England must deny information to the elected Government. What a situation this is!

For the 12-month period in 1975, when Sergeant Huie was ill, this Special Branch was in the hands of a senior constable without any qualifications. Supposing this person had taken it on himself to be a bigoted racist and had decided to go back to the persecution of the Jews, it was open for him to do that, to open a series of files without supervision, and to decide that the Jews, the Catholic people, and so on, were security menaces. Obviously, the Government must have the ultimate responsibility for the management of the Police Force, subject to the Police Regulation Act and the control and management that is vested in the Commissioner.

Another issue raised in this debate was whether Mr. Salisbury received a fair hearing. Mr. Salisbury's complaint was that he was dismissed "with no opportunity for him to explain or defend himself before a detached, independent, and impartial tribunal". His complaint was

not that he did not have an opportunity to defend himself *per se*; in fact, he had an opportunity to defend himself before the responsible advisers to the Crown.

This is not one isolated example; he was not dismissed within a matter of hours. His deception goes back to 1975, the first time he gave false and misleading information to the Government. He had two years to reflect on his deception of the democratically elected Government in South Australia, and he said that he had knowledge of what was in the Special Branch files, and was not misled by his junior officers. He had two years to reflect on his deception. What happened did not take place in a matter of hours, and the course of events is quite clear.

On Wednesday, January 11, he had an interview with the Premier. The salient features of the White Report were pointed out to him, and he was asked to go away and make his comments. On the following Friday, he spent 1¼ hours with the Premier and the Chief Secretary. The net result was that Mr. Salisbury was completely unable to account for the failure of his responsibility. As the Premier said, he asserted that it was proper to withhold information from the Government. On the Monday at 3.30 p.m. he had another interview in which he was informed of Cabinet's attitude and asked to resign. He was advised that if he did not resign he would be dismissed.

On the Tuesday, he knew what was coming, because he had a telephone conversation with Mr. Bruce Guerin, the Premier's Secretary, at 7.30. Although Mr. Guerin would not read the contents of the letter of dismissal over the telephone, Mr. Salisbury said that he was well aware of the contents. He asked Mr. Guerin not to deliver the letter to the place where he was having dinner, but said he would be home between 11 and 11.30 p.m., and asked that the letter of dismissal be delivered at that time.

Mr. Rodda: Where was he having dinner?

Mr. GROOM: Ask Mr. Salisbury. He was clearly given a right to be heard by the Government. The nature of his office is such that it cannot be on any basis other than that he is dismissible at pleasure. Every Commissioner of Police in every State of Australia is likewise dismissible at pleasure, and members opposite have shown an abysmal lack of knowledge of the legal status of police officers, of military personnel, and of public servants. Under section 76 of the Public Service Act, all public servants are dismissible at pleasure. Despite the elaborate appeal provisions, the Crown has a discretionary right either to exercise its powers under section 76 to dismiss at pleasure or to proceed under the appeal provisions.

The Hon. Hugh Hudson: Rather like the Liberal Party with Mr. Brian Taylor.

Mr. GROOM: I am glad the Minister has raised that matter. The member for Davenport has recently discovered what he calls industrial justice. Why was it not given to Mr. Brian Taylor? Where was his right to be heard? He was sacked and the Liberal Party acted decisively in relation to that matter. What about Mr. John Vial? Where was his right to be heard? He was sacked on the spot. It is the old double standard.

I come now to the Police Regulation Act in relation to the status of police officers. It has been said that police officers can go to the Police Appeal Tribunal. That is true, but again it is discretionary. The Crown can act under section 54 of the Police Regulation Act, as follows:

This Act shall not take away or restrict any power of the Crown under any other Act or at common law to dispense with the services of any member of the Police Force.

Under the regulations, an appeal provision is set up, but the case law is clear that the appeal provisions are discretionary only and that the Crown has the right to dismiss police officers at pleasure. The same position

applies to public servants and to military personnel under, I think, section 12 or 13 of the Defence Act.

Mr. Dean Brown: I suggest you should read section 15 (1) (e) of the Industrial Conciliation and Arbitration Act.

The DEPUTY SPEAKER: Order! The honourable member for Davenport is out of order.

Mr. GROOM: I suggest the honourable member should read the Defence Act. The case law is quite clear in relation to military personnel. They are dismissible at pleasure. What an incredible state of affairs if General MacArthur could have been dismissed only by resolution of the Senate and the House of Representatives in the United States and if, during a time of emergency, the executive branch of Government did not have this power to dismiss at pleasure. I can imagine the debates that would have gone on if President Truman had not been able to dismiss General MacArthur. What a chaotic situation would have arisen! That is the situation members want to foist upon the people of South Australia. The Police Force is an armed force in much the same way as are military forces. They are historically part of the prerogative of the Crown to keep peace in the community. They are historically an armed force and a branch of the executive Government, and the courts have zealously protected the executive right over the armed forces and over the police. How ludicrous if we had a Commissioner of Police who, during a time of emergency, deceived and defied the elected Government at a time when Parliament was not sitting. This is the reform members opposite want. We would have to recall Parliament at a time of emergency to see whether or not the Crown could dismiss the Commissioner of Police. The whole State would be paralysed, because the Police Force is an armed force. It would cause chaos in the entire Police Force.

Members opposite should read the case law in relation to military personnel and police officers. I suggest they read the historical reasons why the executive branch of Government should be not subject to this fetter, instead of using the issue for short-term political gain and, in time of emergency, paralysing the State. I can see the great glee that members opposite would have in debating whether a Commissioner of Police should be dismissed in an emergency when the bombs were dropping around the State. Every State in Australia has the right to dismiss its police officers at pleasure and, if you are going to provide that the Commissioner of Police cannot be dismissed at pleasure, why not provide it for the Army? What a ludicrous situation we would have, with a weakening of democracy in time of emergency! It takes great courage to stand up for the principles of responsible government, and I am proud to be a member of a Party that does this.

There being a disturbance in the public gallery:

The DEPUTY SPEAKER: Order! People in the public gallery must remain quiet.

Mr. GROOM: I refer now to some remarks made by the member for Davenport. He showed an abysmal lack of knowledge about Special Branch files. He cast a slur on Mr. Acting Justice White and said he had breached his terms of reference. I will refer to those terms of reference, for the benefit of the member for Davenport. Term No. 2 is:

To examine a random sample of files and/or other medium or recording information, to gain an appreciation of the type and extent of records held in order to ascertain that they comply with the following criteria:

The criteria are then enumerated. In relation to those files, I want to explain, for the benefit of the member for Davenport, how they are compiled. There are 3 000 separate dossiers, and they might contain a collection of files. At the front of these dossiers there are subject

sheets, which extract, in chronological order, items of interest in the dossiers. There are then 40 000 index cards. Of those, 28 500 are on individual persons, and the rest contain many cross references. On pages 9 and 10 of his report, Mr. Acting Justice White states:

Political files mainly relating to A.L.P. personalities and parliamentarians and to elections.

These files are part of the abovementioned set initially described as "1954 elections", but later changed to "Elections, Federal, State and Municipal". There is some evidence of physical surveillance of A.L.P. members and parliamentarians at public meetings. Most of the material consists of "surveillance by record".

All A.L.P. candidates and elected members "came under notice", as index cards were opened when cutting from newspapers all references to their public utterances, writings and personal histories.

There are no corresponding files about Liberal Party-Country Party personalities.

They are all contained in a series of files or dossiers. The only way to one can get at the election files is to look at the dossier headed "1954 elections", which was later changed to "Elections, Federal, State and Municipal". That is obviously a random selection, because of the way in which Special Branch kept its files. When the judge looked at the election file and went through it at random, he found that it did not conform to the criteria laid down in the minute, as he was expressly charged with a duty to gain an appreciation of the type and extent of records held in order to ascertain whether they complied with those criteria. I reject the allegation by the member for Davenport that Mr. Acting Justice White breached his terms of reference. It is quite wrong to say that he did.

The member for Mitcham is not in the Chamber at present, but he also showed an abysmal lack of knowledge in relation to the status of police officers in the State, when he suggested that police officers are not dismissible at pleasure. This is in relation to constables and public servants. He was wrong in this. Usually, he is an extremely thorough lawyer and gives extremely thorough opinions. I have, on occasions, briefed him in private practice and have found his opinions quite satisfactory and of very high quality, but on this occasion I regret that he has not done his homework.

I have not sufficient time to go into detail about the nature and extent of Special Branch files but, if members opposite think no harm is being done and that they are not scandalous, I ask the member opposite, the senior Liberal Parliamentarian who was seen near the Communist Party bookshop, to stand up and admit to it. He was put down as being a communist sympathiser. If that is not scandalous reporting, I do not know what is. I do not know whether the person is a communist sympathiser, and he may be, but if he is, why does he not own up to it?

I do not mind there being a file on me, as long as there is a corresponding file on the member for Coles or the member for Light. Why should those members be exempt? Why should there be a political bias in relation to the files? Members opposite cannot answer that. Mr. Salisbury was dismissed by the Crown because he was in breach, not only, I believe, of his constitutional obligations to the democratically elected Government, but I also believe he was in breach of his statutory duties under the Police Regulation Act. I support the motion moved by the Premier.

Mr. ALLISON (Mount Gambier): I will tell the member for Morphet what I will do. I will trade my David Jones, John Martins, Myers, Franklin Mint, *Readers Digest*, Special Branch, ASIO, or any file that he cares to mention

for one of his if he feels so badly about this issue. If you are concerned about what people know about you, you must have something to hide, so let us have it out. It stands out a mile.

This afternoon the Premier said something that one would have expected would be the last thing he would say. He said that for the Government to lose the vote on the motion before the House would mean instant resignation by the Government. That was odd. Could it have been intended to influence the Opposition? We admitted yesterday, the day before that, and over the previous week or two that we had no chance of winning the vote today, whatever motion came up. To whom was the Premier's statement addressed? Was it addressed to the public, which will not influence the vote here this evening? I strongly suspect that it was addressed to members on that side of the House, to make sure that any people sorely troubled by what has been happening in South Australia get well and truly behind the Government.

When we look at the logic of the matter, that is the only construction that we can put on a statement like that, unless it was absolute grandstanding by the Premier. It made the front page of the newspaper, so, if it was grandstanding, it achieved results. I have my doubts. I think the left wing has the Government by the short hairs. This afternoon, the Premier did exactly what he accused ASIO and the Special Branch of doing. He resorted to character assassination by involving without reference to the person, the Leader of the Opposition in the New South Wales Parliament.

We took the trouble to contact the gentleman concerned and only an hour ago in the House in New South Wales Mr. Peter Coleman, Leader of the New South Wales Opposition, gave the following statement:

The Premier of South Australia, Mr. Dunstan, today issued a press statement stating that I, in association with a company director and an ASIO officer, approached a Sydney journalist to publish a magazine to discredit left-wingers on the basis of ASIO material. In the House of Assembly, Mr. Dunstan also alleged that scurrilous personal details in Special Branch files passed to ASIO and ultimately to me. These allegations are false and they are infamous.

The facts are as follows. As Editor of the *Bulletin*, I met some ASIO officers as did other editors and journalists, and saw some ASIO material of an entirely non-secret nature such as collections of newspaper clippings and semi-academic analyses of current ideologies—some dozens of which Mr. Whitlam, as Prime Minister, made public.

I examined this material as any journalist or editor would. I have never seen or sought to see anything of a secret nature, let alone of a personal nature. I have never seen or sought to see anything that can be called a file or a dossier in the usual meaning of those words as used in these controversies. I have never in my Parliamentary or journalistic career drawn on any material that is secret or personal. On the other hand, I have published my views on how ASIO should be reformed so as to protect the rights of individuals—and my ideas in this respect are echoed in the excellent Royal Commission Report on ASIO by Mr. Justice Hope.

Further, as a foundation member of the Privacy Committee of New South Wales I helped draft the legislation under which it operates to protect the privacy of citizens of this State, and under which it is now conducting its inquiries into the New South Wales Police Special Branch—an inquiry I fully support and which was foreshadowed when I was on the Privacy Committee.

Mr. Speaker, some years ago an acquaintance informed me that he was considering publishing a magazine which would draw on, among other sources, the sort of non-secret ASIO material I have mentioned. He invited me to assist him

and he showed me some material he had in mind. I refused to be involved and was in no way involved in further discussions.

A Sydney journalist, however, expressed great enthusiasm for the proposal and spent some weeks planning the publication. He was, it later became clear, in fact engaged in collecting material for a newspaper attack on ASIO which appeared in due course and naturally used my name for whatever reason.

I repeat: I was in no way involved and indeed the publication did not appear. I state these facts to the House only because the Premier of South Australia has seen fit to make these allegations and to make them, need I say, without checking with me. I thank the House.

That statement is perfectly self-explanatory and needs no embellishment. I am sure the press will deal with its contents.

Mr. Whitten: Do you believe him ahead of sworn evidence in court?

Mr. ALLISON: I believe him.

The DEPUTY SPEAKER: Order! The member for Price is out of order.

Mr. ALLISON: I believe what has been said in the House by Mr. Peter Coleman. Why should I disbelieve him? If the debate is along Party lines, surely I should support my own Liberal colleague—

Mr. Whitten: No.

Mr. ALLISON: You do not think so? Then I thank you for the compliment. I should like to know why the Minister of Mines and Energy expressed such tremendous fear about what a Royal Commission would ascertain about the Premier, because he imputed that a Royal Commission would dig so deeply and so successfully that the Premier would be in great jeopardy. Surely the Premier has nothing to hide! I fail to see the Minister's concern. Another point the Minister did make about the state of things in South Australia was that people should not be put to the same threat as in Russia under the K.G.B., but I find it significant that people like Brigadier McKinna, the former Commissioner of Police in South Australia, and ex-Sergeant Hughie are both concerned that they give evidence only before a Royal Commission. In a report from the *Sunday Mail* of January 22, the former Commissioner states:

I want protection of a Royal Commission. If there is a Commission, then I will come out with everything that went on at that time.

Why else would he be afraid to give evidence? I believe there are more people in South Australia—

The Hon. Hugh Hudson: There are—

The SPEAKER: Order! The honourable Minister is out of order, and I hope he ceases interjecting.

Mr. ALLISON: Thank you for your protection, Sir. The Minister is his usual self this evening. Sir Mark said that he believed that the Salisbury dismissal was the culmination of his failure to see eye to eye with the Government. He said that in South Australia, that means the Premier. It is obvious from the Premier's opening address today in this House that he has absolute antipathy to the Special Branch, towards ASIO, and I think that this personal antipathy is something that goes through State, Federal and international socialism. It is an antipathy towards any form of security organisation that may show things as they are in their true colours.

I am convinced, having heard the Premier today, that some form of trap was set. I cannot recall who it was, but perhaps it was the member for Mitcham who, some time ago, in one of his more informative moments, said, "You never ask a question unless you know the answer." Apparently this is fairly common legal practice. We have

two extremely shrewd and skilful legal practitioners in the House today who have been exchanging letters on this issue and who have been probing deeply for a number of years, and I am convinced that many of the questions that have been addressed to various Commissioners of Police were addressed out of knowledge at hand.

One does not ask a question unless one knows the answer, or unless one is sure that one knows a large part of the answer. This is one question which I am sure the public of South Australia has in mind. Just how much did people know on either side of the House about these security files? This is really where the Commissioner, Mr. Salisbury, has been pilloried.

He has carried the can for the errors and omission of men and Governments, individuals over the years, and I think that is a sad state of affairs. Indeed, I am convinced that somehow or other, for some reason, the Special Branch and ASIO were lined up, and it may just have been coincidental that these things all came to a head at this specific time. Nevertheless, there is more to the issue than we have yet uncovered and that is one of the reasons why I find it hard to support the Premier's motion and why I will certainly support the amendment seeking the establishment of a Royal Commission.

Looking at the White Report I find it hard to believe that it was a random selection of files, as the last speaker assured us was the case. Looking at its results, it appears that the report might well have been not an inquiry to examine the condition of the files and their contents, but more an inquiry to substantiate what people already largely knew or felt they knew. I am sure that the Premier has been under extreme pressure from left-wing organisations in South Australia, and probably elsewhere.

Mr. Whitten: What's your definition of left-wing organisations?

Mr. ALLISON: If the honourable member stops interjecting—

The SPEAKER: Order! The Chair will decide that. The member for Mount Gambier.

Mr. ALLISON: There is one odd feature of the report, when one compares it with the Hope Report. Comparing it with the time Mr. Justice Hope was given to inquire federally into the state of security in Australia, he said that during his long inquiries he looked at some hundreds of files, as one of my colleagues has said. Mr. Acting Justice White complained he had insufficient time. We were told by a previous speaker that there were about 40 000 cards and files, several thousand dossiers, and, despite Mr. Acting Justice White's complaint that he had insufficient time to go through the files, he came out with sweeping assertions that the 40 000 files contained scandalous or scurrilous material of a specific nature far removed from the nature of the terms of reference he was given by the Government.

It is an odd situation where you get someone with a long period to make an examination and who comes out with a conservative report saying that he was unable to ascertain the veracity or otherwise of what was contained in the several hundred dossiers, yet our own State inquiry comes out with a sweeping assertion that what he saw in there was false. This is a case of two competent men making a different approach in each case and reaching a different conclusion.

Certainly the White Report in the brief time given relied heavily on the Hope Report, and came out with sweeping assertions about the whole range of dossiers and index cards reputedly kept in Special Branch. It was most selective in that regard. I was interested in the comments of Sir Mark Oliphant, a highly esteemed former Governor of South Australia, appearing in the January 19, 1978,

Advertiser, as follows:

Harold Salisbury is one of the few people of absolute integrity whom I have known. His concern for his State and for Australia generally was absolute. I am certain that any use of such information would be jealously guarded by Mr. Salisbury. I am deeply disturbed by what has happened. I am privileged and proud to call Mr. Salisbury my friend and I believe all South Australians who are not criminals will share my pride in what he has achieved—

and that pride has been evidenced by Government members—

and my indignation at his dismissal.

If he was not good enough to head the South Australian Police Force, just what kind of sycophant is the Government looking for? That is the only conclusion I can reach. If the Government does not want men of quality and calibre, whom does it want?

Mr. Whitten: We don't want—

The SPEAKER: Order! The member for Price is out of order, and I hope that he will cease interjecting.

Mr. ALLISON: The alternatives were there for the Government to take. Dismissal was the last extreme for a man of such accepted high calibre, and there is no doubt that he is admired throughout the Police Force and the community. One has only to talk to people anywhere one goes to realise the degree of support he has and the antipathy towards the Premier's action in this regard. He could have been suspended. The Police Commissioner could have been given firm instructions on how to run the Special Branch in future, but that did not happen.

The absolute urgency of the Government's action is something else that appalled and deeply worried me. Why did the Premier need to dismiss Harold Salisbury? There must have been an urgent need for meetings to have been convened so quickly. For him to dismiss a man of Harold Salisbury's calibre, he had to call the Governor back from holiday at Victor Harbor and issue a press release almost unilaterally to one press organisation; this is unlike the Government in normal circumstances. The Government is usually extremely well prepared. I know from experience in my district what happens.

In this case, Mr. Salisbury, as has been said by the member for Mitcham, was advised belatedly, and it was a calculated risk the Government took in releasing information to the press. Why was there such an urgent, pressing need to do this in such haste without resorting to other means or bringing the matter before Parliament? I am concerned, and if a Royal Commission will clear the Premier and the Government and give us the facts, I would welcome it all the more. It was so urgent as to merit the Premier immediately recalling Governor Seaman from holiday.

I believe that Mr. Salisbury was scapegoated for the errors and omissions of others. What is in the files that is so critical to the Government that the Premier solicited their destruction? Are many people worried about the ASIO files because they believe that it or the Special Branch has something on them? I would willingly trade anything anyone in South Australia had on me, because I believe that security organisations are absolutely necessary. As long as other countries have security organisations and there are international spy systems (and if the member for Newland continues to smirk, I can only conclude that he is naive and does not believe that there are international spy systems), why should we not have them?

Senator Murphy was sufficiently concerned to conduct a raid on ASIO on grounds that would not have stood close examination, as we all know from hindsight. At the time, it seemed that he may have had something on the Special

Branch, then under Mr. Whitlam. This operation on Mr. Salisbury smacks of the professional rather than the bungling amateurish job that the then-Senator Murphy did on ASIO in Canberra. Is the attack on every branch, witting or unwitting, State, Federal or international, an attempt to reduce the effectiveness of our Western security branches?

We have had quoted to us the F.B.I.'s operations. People are tending to undermine the workings of Western security, and ignoring the fact that Russia, China and other Soviet bloc countries have extremely competent, capable and widespread secret services. We cannot ignore the one and persecute the other. We should be fairminded and have a go at them both. Organisations in Australia tend to concentrate on our own organisations first. I thought that Western security was uppermost in most of our minds; it certainly is in mine.

I find it difficult to believe that what the Deputy Premier recently said, that he and other Ministers would have resigned, was truthful. I believe that this issue of files, security, Special Branch and ASIO has been in some Government members' minds for a number of years. The Deputy Premier, in particular, has evidenced a shrewd awareness of how to survive in politics from his moves from Millicent to Coles and now into his new district—certainly the actions of a man keen to remain in politics, and I do not blame him for that.

The Hon. R. G. Payne: What about his war service?

Mr. ALLISON: I was going to refer to that point which he made and which is in his favour. I am not criticising him for his political survival techniques. He could well be emulated by us all, but I give him credit for being the kind of extremely conscientious politician who expresses loyalty to his Leader and to his Party. His offer to resign was an attempt to remove some of the heat from the Premier and the Government; whatever it was, I do not think that he succeeded, because South Australians are not that naive. He offered a full debate on the issue.

Even today at 1.55 p.m., no Opposition member was aware of the motion that was coming before us. Look at the complexity of it! Six paragraphs to analyse and decide how to present the argument! Of course, I have had half the day to do it. Had we moved a motion, we would have had to give the Government sufficient notice for it to wipe the floor with us. It does not happen that way when the Government moves a motion. It has its own methods, and I do not like them. As the Minister of Community Welfare said, the Deputy Premier served his country, but there are others. The Queen awarded the Chief Secretary the Distinguished Flying Cross for his service with the Royal Australian Air Force. There is the member for Victoria, one of my close acquaintances, who saw active service in Europe. They are former serving men, and surely they above all men would recognise the need for State and Federal security.

Did Salisbury do any moral wrong? Did he actually undermine the security of South Australia in any way? We hear individuals and organisations squeal but was the State under threat sufficiently for him to be kicked out? I doubt very much whether the Government would get any support if that was canvassed in public, and certainly not on the steps of Parliament House today. Mr. Salisbury displayed far more patriotic zeal, awareness and devotion to Australia and this State than have many who took part in his dismissal, on whichever side of the House they may have done it. The Premier has pilloried Mr. Salisbury for his failure to break security. How ironical that is! Mr. Salisbury respected the oath taken not by himself (the last speaker missed the point made by the Chief Secretary on his own side). Mr. Salisbury did not take the oath but he

said his officers had and he respected the oath they had taken; so he was respecting their oath of secrecy; he carried the can for them, yet the Premier deplores this quality in our Commissioner and uses State and Federal security as an excuse for not calling a Royal Commission. There again it is good for one State but not for the other. There is a duplicity of thinking which makes me think there is a duplicity behind it all.

The Premier showed no such reticence in empowering Mr. Acting Justice White unilaterally to investigate those files and to report within a brief time. His Honour is obviously a man whom the Premier could personally trust to scrutinise the Premier's own file and other files, including those of unions. Mr. Acting Justice White certainly paid much attention to those even though they could have been only an infinitesimal fraction of 40 000—odd files. He was very concerned at the contents of those files. I think that Special Branch and ASIO are no less efficient than the media monitor in South Australia, which is doing precisely the same job. Effectively it is culling the spoken word expressed in South Australia and keeping it on record—for what purpose? For the public good? The main problem with ASIO and Special Branch is that they have too many files on hand; there is a shortage of staff. Like most libraries and organisations that store material, there is never time to cull out material. Is there any objective report on how old that material is and how often it has been looked at in recent years? No; instead we are told there is a diminishing use of surveillance (in 1970 it went out of fashion) and there is a diminishing call by ASIO and Special Branch so far as figures above have been quoted.

Those in use are diminishing. ASIO and Special Branch were unable to cull material, and much of the material seen in those files was outdated and much too much importance has been attached to both the number and the content of the files by members on the other side of the House. His Honour said that much of the material was newspaper clippings, non-confidential, public material that we can get out of the library at will. Who will convince me that the Australian Labor Party or the Government does not have files on members in this side of the House? I know that on at least two or three occasions I have given notice verbally in the South-East that I will ask a question in the House, and on one occasion the Minister of Mines and Energy had the answer under his table. Unfortunately, on that occasion I changed the question and the answer did not fit in precisely. That is what we do just to try you out! It is obvious that this sort of thing goes on.

If you pay too much attention to the contents of files, you will drive yourselves neurotic. Foreign powers like Russia and China and their supporters in Australia, who are surely here, must be laughing loud and long to think that so much harm can be done to our Australian security system without their having to raise even a finger; or am I being naive in making that latter assumption? Anyhow, to think that we have yet to determine an effective way of administering Australia's internal security organisation and that it can be undermined so easily from within, and by Governments! It is to be hoped we have better luck overseas. It is significant that after the Salisbury sacking there was a polite exchange of letters between our State Premier and the Prime Minister of Australia, but that was too late for Mr. Salisbury. Unfortunately, the State and Federal Governments might have had this whole issue in their "too hard" baskets for too long.

Is it not a pity that one man in South Australia, the former Commissioner of Police, should carry the can for being loyal to his own men and for protecting them and their oath of allegiance? What an admirable quality, being

loyal to his staff simply by doing what his predecessors had done and what Liberal and Socialist Governments knew his predecessors had done, for putting State and Federal security above people, and for not putting his State or his Commonwealth at risk, with great loyalty and patriotism. He has been pilloried for that. There could have been a far more sympathetic approach than the Government is taking. I think a man of that calibre should certainly have been approached by an understanding Premier instead of one who—

The SPEAKER: Order! The honourable member's time has expired.

Mr. KENEALLY (Stuart): For the last half hour we have been listening to one of the few members of Parliament in Australia compared to whom the Premier of Queensland could be perceived a security risk. I comment on two of the matters raised by the member for Mount Gambier. The first one was his defence of the now Leader of the Opposition in the New South Wales Parliament, Mr. Peter Coleman. The quotation made by the Premier was clearly stated by the Premier to be sworn evidence before the Royal Commission conducted by Mr. Justice Hope, and for Mr. Coleman to have assumed otherwise would suggest to me that the source of his information was somewhat biased. I need go no further than that. It is obvious that, if Mr. Coleman objected to that information, the appropriate time to object was when it was made public to the Royal Commission or when the Royal Commission's report was made public. It seems strange that he has waited until today to do so.

As the member for Mount Gambier raised the name of Senator Murphy (the present Mr. Justice Murphy) in this debate, I wonder what the attitude of the Opposition would be if the Commissioner of Police was Senator Murphy and all the files that were held in the Special Branch were on people right of centre and the perceived security risk in Australia was organisations, members of Parliament, and individuals right of centre. I wonder whether their attitude here today would be that which we have heard. Of course it would not be. The only justification they can find for the existence of files is that they believe implicitly, as did the Special Branch and as did ASIO, that the perceived security risk in Australia was those to the left in politics.

Never mind that the Labor Party in Australia is an integral part of the Parliamentary system, is the alternative Government Federally and is the Government in many States: members of this Party are perceived to be security risks. Members opposite are blase about that. I would like to state quite clearly that I could not care less who has files on me; it is totally irrelevant, so far as I am concerned, but the thing that is of concern (if anything about files does concern me) is the point made by the member for Morphett that there ought to be files on members opposite, and for there not to be files on both Parties seems rather strange. I do not believe there ought to be files of a political nature on anybody. I rather suspect that the existence of files is a bit of a red herring. I will get back to that in a moment. Members opposite have stated here this afternoon and tonight that the overwhelming majority of the people in South Australia are incensed about the Government's action in dismissing the Commissioner of Police, Mr. Salisbury, that they have been inundated by letters and telephone calls, and that a massive petition has been circulating. I represent an electorate that in numbers is equal to most other electorates in South Australia, and I have not received one letter or one phone call. I have had three or four discussions with people in my electorate about this issue, and on each occasion I have been able to convince the

people of the rightness of the Government's action. Where is this massive rejection of the Government's decision?

The Hon. G. R. Broomhill: I have had one letter, so I am listening.

Mr. KENEALLY: We had one or two letters, or the odd phone call. It seems strange that Liberal Party members seem to be inundated with these calls and Labor Party members are not. Does that suggest to somebody that perhaps the whole thing might be politically motivated? We have been told that members of the Labor Party and Labor supporters in South Australia are concerned about this action. If they are, the members on this side of the House would be aware of it. So far as my electorate is concerned, I have not received one letter or one phone call. We have had, since the dismissal of the Commissioner of Police, a campaign of irrelevancy, untruths, and half truths by members opposite. They have refused consistently and persistently to direct themselves to the one central issue in this debate. That central issue is confined to paragraph 2 of the motion before the House, which states:

That this House confirms that the principles of responsible Government require that no head of a branch of Executive Government, whether appointed under the Public Service Act, under special statute, or by contract, may withhold full information from the Government nor be responsible for giving misleading information to the Government concerning the nature and extent of the work of that branch or any part of it.

I believe that part of the motion has the absolute support of every member in this House and in other Parliaments in Australia, and so it should. If one were to ask each of the members opposite individually whether they agreed with that, they would say "Yes", but if one were to listen to the rhetoric of their contribution to this debate and to the debate outside this House one would not believe that they had any concept of Parliamentary responsibility at all.

There is no doubt that the Commissioner of Police in South Australia deliberately misled the Government when a legitimate request for information was directed to him. In fact he said:

My answers were incomplete, and incomplete by intention. The Commissioner of Police considered the Premier and the Government, the constitutionally-elected Government of this State, inappropriate people to whom to divulge that information. Here we have a man who sets himself above the Government, and that is the issue. That is the one central issue that we are debating. All these other irrelevancies are exactly that: they are a smokescreen brought on by the Liberal Party to try to mount a campaign against the Premier of this State.

It was said earlier by members of this side (and I repeat) that this is a campaign of denigration of the Premier. No-one has said that the integrity of the Commissioner of Police is in doubt; everyone agrees that the Commissioner acted ethically and honestly as he sees his duty. The real issue is that the Government sees it otherwise; there is an incompatibility between the way the Commissioner of Police sees his role regarding the Special Branch and the compilation of secret files and the way the Government sees it. In a situation like that it is quite clear that someone has to go, and it is not going to be the Government, because the Government is duly elected.

The Commissioner of Police forced the action that the Government had to take, and it had to take that action regretfully. We have heard today and tonight that all this was a conspiracy, that for 12 or 18 months the Government has been after the scalp of the Commissioner of Police. As mentioned earlier, the Leader has said that Ministers of the Government and members of the

Government back bench (members of the Labor Party) have been saying for some time that the Commissioner of Police had to go, yet when challenged today he said, "Well we have one person who is prepared to make a statutory declaration that some time ago at some unspecified time in some unspecified place an unspecified member of the Labor Party back bench said that the Commissioner of Police was on the skids, that the Commissioner had to go".

The Hon. D. A. Dunstan: He said he was going.

Mr. KENEALLY: Yes, on that basis we have seen a headline blazoned across the front of the *News* in South Australia, and, as so many people in South Australia read only headlines and do not read the story, I am absolutely sure that there are thousands of them who believe this.

No wonder people in South Australia are confused about the issue. They do not know exactly what the central principle is, because, apart from one or two very good editorials that came out in the *Australian*, the *Advertiser* and the *News* on January 19 and 20, just after the dismissal of the Commissioner of Police, since then we have seen a gradual move away from what I considered at that time to be a very principled stand by those newspapers.

Mr. Venning: They realised where they were wrong.

The SPEAKER: Order! The honourable member for Rocky River is out of order.

Mr. KENEALLY: There is no doubt what has happened. The editorial in the *News* of January 18, 1978, said in conclusion:

In the light of these facts, Mr. Salisbury had to go. It was a very good editorial; it quite clearly saw the issue that was at stake. I would recommend that editorial to those members of the Liberal Party who went to the Parliamentary Library and got a selective list of articles and journalistic misquotations and deliberately overlooked the relevant points. Today on reading the editorial in the *News*, one would not believe it was the same paper. The editorial policy is now as far as it possibly could be away from the editorial policy of January 18, and one wonders why. One does not have to be clever to work it out.

I can recall the Leader's saying on television, early in this controversy, that there was absolutely no point at all in having a Royal Commission and that he, personally, was opposed to having a Royal Commission. Contrast that with his contribution today. At least the member for Mitcham was calling for a Royal Commission in those early days, and he is still doing so. He is wrong, but at least he is consistent. The Leader is not consistent; of course, he never has been.

I know that it is difficult to introduce new matters into the debate at this late hour and that there is a tendency for one to repeat what other members have said. However, I will not apologise for that. Rather, I should like to point out that there is a complete difference between the attitude of the Opposition and that of the Government on this motion. The real, effective Opposition, the member for Mitcham, who unfortunately is not in the Chamber, believes that the Premier did not want an inquiry into the matter of Special Branch files. Indeed, he said that, had the Premier not been overseas but in Adelaide at the time that the inquiry was set up, it would not have been set up. The honourable member said that the Premier would have stopped its being set up because he thought that politically it was too hot a matter to handle. On the other hand, the other and less effective part of the Opposition, members of the Liberal Party of South Australia, say that the Premier has been conspiring for up to 18 months to find a reason to get rid of the Commissioner of Police. How do those two points of view contrast? There is no meeting of the ways at all.

It is obvious that, in their opposition to the Government on this matter, Opposition members are confused. They have no central theme of attack at all. Indeed, there has never been any honesty in the public utterances of Opposition members. There is absolutely no honesty either in the public utterances and journalism of Mr. Stewart Cockburn, on whom I should like soon to comment.

The Premier has never denied that he knew of the existence of Special Branch files since 1970; there has been no denial of that. Yet the people of South Australia have been confused to the extent that they believe that the Premier has stated that he did not know of the existence of the files. Members opposite know exactly what the Premier said: he did not know the extent of the information contained in the files. The Premier had been told three times by the two former Commissioners that the files contained nothing of a political nature, and that they were confined entirely to matters of security. So the people of South Australia have been led to believe that the Premier said he did not know of the existence of the files. That is the first lie.

The second lie is that the Government intends to close down the Special Branch: that instructions were given that it had to be closed down. It was never intended, however, to have the Special Branch closed down or the files destroyed. The Premier has clearly stated the Government's view on that matter. Yet Opposition members and members of this politically and Liberally motivated campaign are saying that that is what the Government is trying to do, that is, to destroy the Special Branch and all its files.

Another lie is that the Commissioner of Police was sacked because of the existence of the files. That is completely untrue. This was stated by the member for Mt. Gambier this evening. It has been a thread that has run through the contribution of all members opposite that the Commissioner was dismissed because of the existence of the files and that, for some reason or another, the Government is blaming the Commissioner for the existence of the files. That is total rubbish. Mr. Salisbury was dismissed because, when asked to advise the Government of the extent of the files, he was less than honest. He says that he was less than honest. He did what he did deliberately because he thought that the Premier was an unauthorised person. How could the Government, in those circumstances, continue to have as head of the department a man who honestly believed—

Members interjecting:

The SPEAKER: Order!

Mr. KENEALLY: I do not wish to reflect on the integrity and honesty of the Commissioner. I cannot do so. I point out that, although I have been a member of Parliament since 1970, I am not sure (although I should know) of the date on which he was appointed. I have never met the former Commissioner, and I do not recall ever having seen him personally. However, I am willing to accept that he is a gentleman of integrity and honesty. I am prepared to state that the overwhelming majority of people in South Australia today who are fighting as they are for (as they say) a fair go for Mr. Salisbury have as much personal understanding and knowledge of the former Police Commissioner as I have. I cannot say that the former Commissioner is not a man of integrity. Indeed, I am willing to accept what I have been told. I have no personal knowledge of him, and I suspect that the overwhelming majority of people in South Australia are in exactly the same position that I am in. What was Mr. Salisbury's viewpoint regarding his responsibilities?

Mr. Nankivell: That's a reflection on the man.

Mr. KENEALLY: It is not.

Mr. Nankivell: Of course it is.

Mr. KENEALLY: It seems to me that all we have heard today are reflections on an honest man with great integrity and principle, a man whom I know personally and for whom I have great admiration. I refer to the Premier of this State. That is the man about whom I am talking.

There being a disturbance in the gallery:

The SPEAKER: Order! As the people in the public gallery should know, silence must be observed during all stages of debate in this place. I hope that there will be no more disturbances of that nature.

Mr. KENEALLY: Members opposite do not think twice about reflecting on the honesty and integrity of the Premier of this State, yet when I say that I cannot state from personal experience whether or not the Police Commissioner is entitled to the praise that has been bestowed upon him but that I will accept it because other people say so, it is alleged that it is a reflection on that gentleman.

I should like to comment on what the Commissioner of Police saw as his duty. He considered that he was responsible to an authority other than the State Government. However, it was the State Government that employed him, and I recall that when that happened members opposite complained about the appointment. They criticised Mr. Salisbury's appointment as Commissioner of Police. Contrast that to their position now. No matter what the State Government does, the Opposition criticises it. I do not mind the Opposition opposing matters. Indeed, that is its right and duty, but it is perfectly ridiculous to carry this to extremes.

Mr. Salisbury saw his duty in this area to be to an authority outside the State Government, which, through the Governor, represents the Queen in South Australia. I think it is somewhat impertinent for a man to come here from England, spend a number of years in South Australia and arrogate to himself the authority to determine what is in the best interests of South Australia and Australia over and above the constitutionally elected Government of this country, comprising people who were, in the main, born in the country and elected by its people. Yet this man can come here from overseas and determine what is to be done in the best interests of the security of this country. That is somewhat impertinent, and it would have been appropriate for the former Commissioner to seek guidelines from the Premier.

I was also interested to hear members opposite say that we should have a Royal Commission, which would enable people such as Mr. Salisbury and Mr. McKinna to give evidence. If what these two gentlemen have to say is honest and beyond reproach, they do not need the protection of a Royal Commission to say it.

Mr. Tonkin: Oh, come on!

Mr. KENEALLY: The Leader of the Opposition interjects. He knows that action cannot be taken against anyone for libel or slander if what is said is true. They do not need the protection of a Royal Commission. A Royal Commission will not come up with any facts other than those already stated. The Commissioner of Police quite clearly states that he sees his duty as being to deny to the Government information that in any democratic political system it has the right to know. There is an incompatibility here. Because the Commissioner of Police holds those views sincerely and with great integrity, and is honest to his responsibility as he sees it, he can no longer fulfil the role of Commissioner. It is a simple concept, which I am sure even members opposite can see.

I am interested—and it has been mentioned by members on this side—in the sudden concern for the industrial

rights of people who are dismissed. We now hear it from members opposite. It is a complete and total embarrassment to them. At the stage at which they wanted to discuss the dismissal of the Commissioner of Police, they sacked their chief executive officer. I understand that Mr. Taylor is a man of great integrity, honest and ethical, and that no-one in the Liberal Party is prepared to state publicly anything adverse about his character, and yet he has been dismissed out of hand, sacked, given no opportunity to present his case. He cannot appeal to a higher authority. What about the hypocrisy of members opposite? They did the same thing to Mr. John Vial. It seems to me that members opposite believe they are the only people who can dismiss anyone. It is all right for the Liberal Party to dismiss people, but it is no good for the Government.

Of course, the issues at stake with the dismissals of Mr. Taylor and of the Commissioner of Police are poles apart. As a member of the back bench supporting the Government of South Australia, I am very strongly in favour of the action taken. It was the only action that could have been taken, forced upon the Government by the Commissioner himself. He had put himself into a position where no other action could be taken, at the same time upholding the democratic principles to which this House adheres, or to which the members of the Government and of the governing Party adhere and to which members of the Opposition give lip service. The only time they are concerned about democratic principles is when it is to their advantage. When it is not to their advantage, as we have seen in Canberra with the sacking of a Prime Minister, they do not care.

I want to say a few words now about Mr. Stewart Cockburn. He said, "Personally, when a politician feels himself powerful enough to sack a Police Commissioner as decent as Harold Salisbury, I start to feel a bit scared." Did he feel scared when an appointed officer was able to dismiss out of hand the democratically elected Government of this country? Of course not.

The Hon. G. T. Virgo: That's different!

Mr. KENEALLY: Of course it is. Here is a man described as apolitical, a senior journalist of integrity. The two articles written in the press by Stewart Cockburn are a new low in political journalism.

Members interjecting:

The SPEAKER: Order!

Mr. KENEALLY: I want to know whether Mr. Cockburn would feel scared if a public servant in this State set himself above the elected Government and decided to take unto himself responsibility and authority that he believed the Government should neither know about nor have a right to know. Does not that make him feel scared? That is where the real scare is; that is what a police state is. Mr. Cockburn need not be scared about the actions of a democratically elected Government, because that Government will be responsible to the people in due course at elections, and it will be answerable for its actions. To whom is Mr. Salisbury answerable? He is answerable to the Government and, through the Government, to the people. If he deliberately misleads the Government, he is misleading the Parliament and the people. Honourable members opposite refuse to see that simple point, because their eyes are blinded by political bias. They want to make out of this matter a vicious attack on the Premier.

They know that in pure political terms the people of South Australia treat them with total disregard and contempt, and they believe that the only way they have any hope of getting into the Treasury benches is to destroy the good name and standing of the Premier. They have been successful federally in destroying the perceived integrity and honesty of a group of honourable and honest

gentlemen, the Federal members of the previous Whitlam Government. They saw what was achieved by this programme and process of denigration. They hoped with the support of the media in South Australia, and the likes of Stewart Cockburn, ex-private secretary, I understand, to former Prime Minister Bob Menzies—

The Hon. G. T. Virgo: All the curs together.

Mr. KENEALLY: I do not need to go further. My time has run out, and I am not able to go further. I did not believe that I would speak for more than 10 minutes, but I feel so impassioned about this whole issue and about the deliberate political misrepresentation by those honourable gentlemen opposite (who are not entitled to that title at all) that I had no alternative but to speak as I have. I reiterate that the gentleman whose standing in this debate is beyond reproach is our Premier. I think that view is supported by all members on this side.

Mr. EVANS (Fisher): I support the amendment, because I believe it is the only way we will ever get to the bottom of this issue so that the community is satisfied. I have only two minutes in which to speak because of the agreement that we conclude at 11.30 p.m. This is one of the few occasions on which equal numbers from each side of the House have spoken. I do not object to that, even though the Premier will have the opportunity to wind up the debate, giving an actual imbalance in the time available. I do not object to Government members speaking in this debate. I believe they should do so, but in such a wide debate every member who wished to speak should have been given time to do so. That should have been assessed at the outset. Had it been known that so many Government members would speak, there would have been a request for a longer debate.

The matter is important. The ex-Commissioner is a constituent of mine, and I would have wished to speak on the subject, although not to pre-empt anyone on this side who wished to speak on the whole issue. The statement by Sir Mark Oliphant that Harold Salisbury is one of the few people of absolute integrity whom he has known is a statement that most people would echo; everyone who knows Mr. Salisbury would say that. He is well respected within the Hills community, and there is much hurt in the community that he has, in its opinion, been damned without a trial or an opportunity to go before an independent inquiry. The Premier says that he will suffer no financial penalty, but there are penalties suffered in our society greater than money, and members opposite are the first to make that point. We still do not know why the Commissioner was sacked in such haste and why the appointment to fill the vacancy was made with such independent haste. Why has the Premier not agreed to an independent inquiry?

The Hon. G. T. Virgo: Where were you when the Premier spoke? Were you away?

The SPEAKER: Order! The honourable Minister is out of order. The member for Fisher has the floor.

Mr. EVANS: It is now 11.30 p.m., the agreed time for the Premier to reply, but much more could be said by members on both sides who did not get an opportunity to speak in the debate. I do not support the motion, because I believe that supporting it would pre-empt our asking for an inquiry. Not only the Opposition but also the community at large wants a Royal Commission, as well as a man who has been damned by the Government's action.

The SPEAKER: Order! It being 11.30 p.m., I call on the Premier to reply.

The Hon. D. A. DUNSTAN (Premier and Treasurer): First, I want to deal with the matter raised by the member

for Mount Gambier who quoted a statement purported to have been issued by Mr. Coleman, Leader of the Liberal Party in New South Wales, to the effect that he had some material from ASIO but that this was of a non-secret nature and that he was not involved in what I have referred to. I took great care to refer to the findings of Mr. Justice Hope, and they were:

Evidence is available to me that satisfies me that ASIO has in the past provided selected people with security intelligence material for publication. [4-77].

Note 4-77 on that page states:

Allegations to this effect—

this was the evidence to which he referred—

Allegations to this effect were made in public hearings of the Commission. (See evidence of Robert Mayne (Hearing of 14 July 1975, pp 388-396).

The material I quoted was that evidence cited by Mr. Justice Hope as the basis on which he made his finding. I quoted from the sworn evidence and I put it in as an exhibit, laid it on the table, but in that evidence Mr. Mayne referred to files that were handed to him by Mr. Coleman and some by Mr. Redford, most of the files being handed to him by Mr. Coleman. They were put in as exhibits. They are referred to in the evidence, drawn attention to by the Royal Commissioner, who said:

ASIO has acknowledged that these papers were produced, compiled, or otherwise prepared by it. See also CPD House of Representatives of December 13, 1973, page 4823, when the Minister representing the Attorney-General told the Parliament that ASIO had taken actions along the lines alleged.

So much for Mr. Coleman's statement! It was not any scurrilous invention of mine. What I referred to were the findings of a Royal Commission, a Royal Commission, moreover, the findings of which have been accepted by the Federal Government.

Mr. Tonkin: Perhaps we should have one here.

The Hon. D. A. DUNSTAN: I have been deeply touched, when listening to the debate this afternoon and this evening, at the great and grave concern shown by members opposite for my reputation with the public of this State. I am reminded of the fairly classic statement *Timeo Danaos et dona ferentes*, which means, "I fear the Greeks, especially when they are bearing gifts." I hope that members opposite will excuse me for feeling a little diffident and concerned at their touching concern for me, because in the whole history of the time I have been in the House—and I have been here longer than anyone else in it—

Members interjecting:

The Hon. D. A. DUNSTAN: I do not want to make some contrasting remarks about it. In the whole time I have been here I have never found that members opposite have had any very real concern for me, and I have found that, when they have expressed concern for me, all that this has meant has been that it is a subtle means, in their view, of having a piece of me. I have no doubt that is what they are trying to do on this occasion.

Dr. Eastick: It is an attitude that is reciprocated.

The Hon. D. A. DUNSTAN: There are times when I show genuine concern for the member for Light. I was quite concerned about what his colleagues did to him. I thought it was most unfair. He did not have any appeal to higher authority. Members opposite overlook that we in the Labor Party do not sack our Leaders. We also choose them carefully.

In the whole of this debate, there has been absolutely no challenge to the basic matters to which I referred in my opening speech on this motion. It was remarkable that not one word from the Opposition was addressed to the

material that was provided to the Government by the Commissioner as to the nature and extent of the activities of Special Branch. All these matters were left strictly alone by members opposite, but let us return to what was said.

The Commissioner of Police, in repeated minute to the Government, made clear that the activities of Special Branch were confined to the investigation of matters of subversion related to violence or intention of violence. That was repeated in three minutes. It was accepted by the Government that that was true. We made statements publicly on the basis of that information, and the information has been proved to be gravely untrue. The majority of the activities of Special Branch and the majority of its files are not of that nature at all. They are politically gathered information, not related to subversion or violence at all, and containing a wide degree of material that is untrue and at times scandalous and, indeed, outrageous.

Members interjecting:

The SPEAKER: Order! The Premier has the floor.

The Hon. D. A. DUNSTAN: When in fact the judge was appointed to make this investigation, that was welcomed by members opposite. Indeed, demands were made for the publication of his report. The report has been published, and the reasons for His Honour's being unable in that report to point to the specific evidence which led him to his conclusions have been dealt with by the Minister of Mines and Energy.

It is quite improper to suggest that the judge could proceed further to damage the individuals about whom he had made his report when, in fact, to give the information which he had found was wrong and was damaging to them would be further damaging to them if published. He pointed to that fact specifically. He stated specifically that he could not give names and details, because of the harm it would do to individuals, and that is in his report. Members opposite at this time find it politically proper or advantageous (because propriety does not enter into it so far as they are concerned) to attack a judge who has had the full respect of the community, the legal profession and, indeed, everyone who has ever dealt with him. Now members see fit to attack him and the nature of his report because that is politically advantageous to them.

Nevertheless, the facts remain (and these are uncontestable) that the majority of the files of Special Branch were not of the nature that the Commissioner said to me that the Special Branch files were confined to. The Commissioner, faced with that fact, had two alternatives open to him. First, he could have claimed, I suppose, that he had been misled by his officers; he did not claim that.

The Hon. Hugh Hudson: He could have said it was not true.

The Hon. D. A. DUNSTAN: He did not say that, either. He did not claim that he was misled by his officers. It would have been rather difficult for him to claim that. After all, he was the officer (and he had seen to it that he was the officer), who was specifically responsible for Special Branch; it was responsible to him directly. In fact, no other senior officer was involved. He had the initial and the ultimate responsibility in relation to the branch. He was the officer who attended on behalf of the branch the ASIO seminars in the past two years. It was very difficult, in consequence, for him to say that his officers had misled him and, in fact, he said publicly that he did not claim that they had misled him. He was left with only one alternative: to claim it was his right and duty to withhold the information from the Government as to the nature of the files.

That is what the Commissioner did: claimed that it was his right and duty not to give full information to the

Government. He said that the basis of that was that he had to maintain secrecy because of the security of the nation. However, what he admits to withholding from Government was not information about security matters at all: what he withheld from Government was information that the Special Branch was carrying out activity which went far beyond what his own definition of security matters had been to the Government. That is the position, and it is incontestable.

Members opposite want a Royal Commission to investigate the matter. What is there to investigate? The facts are there, and they are plain. The fact is this: that no responsible Government anywhere can be put in the position that it is denied information as to the nature and extent of the work done in any branch of Executive Government. It is proper for Governments to refrain from establishing to a Minister, in a political arena, information about the specific contents of security files.

Obviously, if such material were made available to persons publicly in a way that has been condemned, and rightly condemned, by Mr. Justice Hope, in those circumstances the material can be politically misused, as Mr. Justice Hope had found to be the case in the case of ASIO. We do not believe that that should happen. Indeed, the Government was scrupulous in not asking for the details of contents of the files, but merely to ask as to the nature and extent of activity, and that was the information that was denied to us.

Members opposite have not been able to gainsay that, and for the most part in this debate have not turned their attention to that matter at all. The Leader of the Opposition, in an extremely confused speech, within a matter of minutes managed not only to deny the role of Parliament as the central institution of our democratic system of Government, but also cut the ground from under his own feet. He started by saying that today's debate was simply a matter of numbers, of unvarnished Party politics. And then, with total disregard for any considerations of consistency, he proceeded to attempt to attack the Government for failing to bring the White Report to Parliament and discuss it in this place. If Parliament is the place to discuss and settle these matters before the dismissal, how can it not be the place to discuss and settle the matters now? He cannot have it both ways.

Of course, the Leader is so blind that he is not able to see the most manifest inconsistency in his own argument. The Leader has compounded this contradiction by his attempt to imply that the White inquiry was established somehow in haste, or with some ulterior motive. As the Deputy Premier pointed out previously, this is an exercise in sheer hypocrisy by the man who openly and publicly welcomed the establishment of the inquiry at the time it was set up by the Government. But just as his attitude to the inquiry has apparently changed, so has his attitude on matters of fundamental civil liberties.

Last year he was greatly disturbed about the danger of material being on file. Now he has members getting up here and saying that democracy requires us all to be on file; safety means being on file. The member for Mount Gambier proclaimed that we all should be there. The idea that the Government should have invoked section 21 of the Police Regulation Act and issue a direction to the police requiring full and effective disclosure of information about the nature and extent of Special Branch activities is extraordinary. How can the Leader of the Opposition, who nowadays has adopted a posture of demanding independent inquiries, regardless of the clarity of the facts of the case and the principles involved, pretend that anything less than an independent inquiry could have been satisfactory?

How were we to issue a direction from the Governor-in-Council that we be given full and effective answers to our inquiries when the Commissioner of Police had purported to give us full and effective answers to the inquiries we had made? What was the basis of our saying, "You have not given us full and effective answers. We now give you a direction from the Governor"? So far as anything said to us by the Commissioner, he gave us full and effective answers to our inquiries. That is what he was told to do, and that was what we believed he had done. It was only subsequently that we found out he had not done so.

The member for Mitcham, in his typical fashion, which has had something said about it by Mr. Salisbury, this evening proceeded to turn his attention to my account. In that kindly manner of Christian charity that he so constantly exhibits, he proceeded carefully to confuse (although I am sure that he was not confused in his own mind) what I had said concerning my knowledge of files held by the Government that contained material in respect of unconvicted persons. He alleged that that had given me knowledge of material in Special Branch. He carefully glossed it over. He did not actually say those words, but he used the words with that implication, and that is the implication he gave to the House.

He knows perfectly well, for he has been able to read them, the particulars to which I have referred, that there had been an incident to which he referred but which had nothing to do with Special Branch, and that there had been information shown to me by the Minister of Education in relation to information as to the political views of persons on Education Department files. I point out that he said that we had taken no action but, when we got back in government in 1970, we certainly did. I directed at accession of the office of the Government in 1970 that checks with police as to individuals applying for positions in the Public Service must cease—and they did cease. No checks of vetting occurred thereafter. So, I did take action in relation to the material of which I had knowledge.

The third matter was in respect of C.I.B. files in relation to Scientology—again nothing to do with Special Branch. I had no more knowledge of Special Branch before 1970 than had the honourable member. He has admitted in the House that, although he was Attorney-General for two years, he did not have any knowledge of it, either.

The Hon. Hugh Hudson: He didn't know it existed.

The Hon. D. A. DUNSTAN: He did not know it existed. For the honourable member to say that the main reason for our having to have a Royal Commission was this question of my credibility arising from those matters just shows the basis of opportunism on which he operates. When he first heard of this matter, he did not know which way to go, and a whole series of inconsistent statements were made by him within two days.

The Hon. Hugh Hudson: He knows which way he should go.

The Hon. D. A. DUNSTAN: Yes. We then came to his peroration, and that was that he felt that there was this tremendous upsurge of public obliquity against the Government over this issue, and the best way to keep his own nose clean was to suggest a Royal Commission and use that as a basis of attack on the Government. I do not think that he really does have much credit with the public.

I am not surprised that he was not particularly welcome at the rally to which he has refereed.

The Hon. J. D. Corcoran: He said he wasn't.

THE HON. D. A. DUNSTAN: Yes. I do not believe that Opposition members or the member for Mitcham, in particular, have made out any case for the Royal Commission of inquiry for which they are asking. Three of the terms of reference referred to by the Leader of the Opposition have already been the subject of Royal Commissions of inquiry and have been dealt with. Regarding the other three, the facts are patent. They are undenied. They go centrally to the question of responsibility for democratic Government and, in those circumstances, we should not absolve this House and Government of the responsibility for maintaining the principles of responsible and democratic government. This Government will live up to that responsibility, and I believe that properly every member should do likewise.

The House divided on the amendment:

Ayes (19)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Millhouse, Nankivell, Rodda, Russack, Tonkin (teller), Venning, Wilson, and Wotton.

Noes (25)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan, Dunstan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Keneally, Klunder, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pair—Aye—Mr. Mathwin. No—Mr. McRae.

Majority of 6 for the Noes.

Amendment thus negated.

[Midnight]

The House divided on the motion:

Ayes (25)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan, Dunstan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Keneally, Klunder, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (19)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Millhouse, Nankivell, Rodda, Russack, Tonkin (teller), Venning, Wilson, and Wotton.

Pair—Aye—Mr. McRae. No—Mr. Mathwin.

Majority of 6 for the Ayes.

Motion thus carried.

The Hon. D. A. DUNSTAN (Premier and Treasurer) moved:

That the initial report by Mr. Acting Justice White, laid on the table yesterday, be printed.

Motion carried.

Ordered that report be printed.

ADJOURNMENT

At 12.5 a.m. the House adjourned until Wednesday, February 8, 1978, at 2 p.m.