HOUSE OF ASSEMBLY

Thursday, February 9, 1978

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

STATUTES AMENDMENT (REMUNERATION OF PARLIAMENTARY COMMITTEES) BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

ASSENT TO BILLS

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

Barley Marketing Act Amendment,
Bulk Handling of Grain Act Amendment,
Classification of Publications Act Amendment,
Eight Mile Creek Settlement (Drainage Maintenance) Act Amendment,
Film Classification Act Amendment,
Industrial Commission Jurisdiction (Temporary Provisions) Act Amendment,
Industries Development Act Amendment (No. 2),
Legal Practitioners Act Amendment,
Local Government Act Amendment (No. 2),
Planning and Development Act Amendment,
Prices Act Amendment,
Regional Cultural Centres Act Amendment,
Savings Bank of South Australia Act Amendment,
South Australian Health Commission Act Amendment,
South Australian Oil & Gas Corporation Pty. Ltd. (Guarantee),
State Clothing Corporation,
Statutes Amendment (Rates and Taxes Remission),
Vertebrate Pests Act Amendment (No. 2).

PETITIONS: POLICE COMMISSIONER'S DISMISSAL

Mr. CHAPMAN presented a petition signed by 1 153 residents of South Australia, praying that the House would 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.

Mr. BECKER presented a similar petition signed by 35 residents of South Australia.

Mr. TONKIN presented a similar petition signed by 526 residents of South Australia.

Mr. DEAN BROWN presented a similar petition signed by 147 residents of South Australia.

The Hon. R. G. PAYNE presented a petition signed by 15 residents of South Australia, praying that the House would resolve that it lacked confidence in the Premier's handling of the dismissal of the former Commissioner of Police, and that he should resign.

Petitions received.

MAIN ROAD No. 323

Mr. BLACKER presented a petition signed by 2 496 residents of South Australia, praying that the House support the upgrading and sealing of Main Road No. 323 between White Flat and Koppio.

Petition received.

PETITION: COOBER PEDY SLAUGHTERHOUSE

Mr. GUNN presented a petition signed by 20 residents of South Australia, praying that the House urge the Minister of Lands to relocate the holding area and slaughterhouse to an area away from the breakaways at Coober Pedy which had little or no recreational or educational value.

Petition received.

PETITION: CRIME PENALTIES

The Hon. J. D. WRIGHT presented a petition signed by 1 524 residents of South Australia, praying that the House urge the Government to increase the penalties for persons convicted of violent crimes.

Petition received.

MINISTERIAL STATEMENT: POLICE COMMISSIONER'S DISMISSAL

The Hon. PETER DUNCAN (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. PETER DUNCAN: Yesterday during Question Time reference was made to an opinion obtained by the Government from the Solicitor-General on January 11, 1978. In accordance with the Premier's statements yesterday, I want to take this opportunity of making clear to the House that the Solicitor-General's opinion was sought upon and dealt solely with the question of dismissal of the Commissioner of Police, that it touched upon the position of the Commissioner of Police and upon his appointment only in so far as those matters bore upon the power to dismiss, and that the Government did not seek advice upon the question of suspension from the Solicitor-General. In light of this there was no reason why he should have offered any advice to the Government on that subject.

QUESTIONS

POLICE COMMISSIONER'S DISMISSAL

Mr. TONKIN: Will the Premier say what were the reasons for the extreme urgency which resulted in the calling of a special meeting of Executive Council on January 17, 1978, to sack the Commissioner of Police and to issue immediate directions for the destruction of records or material in Special Branch or other police files, and what stage has the process of destruction of files now reached? In the *Gazette Extraordinary*, dated January 18, two items appear, one of which states:

> His Excellency the Governor in Council dismissed Harold Hubert Salisbury, Q.P.M., from the office of Commissioner of Police as from the close of business on January 17, 1978.
>
> By command
>
> D. A. DUNSTAN, Premier

That could be read more than one way, Mr. Speaker.

The SPEAKER: Order!

Mr. TONKIN: Secondly, it contains directions to the Commissioner regarding the destruction of files. Reference has been made on many occasions since the Salisbury sacking to the "indecent haste" with which the action was taken. The same comments have now been applied to the

directions for the destruction of the files which were also gazetted immediately. A normal meeting of Executive Council was due on Thursday, January 19, only three days after the Cabinet meeting on the Monday. Considerable concern has also been expressed in the community and to me that the calling of a special meeting of Executive Council indicates a degree of haste—

The SPEAKER: Order! The honourable Leader is commenting now.

Mr. TONKIN: With respect, I am reporting to you and to the House the concern that has been expressed to me by a number of people.

The SPEAKER: Order! The honourable Leader is still commenting.

Mr. TONKIN: It indicates a degree of haste, which was directly contrary to the recommendations of the White Report, particularly at paragraph 19.4 where it says, in part:

> 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 of my terms of reference, varied as suggested in Part 20, if that is to be the case.

In the absence of any recommendation for the dismissal of the Commissioner of Police and for immediate destruction of the files in the White Report, what was the urgent consideration that led the Government to take this precipitate course of action, and how far has the destruction of files now progressed as a result of the Government's coup?

The Hon. D. A. DUNSTAN: The Leader proceeds to deliver himself of a number of pejorative statements, as is his wont. The Government concluded, after we had given the Commissioner of Police an opportunity to account for his clear failure of responsibility in reporting to the Government in reply to our queries, that he should not, and could not, remain as Police Commissioner consistently with the exercise of responsible government. We therefore gave him an opportunity to resign. When he refused to do that, our view was that he should be dismissed and that he should not be left in limbo for a period while that took place but that, once he had been communicated with and asked to resign, if he did not do so he should be dismissed immediately.

Members interjecting:

The SPEAKER: Order! Yesterday I called the Leader to order. He has asked a question, and I am listening intently to the Premier and hope that the Leader does not interject any more.

The Hon. D. A. DUNSTAN: The Opposition is well aware of the process of proceeding to say to an executive officer, "We want your resignation or you will be dismissed." It is a habit it has. I do not know whether the Leader calls what was done by the Liberal Party in relation to its own Executive Director indecent haste or a coup. I notice that the gentleman complained about it rather bitterly, and I notice that he did not have a right of appeal, either. The Leader then asks about the reasons for promulgating at that meeting the recommendations as to the criteria to be used in Special Branch which were recommended by Mr. Acting Justice White in his summary of recommendations.

Mr. Tonkin: Were they approved by Caucus on Friday?

The SPEAKER: Order! This is the second time that I have spoken to the Leader on the matter of interjecting, and I spoke to him about the matter several times yesterday, too. The honourable Premier.

The Hon. D. A. DUNSTAN: They were approved by Cabinet; they were not discussed by Caucus.

Members interjecting:

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

The Hon. D. A. DUNSTAN: There seem to be a whole series of comedians on the other side, and I have been waiting for them to keep quiet. The recommendations had been made to the Government. Once the Government's decision had been made that those recommendations should be carried into effect, our view was that they should be carried into effect immediately. If we had not carried them into effect while making other consequent decisions upon them, of course honourable members opposite would have criticised us for having done one thing and not done the other—consistent with the Opposition's normal attitude that whatever the Government does is wrong and at the wrong time. We believe that it was proper, and the directions were promulgated. Discussions were then held with the Deputy Commissioner of Police, who was acting until his appointment as Commissioner of Police, as to what was to be done. He said that he would carry out the directions as to the people to be employed in Special Branch, and arrangements were then to be undertaken by the Government as to the provision in the future for the culling of the reports under the supervision of a judicial officer. That discussion is taking place with the Chief Justice currently. When arrangements have properly been made in relation to the judicial requirements of releasing someone to undertake this action, the culling of the files will start. In the meantime, they are kept secure.

EAR PIERCING

Mr. KLUNDER: Can the Attorney-General say whether there is any legislation existing or proposed to cover the situation where a young child can get his ears pierced without parental consent? A lady in my district contacted me regarding just such a matter. Her 12-year-old son went to a jeweller, asked to have his ears pierced, paid his money, and had the job done. There was no attempt to ask this 12-year-old boy whether he had parental permission for this. When his mother later approached the jeweller she was told this was normal, although she was offered the money back. As it is possible that tattooing falls into the same category, I would be grateful for any information that the Attorney-General may be able to provide.

The Hon. PETER DUNCAN: The Government is not at this stage proposing any legislation on this matter. I am not too sure what the honourable member is seeking in the way of information. Certainly I do not imagine that these practices come within the matters covered by the Bill being dealt with in another place at present, because that Bill specifically deals with medical treatment, and I do not imagine that ear piercing by persons such as the person whom the honourable member has mentioned or tattooing by tattooists can in any way be classified as medical treatment. I imagine that that is the case.

We are certainly not contemplating any legislation at the present time. As I understand the position, it may well constitute an offence at law in certain circumstances to pierce the ears of a minor, and likewise with tattooing of minors, but only in certain limited circumstances. I do not wish to go into the details of those at the present time.

SOLICITOR-GENERAL'S OPINION

Mr. GOLDSWORTHY: Can the Premier say what aspect of the Solicitor-General's opinion given in relation

to the sacking of Mr. Salisbury led to the conclusion by the lawyers in Cabinet that there was no power to suspend the Commissioner, and will the Premier reconsider his refusal to table the opinion of the Solicitor-General? The Premier stated yesterday in answer to a question that the Government:

> . . . had advice from the Solicitor-General as to the position of the Commissioner of Police, the question of his appointment, and the question whether in fact the Governor had power to terminate that appointment. The particular opinion did not deal with the question of suspension or not . . . The matter was discussed amongst the lawers in Cabinet, and we concluded that, in view of the basis on which the Solicitor-General's opinion had been given, there was no power to suspend.

In an explanation today the Attorney-General has indicated that the question of suspension did not come up in the opinion sought from the Solicitor-General, yet the Premier asserted yesterday that in view of the basis on which the Solicitor-General's opinion had been given there was no power to suspend. The Deputy Premier has stated clearly (and I quote from the *Hansard* report):

> The information given to the Government was that there was no power to suspend.

It is essential that Parliament know the whole of the circumstances which led to a serious situation in which the Government believed that it did not have the power to suspend the Commissioner. I remind the Premier that the opinion of the Solicitor-General relating to the filling of the Senate vacancy was tabled quite recently.

The Hon. D. A. DUNSTAN: It is not proper for me to table the opinion of the Solicitor-General. It covered some matters other than this case, and it is not proper for me to put that before Parliament. However, the honourable member is asking for the legal opinion that was arrived at by members in Cabinet. It is not normal that that is discussed in Parliament, either.

Mr. Venning: On such an item, yes.

The Hon. D. A. DUNSTAN: The honourable member can carry on if he likes.

The SPEAKER: The honourable member will not carry on for much longer.

The Hon. D. A. DUNSTAN: I will give the honourable member a little information about it in an endeavour to assist him. The honourable member is possibly aware of the fact that there is a prerogative power in the Crown at common law to dismiss.

The Hon. R. G. Payne: I think he knows it now you've told him.

The Hon. D. A. DUNSTAN: I am glad. That particular prerogative power of the Crown's may in some views be modified by a code in Statute.

Mr. Dean Brown: Whose views are those?

The SPEAKER: Order! The honourable member for Davenport will have an opportunity to ask a question.

The Hon. D. A. DUNSTAN: The honourable member is asking for the basis on which the lawyers in Cabinet (and most of the talking was done by me) gave an opinion to the Cabinet. I am telling him. If he does not want to listen, I will sit down.

Mr. Goldsworthy: I want to hear it.

Mr. Gunn: You're taking a long time.

The SPEAKER: Order! I call the honourable member for Eyre to order.

The Hon. D. A. DUNSTAN: The prerogative power of the Crown may be modified by Statute, which normally provides a code for the means of dispensing with services. The Police Regulation Act contains a power to appoint the Commissioner of Police. It also contains, in section 54, a provision that the Police Regulation Act does not take away the power which otherwise exists under common law or other Statute to dispense with the services of a member of the Police Force.

There is some argument whether that particular section applies to the Commissioner of Police or only to other members of the Police Force. That is an argument that was dealt with by the Solicitor-General. If it does apply to the Commissioner of Police (and there is quite a strong argument that it does) then, on the face of the Statute, that excludes the provision in the other Statute for doing other than dispensing with services. There is a legal rule of interpretation called *expressio unius est exclusio alterius,* which means that the expression of one particular thing excludes the other.

Mr. Tonkin: What about the principle that the greater includes the lesser, *majus continet minus?*

The Hon. D. A. DUNSTAN: I have no doubt that the Leader of the Opposition, the member for Bragg, is a good ophthalmologist but I am not actually apprised of his knowledge of the law; so far as I have been able to observe, he is not particularly learned in that area.

Mr. Goldsworthy: That's a legal principle he's just enunciated.

The Hon. D. A. DUNSTAN: On the face of that, there appeared to be a code which excluded the question of suspension. I know there is some case law which would argue the proposition that the power to dispense with service includes the power to suspend. However, on the face of the material before Cabinet, I concluded that there was not power to suspend.

Mr. Goldsworthy: Did you mention—

The SPEAKER: Order! The honourable member has asked his question. He has interjected four times already while the Premier has been speaking.

Mr. Chapman: If you had had the power, would you have used it to suspend him?

The Hon. D. A. DUNSTAN: No. I am grateful to the honourable member for asking that. Cabinet was not concerned with the question of suspension; it did not arise. The question did arise as to when the Commissioner of Police was to depart. The conclusion was that it was quite improper for him to remain in office, so no suspension was considered.

Mr. Goldsworthy: That is not what you said.

The Hon. D. A. DUNSTAN: Yes, it is.

The SPEAKER: Order! I have warned the Deputy Leader of the Opposition twice now.

The Hon. D. A. DUNSTAN: The question of suspension was quite irrelevant to the considerations before Cabinet and, in consequence, I did not take off to look at case law or have a longer look at the law than the one which I have outlined, because it was not in point. When I saw the Commissioner of Police, he did not ask whether we would suspend him: he asked whether he was suspended. I said, "No"; we did not have power to suspend him, but he would hear very shortly—and he did. That is the position. All this nonsense that has been gone on with that somehow I have misled the House by telling the House exactly what was said is the most extraordinary performance I have yet seen from an extraordinary Opposition.

PORT AUGUSTA WEST SCHOOL

Mr. KENEALLY: Can the Minister of Education tell me the time table involved in the construction of the new school at Port Augusta West and what form that new school will take? My question is prompted by the growth in the new Housing Trust estate of Port Augusta West,

and the fact that the Port Augusta West school is unable to cope with the available children, necessitating the bussing of children from Port Augusta West to other schools in that city. I have a petition signed by parents of children who are being bussed; they are unhappy about it and I share their concern. The remedy is the early construction of a new school.

The Hon. D. J. HOPGOOD: Planning in this matter is complicated by the fact that the present school is on a limited site and there is virtually no capacity for the acquisition of land that would enable a more satisfactory site to be obtained. This means that, although the school does not have a large enrolment, there is no prospect of additional facilities being provided at that school, even though that would be the more rational resolution of the problem. The department is aware of the problem, but I cannot say at this stage exactly when a new school may be ready. It will depend a little on the size of my Loan allocation for the coming year, as well as on other factors. However, I will take up the matter with the department to ascertain whether I can get a more refined opinion than that. The other question was about the nature of the construction of the school, and it will almost certainly be in Demac.

MR. PETER COLEMAN

Mr. ALLISON: Will the Premier now admit that on Tuesday he unjustifiably denigrated the reputation of Mr. Peter Coleman, Leader of the Opposition in the New South Wales Parliament, by deliberately omitting vital sections of the report of Mr. Justice Hope from which the Premier was quoting, and will the Premier now retract his statements regarding Mr. Coleman and apologise to this House for so grossly misleading members? In Tuesday's debate and again in the statement that the Premier made to the House at 11.30 p.m. that evening, the Premier asserted that Mr. Coleman had received material from ASIO, and by clear implication from the South Australian Police Special Branch, for the purpose of publishing that material. The Premier's authority for that assertion was based on the construction that he placed on three separate and unrelated statements. They were: first, the statement of Mr. Acting Justice White, who said that information flowed from Special Branch to ASIO; secondly, the statement of Mr. Justice Hope that ASIO had provided material for publication; and, thirdly, a statement made by Mr. Robert Mayne before the Hope Royal Commission that Mr. Coleman had given some ASIO material to him. Taken in isolation, each one of those statements is true. What is not true is the implication that the Premier placed on the three statements when read together, namely, that material originally from the South Australian—

The SPEAKER: Order! The honourable member is starting to argue.

Mr. ALLISON: The Premier intended Mr. Justice Hope's statement to be taken as an acceptance of Mr. Mayne's evidence, because on Tuesday evening the Premier said—

The SPEAKER: Order! The honourable member is not allowed to make statements, and I hope he will stick to the question.

Mr. ALLISON: I quote from the Premier's statement as follows:

> The material I quoted [meaning the evidence of Mayne] was that evidence cited by Mr. Justice Hope as the basis on which he made his findings.

The actual report of Mr. Justice Hope states:

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

He then said in the next sentence:

> The material provided was apparently drawn from information available in the public arena.

It was material already available to the public. That was a fact omitted by the Premier. The evidence that convinced Mr. Justice Hope is given in the Hope Report in the Director-General's minute which appears on page 140 of the report and which has nothing at all to do with Mr. Mayne's evidence. Nowhere did Mr. Justice Hope say that he accepted Mr. Mayne's evidence, which His Honour was content to describe as "allegations". The Director-General in the Hope Report reported that "action was taken to build and maintain liaison with selected contacts in a number of fields including the media".

In other words, ASIO (not Mr. Mayne) confirmed its practice of making media contacts. The report refers only in a footnote to Mayne's allegations. There is no suggestion that the allegations are accepted, whereas the Premier said that they were sworn on oath, and he implied that they had been accepted. This obviously gives the lie to the Premier's claim that Mr. Mayne was implicated in the way he said, and shows that the Premier did seek to mislead the House by—

The SPEAKER: Order! The honourable member is now arguing the question.

Mr. ALLISON: I conclude my remarks by saying that importance was attached to certain evidence that the evidence did not possess.

The Hon. D. A. DUNSTAN: I entirely reject what the honourable member has said. I do not have that particular volume of the Hope report with me at present, but I clearly remember it. The note to which the honourable member refers and which he has carefully not read to the House was made as a reference to the specific finding of Mr. Justice Hope that ASIO had prepared and given for publication security intelligence material. He then made the note and said, "See the evidence of Robert John Mayne", and gave the date and the transcript reference to that evidence. The note went on to say that ASIO had admitted that the material (that is, the material in Robert Mayne's evidence) had been collated and prepared by it. That was the illustration that was specifically given by Mr. Justice Hope of the evidence to which he referred in his finding. The honourable member cannot get out of that; it is quite specifically there. The Hon. Mr. Coleman will have the opportunity, I have no doubt, of explaining what he was at regarding this matter.

Mr. Justice Hope went on in his report to characterise the activity of ASIO in providing security intelligence information for publication as being improper in the extreme. That was activity which, on the evidence, implicated Mr. Coleman. I am informed that the New South Wales Liberal Party has rejected calls for a Parliamentary committee of inquiry into this matter, and that the New South Wales Premier has suggested that, in fact, it might be appropriate to hold a judicial inquiry.

DRUG TRAFFICKERS

Mr. DEAN BROWN: Will the Premier say whether there is any information on drug traffickers held within the files and cards of Special Branch and, if there is, why is there no reference to drug traffickers in the White Report? Also, does the Premier regard drug traffickers as a potential security risk and, if so, will he ensure that drug traffickers are included in the list of potential security risks listed on page 44 of the White Report? I am absolutely astounded that there is no mention of drug traffickers anywhere in the White Report.

The Hon. D. A. DUNSTAN: I have no evidence at all from Mr. Justice White or elsewhere that drug traffickers have been listed by Special Branch. As the honourable member knows, I was told by the Commissioner of Police that the purpose of Special Branch was to concern itself with politically-motivated violence. How precisely that should involve drug traffickers when there is a Police Drug Squad (a very good one, I believe) in South Australia (and it is that squad, and not Special Branch, that maintains the material in relation to drug traffickers), I do not know. I have no reason to believe that there is anything relating to drug traffickers in Special Branch unless it comes up incidentally in relation to matters of political motivation. I have not yet come across an actual drug traffickers political party. I do not know whether the honourable member knows of one. I really cannot see what is in the honourable member's question that is germane to the subject.

The Hon. Hugh Hudson: Neither can the honourable member.

The Hon. D. A. DUNSTAN: No, I should not think he could. If the honourable member has any specific question relating to drug trafficking and if he directs it to me, I will send it to the Commissioner of Police, who will get information from the Drug Squad.

HANG-GLIDING

Mr. SLATER: Can the Chief Secretary, representing the Minister of Sport and Recreation, say whether the Government is likely to consider safety provisions in relation to hang-gliding or, alternatively, can he say whether any safety provisions now exist regarding hang-gliding? I have noticed that recently another hang-gliding fatality occurred in South Australia, a young man being fatally injured in an accident on the south coast. It seems to me that hang-gliding is an extremely hazardous activity and, if no action is taken, further fatalities could occur. It is also likely that people could build home-made gliders without having experience or knowledge, and such gliders might not be airworthy. Can the Minister obtain information on the matter and on whether it is possible to ensure that safety precautions can be taken?

The Hon. D. W. SIMMONS: I am not an authority on hang-gliding. As far as I know, no legislation that controls this activity is being considered, but I will raise with the Minister the matter to which my colleague has alluded.

The SPEAKER: Before calling on the next honourable member to ask a question, I point out that I made a slight error earlier. I must point out to the member for Davenport that I did call two Opposition members in succession, so I will now call two members from the Government side in succession.

CROP SPRAYS

The Hon. G. R. BROOMHILL: Has the Minister for the Environment seen recent reports that New South Wales intends to legislate against the misuse of crop dust and sprays? An editorial in last week's *Weekend Australian* states:

> The New South Wales Government's decision to introduce tougher laws against misuse of crop dusts and sprays is wise—and not before time. Other States are expected to follow the New South Wales lead and they will be wise to do so. Nobody in this hungry world, and certainly nobody in this primary-producing country, wants to see the benefits of scientific advances in pesticides and fungicides denied to users, whether they be large producers or home gardeners. But nobody wants to be poisoned or have our environment poisoned, either.

That editorial later refers to 50 cattle properties in New South Wales being quarantined because of high chemical residue levels in the beef. It could be that in South Australia we do not experience problems similar to those experienced in New South Wales, but I ask the question hoping to receive information later about whether we do have these problems and about whether the Minister has considered the New South Wales legislation.

The Hon. J. D. CORCORAN: Since my appointment as Minister for the Environment, my attention has not been drawn to this matter. To the best of my knowledge, the department has not received any complaints on it, although from my experience in this House (and probably it was during the time when the honourable member was Minister of Environment and Conservation), I know that complaints were made. I think they were mainly from the Murray Bridge area, and they were about problems regarding agricultural sprays, etc. I am not aware of the laws in New South Wales to which the honourable member has referred, but I shall be pleased to have the matter checked and examined. I will also ask the department whether we have had complaints, and what has been the nature and volume of any such complaints. I will bring down a report for the honourable member as soon as possible.

POLICE SPECIAL BRANCH

Mr. WILSON: Will the Chief Secretary say what is the number of staff at present in the Special Branch of the South Australian Police Force? Further, if the number has been reduced from its normal establishment, what action has been taken to ensure that the branch can cope with the surveillance of those people or organisations mentioned in the White Report as being legitimately the subject matter of files?

I understand from a statement of the Premier that the staff of the Special Branch has been reduced to two. If that is so, I should like the Minister to tell the House how the Special Branch can possibly cope with the surveillance and filing duties all referred to in Mr. Acting Justice White's report as legitimate for those purposes. The list is as follows:

- Communist Party activities.
- Communist Party publications.
- Communist Party personalities.
- Communist Party attempts to infiltrate the trade union movement and various peace and other movements and institutions.
- Communist Party members involvement in demonstrations.
- Communist youth movements.
- Other communist files.
- Russian and Chinese friendship societies and their activities and personalities.
- Student Worker Alliance.
- Combined revolutionary groups.
- Organisations and personalities within ethnic groups. These files concern prohibited migrants or potential terrorist or sabotage activities or possession of fire-arms or training for overseas subversion, but show some interest in Mafia and communist organisations.
- Specific terrorist organisations and activities within ethnic groups, Nazi Party, Ustachi, Mafia, etc.
- Local branches of overseas national communist parties.
- Mentally disturbed persons with dangerous tendencies who might attack important visitors.

The Hon. D. W. SIMMONS: On January 17, at a

meeting of Executive Council, directions under section 21 of the Police Regulation Act were approved, and the following morning I handed to the present Commissioner of Police (then acting) a copy of those directions. I have no doubt that the Commissioner has carried out those directions, and the honourable member will remember from the speech I made on Tuesday that one of the directions requires the Commissioner to see that, apart from the two most senior present officers working in Special Branch, all others shall be transferred to other duties within the Police Force immediately. I expect confidently that the five people who were in Special Branch have now been reduced to two in accordance with those directions. As to the adequacy of the staff to handle the matters referred to by the honourable member, all I can say is that if it took five men to collect that mass of irrelevant material mentioned by His Honour, surely two men would be plenty to deal with the residue to which the honourable member refers.

CONSUMER EDUCATION

Mr. GROOM: Will the Minister of Prices and Consumer Affairs inform the House of the progress of the Government's programme of consumer education?

The Hon. PETER DUNCAN: This is a most important aspect of the Government's consumer protection programme. As honourable members will be aware, during the recent State election campaign the most fundamental point we made in our consumer protection policy in the Premier's policy speech was the need to extend consumer education in the community to ensure that the people of South Australia are well aware of their rights under the legislation that this Government has introduced to the Parliament and subsequently has had passed.

Apart from that, the other aspect of consumer education that we believe to be of particular importance and vital to the consumer movement in this State is that people should be able to exercise these rights themselves. It is not sufficient to know of the rights, and that constitutes self-help. The basis of this Government's policies in the consumer area is that of self-help. We believe in giving people remedies and rights so that they can exercise them in their own interests. The way in which to assist people in doing that is to ensure that they are aware of those rights, and the way to do that is through consumer education.

So, the Government has spent considerable time planning carefully for a consumer education programme over the next couple of years to complement the one in which we have been involved since the early 1970's. That programme has included visits to schools by officers of the Consumer Affairs Department; the publication of numerous pamphlets and brochures that have been complimented for their quality not only by members but by people in other States who have clamoured to obtain copies; advertisements in newspapers and in the media generally; and also the highly successful television advertising campaign which led to such an increase in knowledge of consumer protection measures in this State that occurred towards the end of 1976.

Members interjecting:

The Hon. PETER DUNCAN: Members may comment, but it was a successful advertising campaign, and as a result of that I am pleased to inform the House that the number of complaints to the branch during a three-month period increased by about 70 per cent. I think that even the Opposition would have to concede that that was a successful and satisfactory result in all the circumstances.

To complement the campaign that has been undertaken by the Government in the past to educate people as to their consumer rights, we are now proposing to implement a further campaign of consumer education. Towards this end, the Consumer Affairs Department is increasing the size of its education unit with additional officers so that we will be able to provide a greater service to the people of South Australia. We particularly believe that consumer education of young people is a vital and important aspect of this matter. Towards that end, over the next few months we will be arranging many visits to schools throughout the State, not only in the metropolitan area but also in the country as well.

As those school visits are organised, individual members in their own districts will be informed that they will be taking place. I am sure, following complaints from Opposition members about visits of various representatives of Government in the past not being notified to them, that they will be pleased to know that they will be informed of these consumer affairs visits when they take place. We are proposing through that to ensure that much concentration is made on consumer education of young people and school students.

We are also proposing to print the consumer protection brochures dealing with various matters, such as purchasing a home or used motor car, and we intend to ensure that the brochures are printed in languages other than English. We have already printed the principal consumer protection brochures in Italian and Greek, and we intend to extend the programme to ensure that other ethnic minorities are given every opportunity to have their rights explained to them in fairly simple language. This programme will proceed over the next 12 to 18 months and I am confident that, as a result of the work that the department will be doing, South Australians will be much more aware of their rights than they have been hitherto. I think that this is a most laudable aim, and I hope that, with the programme we have, the aim will be carried out to the fullest.

There being a disturbance in the gallery:

The SPEAKER: Order! Over the last couple of days there have been some very strong debates. I ask the gallery to be quiet at all times.

FORMER COMMISSIONER OF POLICE

Mr. RUSSACK: Can the Premier say what are the details of the financial settlement for Mr. Salisbury? If the settlement has not been finalised, when will it be finalised? Will the Premier again assure this House that Mr. Salisbury will receive full compensation for both salary and retirement allowances?

The Hon. D. A. DUNSTAN: I do not know when it will be finalised. A figure which was arrived at after consultation with Mr. Salisbury's solicitors and the Public Actuary was, I believe, this morning forwarded to his solicitors as a suggested basis. We are awaiting comment from his solicitors on it. I do not anticipate any difficulty in reaching agreement; so, I expect it to be quite soon. The basis of the offer is that his salary in respect of the future and his retirement allowances are covered.

POST-SECONDARY EDUCATION

Mr. BANNON: Can the Minister of Education inform me when he expects to receive the report of the Anderson committee into post-secondary education in South Australia? Will it be made public, and will it be subject to public debate before any action is taken on it? The

Anderson inquiry has been proceeding for some considerable time now. Most institutions and individuals interested in post-secondary education have made submissions, some of them quite lengthy. There has been considerable discussion, formally and informally, in the community conducted by the Anderson committee, and there is a general expectation that the committee must be nearing the end of its investigations. Many of these institutions are planning ahead in a period of considerable uncertainty as to future financing. The Anderson committee, of course, will be looking at future functions as well. Therefore, there is considerable interest and expectation in connection with the committee's report.

The Hon. D. J. HOPGOOD: Late last year Dr. Anderson came to see me and indicated that, because of the late arrival of many submissions which had been, in part, stimulated by the submission from the Board of Advanced Education, it was unlikely that a final report would be available to the Government until April, 1978. That is what I would anticipate. The House will be aware that, until last weekend, I was in New Zealand at a meeting of the Australian Education Council. So, I have not had an opportunity of conferring with Dr. Anderson since the Christmas break. However, I can assure the honourable member that, in discussions with people involved in post-secondary education generally, I have indicated that there will be full consultation with these people before any action is taken which would affect the institutions, courses, or any other aspects concerning them. So, there will be full consultation on these matters and, although it is not impossible that there may be some interim reports to the Government, the full and final report will, on the indication given to me by Dr. Anderson late last year, not be available until the beginning of April.

FORMER COMMISSIONER OF POLICE

Mr. VENNING: Can the Premier assure the House that the White Report and the matters surrounding the sacking of Mr. Salisbury were not discussed in Caucus before the dismissal occurred on Tuesday, January 17?

The Hon. D. A. DUNSTAN: I think I mentioned to the Caucus that the White Report would be under discussion by Cabinet. The White Report was certainly not seen by Caucus. It was held in security at that time prior to the Friday. Apart from the judge, the only persons who had copies of the report were the Commissioner of Police, myself, and the Chief Secretary. On the Friday, copies of the report were hand delivered to Ministers and it was discussed in Cabinet on the Monday.

Mr. Chapman: What date was that?

The Hon. D. A. DUNSTAN: It was the Friday before the Cabinet meeting at which a decision was taken as to the course of the Government and Mr. Salisbury was seen on the Tuesday. I saw Mr. Salisbury on the Friday. That was the day the Ministers got the report, apart from the Chief Secretary who had had the report previously.

WHITE-COLLAR CRIME

Mr. DRURY: Can the Attorney-General say what Government action is being taken in South Australia to combat white-collar crime?

The Hon. PETER DUNCAN: This matter has arisen recently as a result, I think, of a number of comments that have been made by the New South Wales Attorney-General (Mr. Walker) concerning the matter. He was reported in the press, both nationally and locally, as saying that there was much white-collar crime in Australia and that the crimes that were being detected were virtually only the tip of an iceberg and that, as a result of that, there was a great need for a much bigger effort to combat white-collar crime in Australia.

The South Australian Government has been well aware of this problem for some time and has been concerned to upgrade the fight in this State against so-called white-collar crime. It is, or course, a fact that most serious white-collar crime is often crime of a national character rather than crime limited to a particular capital city, or, for that matter, one State. Nevertheless, it is important, given the structure of the criminal justice system in Australia, that each State endeavours to limit and control white-collar crime to the greatest degree possible within the boundaries of that particular State.

In South Australia, as I announced before Christmas, we have moved to upgrade significantly the corporate affairs area of Government activity, of surveillance of the sort of crime which, as I said, is known as white-collar crime. I can report to the House that we have now created a Corporate Affairs Department and an acting Director, Mr. Sulan, has been appointed to head that department. In the near future advertisements will appear calling for applications for the position of Director of the new Corporate Affairs Department.

Further to that, arrangements have been made with the Public Service Board for the creation of at least five new positions as inspectors in the Corporate Affairs Department to ensure that the existing inspectorate is strengthened greatly. I think that this will be about a 50 per cent increase in its strength. We are determined to mount a strong and effective campaign against corporate or white-collar crime. I referred the other day to the fact that in a speech a couple of weeks ago I mentioned the difficulties that societies are going to face in the near future relating to computer crime, which is a facet of white-collar crime.

I can tell the House that one of the officers, a police officer who is on secondment to the Corporate Affairs Department, is enrolling in a course this year to study computer crime and computers generally so that his expertise and knowledge in this area will be advanced greatly and so that the various officers of the department will be properly equipped and trained to be able to deal with this particular problem when it arises. The department recently sent an officer to a course, which I understand he is still attending, in Orange, New South Wales, where the New South Wales Government is running a course for corporate inspectors to ensure that the level of competence of these officers throughout the nation is at a high level.

That officer is still at that course. I think it was a seven-week course, or something of that sort. We hope that these courses will be held in the future so that not only will the officers concerned gain a greater appreciation and knowledge of the problems that will develop in this area but also they can get to know each other and co-ordination can take place throughout Australia to ensure that the maximum degree of attack can be launched against white-collar crime.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend

the Parliamentary Superannuation Act, 1974. Read a first time.

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

That this Bill be now read a second time.

I have previously circulated the second reading explanation of this short Bill and seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This short Bill amends sections 14a and 19 of the principal Act, the Parliamentary Superannuation Act, 1974. Section 14a gives to a member who is making contributions for "additional salary" as defined the right to continue those contributions notwithstanding the fact that the additional salary ceases. In its present form the provision is not clear as to its operation where the additional salary is merely diminished and the purpose of the amendment proposed by clause 3 is to grant the same right to continue contributions to a member whose additional salary is diminished.

Section 19 provides for the suspension or part suspension of a pension of a member pensioner—that is, a former member who is entitled to a pension—if the member pensioner becomes a member of the Parliament of the Commonwealth or of a State or a judge within the meaning of the Judges' Pensions Act. The suspension continues so long as the new salary or pension derived from that salary of the member pensioner exceeds the amount of pension payable under the principal Act. Where the salary or derived pension is less that the pension payable under this Act that pension is abated by the amount of that salary or derived pension. It has been suggested to the Government that the principle given effect to in this section is capable of wider application if equity is to be done to the contributors to the fund and the taxpayers generally. Accordingly, it is proposed in clause 4 of the Bill that the suspension or part suspension will apply to member pensioners who subsequently occupy any prescribed office or place. Finally, it is emphasised that the right of a member pensioner is still preserved to withdraw from the fund and recover his contributions in any case of a suspension or part suspension of pension under this section.

Mr. NANKIVELL secured the adjournment of the debate.

STATUTES AMENDMENT (REMUNERATION OF PARLIAMENTARY COMMITTEES) BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Parliamentary Salaries and Allowances Act, 1965-1974, the Constitution Act, 1934-1976, the Industries Development Act, 1941-1977, the Land Settlement Act, 1944-1974, the Public Accounts Committee Act, 1972-1974, and the Public Works Standing Committee Act, 1927-1975. Read a first time.

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

That this Bill be now read a second time.

I have circulated the second reading explanation of this Bill and seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The purpose of the Bill is to provide a uniform scheme for the determination of allowances payable to the Chairman and members of the following committees:

(a) the Industries Development Committee;
(b) the Joint Committee on Subordinate Legislation;
(c) the Parliamentary Committee on Land Settlement;
(d) the Parliamentary Standing Committee on Public Works;
(e) the Public Accounts Committee;
(f) the Select Committees of either or both Houses of Parliament.

With the exception of payments to members of the Select Committees such determinations are presently made by regulation or Executive decision under the Acts setting up the committees. (Select Committee members receive allowances pursuant to a practice arising from a Cabinet decision of the mid 1940's.) However, it is now proposed that remuneration of the Presiding Officers and members of these Parliamentary committees be fixed directly by the Parliamentary Salaries Tribunal.

Clauses 1, 2 and 3 are formal. Clauses 4, 5 and 6 are concerned with the amendment of the Parliamentary Salaries and Allowances Act. Clause 4 is formal, while clause 5 amends section 5 of the principal Act by replacing subsections (1) and (2) with a single subsection empowering the Parliamentary Salaries Tribunal to determine the remuneration payable to the Chairman and members of the committees set out above as well as to Ministers of the Crown and officers and members of Parliament. A consequential amendment is also made to paragraph *(a)* of subsection (3).

Clause 6 makes further consequential amendments to section 9 of the principal Act. Clauses 7, 8 and 9 are concerned with the amendment of the Constitution Act, under which the Joint Committee on Subordinate Legislation is set up. Clause 7 is formal. Clause 8 makes an amendment to section 45 of the principal Act consequential on the new provisions in the Parliamentary Salaries and Allowances Act. The amendment ensures that the holder of an office remunerated under the Parliamentary Salaries and Allowances Act will not be regarded as the holder of an office of profit endangering his right to retain his Parliamentary seat. Clause 9 strikes out from section 55 of the principal Act subsections (3) and (4) under which allowances payable to the Chairman and members of the Joint Committee on Subordinate Legislation are presently determined.

Clauses 10 to 17 inclusive are concerned with the amendment of the Industries Development Act, the Land Settlement Act, the Public Accounts Committee Act and the Public Works Standing Committee Act, respectively. These Acts, in turn, set up the Industries Development Committee, the Land Settlement Committee, the Public Accounts Committee and the Public Works Standing Committee. Clauses 10, 12, 14 and 16 are formal, while clauses 11, 13, 15 and 17 make amendments corresponding to those effected to section 55 of the Constitution Act by Clause 9.

Mr. NANKIVELL secured the adjournment of the debate.

ELECTION OF SENATORS ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Election of Senators Act, 1903. Read a first time.

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

That this Bill be now read a second time.

I have circulated the second reading explanation of this Bill and seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The effect of this Bill is to shorten the period required between the making of the proclamation fixing the time and place of a Senate election and the issue of writs for that election. The Constitution of the Commonwealth provides in section 12 that the Governor of any State may cause writs to be issued for elections of senators for the State. In the case of the dissolution of the Senate the writs must be issued within 10 days from the proclamation of the dissolution.

The South Australian Election of Senators Act, 1903, provides in section 2 that the Governor shall, by proclamation to be published in the *Gazette*, not less than nine days before the issue of the writ for any election of senators for the State of South Australia fix the places at which the election is to be held, and the dates for the nominations polling, and declaration of the poll. The Government's legal advisers have expressed the opinion that the reference to "nine days" must be interpreted as a reference to nine clear days and, therefore, to comply with both the Commonwealth and State laws the South Australian proclamation has to be issued on the same day on which the Senate is dissolved.

In 1975, the Commonwealth proclamation dissolving the Senate was not issued until the afternoon, and the caretaker Prime Minister did not confirm the dates of the election until early evening. This meant that the Premier and another Minister had to leave the House to call on the Lieutenant-Governor at home so that a special Executive Council meeting could be held on the same evening. In this event the *Gazette* containing the requisite proclamation was not distributed to the general public until just after 11 p.m. Similar circumstances had occurred in May, 1974, but it was then thought that dissolutions of the Senate were not common enough to warrant an amendment to the South Australian law. However, recent experience suggests that dissolutions of the Senate may become more common.

For these reasons the Government believes that a minimum interval of five days should be fixed between the issue of the proclamation and the issue of the writ for the election. This should obviate the present awkward problem of observing both Commonwealth and State law. The provisions of the Bill are as follows. Clause 1 is formal. Clause 2 amends section 2 of the principal Act by reducing to five days the minimum period between the proclamation and the issue of writ.

Mr. TONKIN secured the adjournment of the debate.

SUBORDINATE LEGISLATION BILL

Adjourned debate on second reading.

(Continued from December 7. Page 1285.)

Mr. GOLDSWORTHY (Kavel): This Bill seeks to facilitate the consolidation of regulations. There is no objection whatever from the Opposition to the Government's efforts to try to clear the way and unravel the mess that has developed in respect of the regulations.

That effort by the Government is applauded. However, the Minister's second reading explanation is puzzling in relation to the reasons given for the Government not intending in future to publish the regulations in the *Gazette*, as it has done in the past. The explanation given is that the Government Printer is having considerable difficulty in publishing the regulations in the *Gazette*, but the proposal enunciated in the Bill is that these regulations in future will be published in pamphlet form, and that a notice indicating where the regulations will be available is to be placed in the *Gazette* instead of the regulations being printed.

That explanation does not seem to me to have any particular force, because it is obvious that the Government Printer will have to print the regulations whether in the *Gazette* or in pamphlet form. More importantly, it seems that people in the community (perhaps not a large number), particulary in country areas, take the *Government Gazette* and use it to keep themselves informed about what is happening concerning changes in regulations and so on. It seems that this could be a retrograde step which would deny to these people a service that they now enjoy. I know that there are other members of the public who have them sent regularly in pamphlet form, but from my inquiries others rely solely on the *Gazette* in order to keep themselves informed of the changes. The only thing I draw attention to is that we are not happy with this situation. I believe that it would be possible for the regulations to be printed in pamphlet form and that it could be indicated in the *Gazette* where they were available in such form, but also that the regulations could still be printed in the *Gazette*. I have not made extensive inquiries, but I understand that what the Government is proposing now operates in a couple of the other States.

The Hon. Peter Duncan: All of the other States.

Mr. GOLDSWORTHY: That may be so. I am not trying to detract from what the Bill proposes to do, but I am trying to ensure an improvement of the service to the public by having the regulations published in the *Gazette*. The Minister will realise that it is an inconvenience for people in country areas who have to go to some centre, wherever it may be and possibly in the city, in order to get copies of regulations in pamphlet form. I believe that the Bill can be improved slightly in Committee, and I look forward to a consideration of these matters. I support the second reading.

The Hon. PETER DUNCAN (Attorney-General): I cannot refer to what may happen in Committee, but the Government agrees with the honourable member that the Bill can be improved slightly.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—"Publishing of regulations."

Mr. GOLDSWORTHY: I move:

Page 3—Lines 28 and 29—delete (1). After the word "in" insert "the *Gazette* in"

Lines 30 to 36—leave out all words in these lines.

The Attorney has indicated his sympathy for these amendments, which include provision for the regulations to be published inb the *Gazette*.

Amendments carried; clause as amended passed.

Clauses 12 and 13 passed.

Clause 14—"Consolidation of regulations."

Mr. GOLDSWORTHY moved:

Page 5—Lines 7 to 10—leave out all words in these lines and insert—

(a) a reference to the day and date appearing on the face of the *Gazette* in which those regulations were published.

Line 12—leave out "*(c)*" and insert "*(b)*"

Amendments carried; clause as amended passed.
Remaining clauses (15 to 17) and title passed.
Bill read a third time and passed.

CRIMINAL INJURIES COMPENSATION BILL

Adjourned debate on second reading.
(Continued from December 1, 1977. Page 1159.)

Mr. BECKER (Hanson): When delivering the Australian Labor Party's speech during the 1977 State election campaign, the Premier said:

> We will introduce a new Criminal Injuries Compensation Act to simplify procedures and to provide that the victim of a crime can obtain up to $10 000 for injury caused by voilent crime. We will extend the Act to cover claims for compensation for property damage caused by juveniles absconding from the custody of the juvenile institutions.

Mr. Tonkin: That was a good adaptation of Liberal Party policy.

Mr. BECKER: I was about to say that, especially in relation to the latter part. Unfortunately, however, that provision is not included in the Bill.

The Hon. G. R. Broomhill: It sounds to me like you've pinched ours.

The DEPUTY SPEAKER: Order! The question of the policies of the particular Parties is not the question before the Chair.

Mr. BECKER: I beg to differ, Sir, because I believe that, before we approach this legislation, we must bear in mind that from time to time the Government says that it has a mandate to introduce certain legislation. I have referred to a specific statement by the Labor Party during the 1977 State election campaign, but this Bill does not go as far as that. The Attorney, being also Minister of Prices and Consumer Affairs, knows well the support that he has received from members on this side about unfair and misleading statements, and later I will deal with the provision of compensation of up to $10 000 and with the formula for obtaining compensation. Another point that concerns me is this statement by the Labor Party during the 1977 election campaign:

> The Government will carry out a study to ensure that court procedures are simplified to remove unnecessary red tape and to provide for the use by courts of simple language in their forms and procedures.

I welcome any such legislation that this Government introduces from now on, but I am not convinced, from the way the Bill before us has been drafted, that that statement has been given effect to in this respect. I think it only fair to tell the Attorney and the House that on December 2, I wrote to the Law Society of South Australia, and the Society was kind enough to reply. I believe that the reply should be incorporated in *Hansard*, so I will read it. That reply, dated December 22, 1977, and addressed to me, states:

> The contents of the (Criminal Injuries Compensation) Bill have been considered by the Criminal Law Committee of the society which has issued the attached statement of its views. This statement has so far been considered by the council but not resolved as a submission from the society as a whole. It is likely that the council of the society will adopt in principle the views of the Criminal Law Committee, but will probably be opposed to the creation of a new scale of costs proposed to be prescribed by regulations under the Act.

I will not read all of the letter, because some of it is a personal note, but I think this submission from the Law Society to me is important:

> Having looked at and discussed at committee level the present Criminal Injuries Compensation Bill, the Criminal Law Committee agrees that basically the Bill should be supported with one or two reservations. One reservation related to the proposal in clause 10 of the Bill that a legal practitioner should not charge or seek to recover by way of costs in respect of proceedings under the Act any amount in excess of the amount allowable under the prescribed scale, which was coupled with a provision that the Governor may by regulation prescribe a scale of costs under the Act. The committee does not oppose that provision *per se*, but would strongly suggest that the Government should make any proposal on the question of the quantum of costs known to the Law Society and give time to submissions from the Law Society before deciding upon the scale of costs to be prescribed by regulation under the Act.

I support the Law Society in that contention. I also believe that the profession would support the view that the court should have the right to award the costs, and clause 10 really is unfair, in our view, because I do not know what the scale of costs will be. I think it unfair that Parliament should have to consider legislation when we do not know what will be allowable under the provisions of that clause, so as it stands now I will oppose it. There is provision in clause 6 that the court can award the costs, but I do not think that a judge making the award should be told what the costs should be. The submission continues:

> The other reservation which the committee had related both to the definition of "injury" in clause 4 of the Bill (a repetition of the present definition of "injury" in the Act), coupled with the 12-month time limit embodied in clause 7 of the Bill. Under the present Act, there is a 12-month time limit on applications for compensation where no-one has been dealt with for the offence, but there is no time limit in situations where a person has been convicted or adjudged guilty of the offence. As the Law Society's letter of submission to the Attorney recommended, the committee is of the view that the definition of "injury" both in the present Act and in the Bill under discussion does not (arguably) cover the effect on the victim of an offence such as rape, buggery and related offences. Such effect may well be something in the nature of an injury in a general sense for which compensation should be provided by the Act, and of course such effect may not become manifest for many years, especially in the case of victims of such offences being young children or unmarried persons.
>
> We adhere to our earlier suggestion that the definition of "injury" be extended to cover such situations and to make it possible for a claim for compensation for such "injury" to be brought outside the time limit otherwise applicable to applications under the Act. The 12-month all-embracing time limit under the provisions of the Bill also appears to suffer from the defect that in many cases not only will the effects of the injury not be manifest within 12 months of the date of the offence, but it may well take 12 months or more for any person to be apprehended and dealt with and convicted for an offence, and moreover a person may be dealt with and convicted and then cause quite some delay by appealing from one court to another against the conviction. Moreover, it may well take some time before the identity of an offender is known. Bearing all these matters in mind, the committee accepts the suggestion that there should not be an absolute 12-month time limit from the date of commission of the offence (subject only to the 12 months running from the date of death where the victim dies), but instead there should be an alternative provision along the lines of the provisions of the Land and Business Agents Act.

That relates to an extension that may be provided by the court. The submission continues:

> The Criminal Law Committee proposes that in relation to the question of time limit, there should be a 12-month time limit which runs either from the date of commission of the offence, or from the date of conviction of the offender, or from the date upon which an injury (as defined) became manifest, whichever is the later.

A judgment by Walters J. in *Crown v. Beni*, of October 7, 1974, provides:

> By originating summons issued on March 28, 1973, the applicant applied to this court for the grant of a certificate, pursuant to S.7 of the Criminal Injuries Compensation Act 1969-1972, that he was entitled to be compensated for an injury to his eye.

I will not go into the whole of the case, but it started on March 28, 1973, and judgment was given in October, 1974, during which time the Act was amended to increase from $1 000 to $2 000 the maximum compensation payable to a person who had suffered a criminal injury. The judgment continues:

> By its terms, the amending Statute did not purport to be retrospective and the question which fell for my consideration was whether the amending Statute had any application to the present case, or whether it was an amendment merely to take effect prospectively.

The submission continues:

> In relation to the various recommendations the committee made based on defects in relation to juvenile offenders, the Supreme Court Practice Direction and difficulties generally in relation to the offender's financial position and the recovery of compensation, and also on the amount of compensation recoverable, the committee is of the view that the present Bill remedies those defects. The Bill also embodies in statutory form the effect of some of the decisions under the present Act in relation to compensation where more than one offence has been committed or more than one offender is involved. The committee supports the Bill on those matters.
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> The only other matters the committee raises are whether the definition of "injury" should be extended or a definition of "compensation for injury" should be inserted to ensure that property damage and damages in the nature of special damages and any other reasonable pecuniary loss are recoverable under the Act. Our other comment concerns the provision in clause 7 (8) of this Bill that the court shall in determining an application for and the quantum of compensation have regard to any conduct on the part of the victim which contributed to the commission of the offence or to the injury, and to such other circumstances as it considers relevant. In his speech in support of the Bill, the Attorney stated that "the court is obliged to have regard to the conduct of the victim and may refuse to make an order, or may reduce the amount of compensation awarded, if it considers that the victim's behaviour contributed to the commission of the offence or to the injury". Under the present Act, conduct on the part of the victim is something that may entitle the court to refuse to make an order. Arguments to the effect that the present provisions enable a court to reduce the amount of compensation as opposed to refuse to make an order have been rejected (e.g. see the recent decision in *re Backo*). The present provision in the Bill does not speak either of refusing to make an order or reducing the amount of compensation, but generally gives the impression that the whole amount of compensation is a matter in the discretion of the judge and conduct on the part of the victim is one of the many matters which may be taken into account. The committee would regard is as preferable to make specific provision that the effect of conduct on the part of the victim may be either to preclude an award of compensation, or to reduce the compensation to such an extent as the court thinks fit, or to be of no relevance whatsoever in the absolute discretion of the judge.
>
> Apart from the above matters on which the committee has specifically commented, the committee is in favour of the Bill, which it regards as a definite improvement in many directions on the present legislation.

That is dated December 15, 1977. I note particularly that the committee is "in favour of the Bill, which it regards as a definite improvement", but I do not think the Government still has come down with what it promised in the State election, and that is a disappointment. As I see it, the Bill provides for the payment of compensation at the expense of the taxpayer for physical or mental injuries sustained as a result of an offence, and raises the maximum amount from $2 000 to $10 000, said by the Attorney-General to be more realistic in inflationary times. The Attorney-General should realise that, even under the Dunstan Government, the inflation rate has hardly gone up to that extent since 1969.

Compensation is to be payable whether or not the offender has been brought to justice, and even if his identity is not known. In effect, this legislation constitutes the Government as a free universal insurer against this one risk, but if this socialistic principle is sound there is no logical reason why it should be so limited. Why should the victim of a crime be any better off than a person who is disabled in an accident which is no-one's fault or for which there is no other available compensation? Why is the compensation limited to personal injury? Why is there no compensation for a person who has been robbed of his savings, who has had his home wrecked by vandals, or who has been cheated of an inheritance by a fraudulent trustee?

If the compensation is to be a reality, then to the victim of a crime which confines him to a wheelchair for the rest of his life $10 000 is a mere bagatelle. People are left to take out their own insurance against all these other risks.

There seems to be no reason why this one aspect of one risk should be insured against and met by the taxpayer. The Law Society accepts the principle of the Bill, which is understandable, since it provides profitable and relatively easy legal work.

Its objection to the time limit of 12 months is sound, since it often takes more than 12 months for the extent of the injuries to be discovered. There should be a provision for extension of the time for any reason and to any extent thought just by the court. If the Bill is to go on, there are a number of other respects in which it requires further thought. There appears to be no sensible reason for clause 7 (7). By this provision, if compensation is assessed at $10 000, the victim receives $2 000, plus three-quarters of $8 000, that is, $8 000. If it is assessed at $12 500, he receives $10 000. That is one of the points we find difficult to follow. The method adopted (to the best of my knowledge for the first time) for setting the compensation is in clause 7 (7), as follows:

> *(a)* where the amount of compensation would, but for this paragraph, exceed two thousand dollars, the amount awarded shall subject to paragraph *(b)* of this subsection, be two thousand dollars plus three-quarters of the excess;
>
> and
>
> *(b)* where the amount of compensation would, but for this paragraph exceed ten thousand dollars, the amount awarded shall be ten thousand dollars.

I should like to know who worked that out and where it came from. This is the first time I have seen it in legislation, but I am not saying that it does not already exist. To use that type of method, I believe, could lead to complications, bearing in mind the Premier's election

promise in September, 1977, that legislation would be simplified. There is no way in the world anyone could say that that provision is simple.

The Hon. Peter Duncan: He said the procedures would be simplified, not the legislation.

Mr. BECKER: The Attorney plays on words all the time. How could anyone dream up that system? To get $10 000, a person must be awarded $20 000. Deducting $2 000, which is the base now, leaves $18 000, three-quarters of which is $12 000, plus $2 000, making $14 000, which exceeds $10 000. So, all the person gets is $10 000. He sits in court listening to the judgment. He gets a reasonable compensation but, when it is all worked out under this mathematical equation, he ends up with $10 000, or considerably less than was indicated in the election promise of September, 1977.

I have made statements before about double standards. It is no good the Attorney's coming out and saying one thing, and writing in the legislation another thing. In chasing the inevitable headline, the Government said that, when it introduced the legislation, compensation would be up to $10 000. The Bill does not provide for that at all. It will provide a further headache for the profession and for the Judiciary. I realise that it is a monetary Bill, which will be covered in the Estimates, thus making it difficult for the Opposition to throw it out or to amend. This is where the system is totally unfair with regard to Parliamentary procedure.

By clause 4, "offence" includes (*inter alia*) conduct which would constitute an offence but for insanity, automation, duress, or drunkenness. Suppose the defendant claims that, although he had been drinking, the injury was in no way his fault, and in any case something came over him and he did whatever he did automatically. Suppose he is acquitted, and juries do not give reasons, so there is no way of knowing whether automation or drunkenness had anything to do with it or whether he was simply innocent of any wrongdoing. Incidentally, there seems to be no reason why the victim of a savage attack by a madman should be any better off than the victim of a savage attack by an animal.

The clause really acknowledges that criminality is not really the basis of compensation, since a person who establishes any of the listed defences is in law innocent of any wrongdoing. The provision for proof of the offences on the balance of probabilities where the offender is not before the court or is not known is wide open to abuse. In the first place, the commission of a crime can never be satisfactorily established without the alleged offender being present to give his side of the story; but more importantly the victim may well think, or perhaps be advised, that it would be much safer to apply for compensation *en parte* than to help the police to find the offender, or perhaps even to reveal his identity. If this provision is to stand, there should be provision for a substantial penalty for a fraudulent claim or the suppression of any relevant information. That, in itself, would be extremely difficult to prove.

The provision in clause 11 for the Attorney-General's discretion to refuse to meet or to reduce the amount of an order is misplaced. The matters referred to should be dealt with by the court. If relevant facts are discovered after the order has been made, the Crown should have the right to go back to the court to apply for variation or, if the compensation has been paid, for return in whole or part. I believe that that is now there.

There is no provision in the Bill for appeal. Compensation orders up to $10 000 may be made under section 7 (3) by a district court, a juvenile court, or a magistrate, on what may be flimsy evidence. A discretion as wide as this should be under the supervision of the Supreme Court with a right of appeal by the Crown or the applicant.

For these reasons one finds it extremely difficult to follow all the stated intentions in the brief explanation of this Bill. Several judgments have been given over the past few years indicating that the bench has obviously had difficulty in defining many matters associated with this legislation. The situation has been clarified in a case where there were two offenders. The judges went into a detailed debate as to whether both offfenders should be liable in respect of compensation at that time which, I believe, was $1 000. Under the Act at that time, because there were two offenders, the person could receive $2 000. At least the Bill clarifies this aspect: a person gets only one amount of compensation.

Of course, there is the situation relating to rape. As I understand it, this is related to a situation that recently arose in England; it was a very rare case where a person believed he had consent to have intercourse with a man's wife. In fact, consent was not given. So, an offence could involve a mental mistake or it could involve weakness in the legislation. What we are concerned about at this stage is whether this could mean that every victim of rape could apply for compensation under the legislation. I understand that that is not the Government's intention, but at the same time there is no clear indication in this connection. The provision merely covers the situation where the person thought he had consent. Perhaps the only case where there could possibly be a claim in respect of rape is a case of pack rape.

However, that is not clearly defined within the legislation. I believe that the Bill can be considered a Committee Bill and for that reason we should go further than just debating this Bill at the second reading stage. I think it needs considerable discussion. It needs discussion within the profession further than the Law Society.

Mr. Millhouse: Hasn't there been long enough already to do that? After all, it has been on the Notice Paper for three months.

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

Mr. Millhouse: Surely not, Sir.

Mr. BECKER: I think you ought to throw him out if he keeps interjecting.

The DEPUTY SPEAKER: Order! The Chair will determine that.

Mr. BECKER: If the Government is to carry out what it stated in its election promise, another week or two ought to be allowed to ensure that this legislation comes forward properly.

The Hon. PETER DUNCAN (Attorney-General): I listened to the ramblings of the honourable member to try to pick up the gist of his speech this afternoon. The only gist of it that I could pick up were the parts that had so obviously been written by members of the Criminal Law Committee of the Law Society. It was extraordinary to hear the speech and measure the clarity of the pieces written by that committee and read out by the honourable member against the unintelligible ramblings that passed for his speech in between.

Mr. Millhouse: He's the shadow of the shadow Attorney-General.

The DEPUTY SPEAKER: Order!

The Hon. PETER DUNCAN: The irony of the whole matter (and almost the tragedy of it) is that before he became the shadow of the shadow Attorney-General the honourable member was one of the greatest detractors of legal practitioners in this House. Now he has had to back-

track from that position and appear to act as the spokesman for the Law Society for the Opposition.

Mr. Gunn: Have you been a member of the Law Society?

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

The Hon. PETER DUNCAN: Yes, I have been a member of the Law Society. There is only one point that I want to make about what has been said by the honourable member. I point out to him, for the umpteenth time, that it is not necessary, in a Bill of this nature, to provide specifically for an appeal. The very fact that the courts of record are involved enables an appeal without the necessity for the provisions to be spelt out in great detail in this legislation. It is tiresome to have to go on and on and on about this matter because the thickness of members opposite, and their inability to understand this point, leaves me speechless.

The Government does not intend to send this Bill to a Select Committee. This is legislation, as pointed out by the honourable member, that is intended to give effect to one of the Government's election promises. It is an important piece of legislation, since it gives citizens of South Australia extended rights compared with those they have at present. For that matter, the Government sees it as a matter of some urgency and wants to see it introduced on to the Statute Book of South Australia at the earliest possible time.

Bill read a second time.

Mr. BECKER (Hanson): I move:

That the Bill be referred to a Select Committee.

For the reasons I gave during my second reading speech, and in view of the comments just made by the Attorney, I am more convinced than ever that this legislation should go to a Select Committee so that the whole of the profession is given an opportunity to consider it and so that certain people can be called to give evidence, and to discuss the various new aspects of the legislation included in the Bill, which provides wide definitions. The Bill's ramifications extend to cases and definitions of what is mental illness, and so forth. Therefore, expert witnesses should be available to a Select Committee to define it once and for all, instead of having to leave it to the various courts to come down with different decisions in that respect. I believe the Bill should be referred to a Select Committee and, therefore, I strongly urge the House to accept my motion.

The Hon. PETER DUNCAN (Attorney-General): As I said before, the Government opposes this motion and has no intention of allowing this Bill to be delayed, which would be the only effective result of the honourable member's motion and his stupidity in moving it. I can only think that he must be anxious to line his pocket a little. That seems to be the only result of any such move.

Mr. BECKER: I rise on a point of order, Mr. Deputy Speaker. The Attorney-General has made the allegation that I am interested in lining my pocket. I ask him to withdraw that statement. It is not true.

The DEPUTY SPEAKER: The Chair would regard that as a reflection on the honourable member, and I ask the Attorney to withdraw that remark.

The Hon. PETER DUNCAN: I withdraw that comment.

Mr. GUNN (Eyre): I support the member for Hanson in his desire to have this Bill referred to a Select Committee. The Attorney-General has not advanced one argument why it should not be referred to a Select Committee; he has resorted to personal abuse of the member for Hanson and members of the Liberal Party. He has accused us of endeavouring to delay the passage of the Bill. We do not desire unduly to delay the legislation, and it would not be necessary, but at least we would expect from the Attorney-General, if he is the democrat that he likes to lead us to believe he is, that he would like those people who have expressed considerable concern about the effects of this legislation to come before the proper inquiry and make their points so that those matters they are concerned about can be properly considered by a committee of this House, representing both sides of political opinion. That is not unreasonable, unfair or unjust. I am amazed that the only argument the Attorney-General of this State can advance in reply to the member for Hanson is personal abuse. He has failed to answer the very proper points the honourable member has made about the Bill, and in particular the reasons he has given why it should be referred to a Select Committee. The member for Hanson has my total support.

Mr. MILLHOUSE (Mitcham): The idea of a Select Committee has taken me by surprise. It is the first I have heard of any suggestion that there should be a Select Committee on this Bill. There is one very good reason why the Bill should not go to a Select Committee. It was given by the Attorney-General but perhaps I can enlarge on it. He merely said it would delay the Bill's coming into effect, and of course it would, but what is the effect of a delay? As I understand it, the effect of a delay is that people will be able to take advantage of these new provisions and the more generous amounts of money for injuries sustained after the Bill comes into effect, and therefore every day it is delayed means that some people are likely to be deprived of the opportunity of getting a greater amount of compensation.

Mr. Becker: Couldn't that be amended?

Mr. MILLHOUSE: I suppose it could be but it would be unusual. With a Bill like this that alters the law, the principle is that legislation applies to events that occur only after it comes into effect, and that is a good principle to follow, as a rule. It may be that someone is mugged in the street. Unless this Bill is in operation, the total amount of compensation is $2 000; once the Bill is in operation, the total amount is something up to $10 000, as I understand it. I do not think that anybody in that position (it may not happen, but the chances are that it will) would thank the Liberal Party for delaying the Bill for even 10 days if he happened to be mugged in those 10 days.

Mr. Becker: The Government has delayed it since December 1. It's not my fault.

Mr. MILLHOUSE: Then do not add to it. What the member for Hanson is doing (and I suspect it is only because he wanted to do something with the Bill) is suggesting that the Bill should be further delayed. I do not agree with that. I introduced the Bill in 1969, and it was pioneer legislation in S.A. with a limit of $1 000. I was damn glad to get anything, as I had to fight hard to get it on the Statute Book. I have never regretted my action. The Bill has had certain imperfections, and as time goes on experience will show that this Bill has them, too. However, I do not believe that by referring it to a Select Committee we will find them in advance of actual cases. There is no real point in it. I understand the Law Society made only one point, and an amendment covers that. There is no suggestion that it wanted further time to make representations to a Select Committee. Not one member of the profession has approached me about it, and that is a fair indication in my experience that people are reasonably happy with the Bill, especially as it has been on the Notice

Paper since December 1, more than two months. No-one has said anything about it and it has not created any brouhaha in the profession. We should get on with it immediately.

The House divided on Mr. Becker's motion:

Ayes (16)—Messrs. Allison, Arnold, Becker (teller), Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Venning, Wilson, and Wotton.

Noes (24)—Messrs. Abbott, Bannon, and Broomhill, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan (teller), Dunstan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Keneally, Klunder, Millhouse, Olson, Payne, Simmons, Slater, Wells, Whitten, and Wright.

Pairs—Ayes—Mrs. Adamson and Mr. Blacker. Noes—Messrs. McRae and Virgo.

Majority of 8 for the Noes.

Motion thus negatived.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Applications for compensation."

Mr. BECKER: This clause has caused some concern for me and some members of the profession whom I have approached for an opinion. Will the Attorney-General explain the reason for the formula that has been used to assess the amendment of compensation, as this seems to me to be a clumsy and complicated system?

The Hon. PETER DUNCAN (Attorney-General): As I recall the situation, the reason for this was to overcome the difficulty during the transitional period in relation to people who are at present entitled to up to $2 000 and those who, following the introduction of the Bill, will be entitled to up to $10 000. This Bill replaces the existing legislation, so that arrangements had to be made for the transitional period.

Mr. BECKER moved:

Page 3, after line 7—insert subclause as follows:

(2a) The appropriate court may, for any reason that it considers sufficient, extend the time for making an application under subsection (1) or subsection (2) of this section.

The Hon. PETER DUNCAN: The Government is prepared to accept that amendment.

Amendment carried.

Mr. BECKER: I move:

Page 3, after line 43—Insert subclause as follows:

(6a) In determining whether to make an order for compensation under this section, or the amount of any such compensation, the court shall have regard to any payments that the claimant has received, or is likely to receive, in respect of the injury or death of the victim otherwise than under this Act.

The reason for the amendment is that I thought that the court, rather than the Attorney-General, would make that decision. However, I understand that it is left to the Attorney-General, who could override a court decision.

Mr. Millhouse: Where do you get that from?

Mr. BECKER: Taking it out of clause 11 (2) and putting it after line 43. The court, in considering the whole case, should also consider any other payments of compensation.

The Hon. PETER DUNCAN: The Government does not accept this amendment. The intention of providing that the Attorney-General may take into account, in satisfying an order, any amounts that the claimant has received from other sources is to ensure that, where a person is well insured and receives a large amount in compensation, the revenue is not debited in those circumstances. This type of compensation is of a particularly specialist type, as I think the member for Mitcham appreciates. It is really intended to be a line of last resort compensation. The Bill does not provide for total compensation for an injured person. It is intended that, as a line of last resort, some monetary compensation will be payable to a person who suffers physical injury.

Clause 11 (2) is intended to ensure that the revenue will be protected when a person is in receipt of large amounts of compensation from an insurance company or other source such as a civil claim. We believe that the provision is essential, and for that reason the Government cannot accept the amendment.

Mr. MILLHOUSE: It will be fairly obvious from what I say that I have not given much thought to this matter, and I suppose I should have done so. Sometimes it is good fun to listen to a debate, make it into a genuine debate, and get some sense from it. It does not often happen here, but I am trying to do it today. I am slightly perturbed by the Attorney's explanation. I cannot see why, just because a person has had the good sense to insure himself against injury deliberately inflicted on him (and I assume that one can get such insurance), he should then be robbed of the opportunity to get compensation under this Act at the arbitrary fiat of the Government.

I agree that, if a person is going to get damages in civil proceedings from the assailant or the person who has caused the injury in some other way, the person injured certainly should not get compensation under this Act. In any case, that is fairly well guarded by clause 11 (4). If this is the intention of the Attorney, it seems to be extremely unfair that the Government may say to a person (and I use the words the Attorney used, "because he is wealthy", but I would prefer to say, "because he has had the forethought to take out insurance"), that he can have the insurance for which he has paid, but he will not get compensation from the State, because that is free and meant for people other than him. That is exactly what the Attorney said in his explanation of the Bill, and I am grateful to the member for Torrens for showing that to me. That is an arbitrary power to give and, as I understand the purport of the amendment, which at first did not attract me much, it is to give the court the opportunity to determine whether the amount should be reduced or not in those circumstances.

I would much prefer a court do it than the Executive. I see one problem; that is, it may hold up proceedings for a considerable time, as a court may find it difficult to make a decision, but in saying that I am perhaps only thinking aloud. Certainly, under this amendment, presumably, the Crown can intervene in these proceedings, and the Attorney says it can. It could make any submissions to the court it wanted to, or even call evidence as to other compensation likely to come to the victim. That would be fairer than simply leaving it to the arbitrary discretion of the Government, as there would be no right of appeal. I obtained this clue from what the Attorney said: it could be exercised unfairly. Unless there is some answer to this (and I invite the Attorney to give me an answer, because I am genuinely groping for truth, as I always do) and unless the Attorney can satisfy me on that point, I am inclined to support the amendment.

Mr. BECKER: I am disappointed that the Attorney—

Mr. Millhouse: Apparently the Attorney is wondering what truth is.

Mr. BECKER: I think so, too. I agree with the member for Mitcham. I am disappointed that the Attorney has not given this matter further consideration. I am suspicious of legislation in which the Attorney has extremely wide powers. In considering the amount of compensation, it should be competent for a court to determine what other payments are likely to be made. There is no reason why the Attorney must come into the issue. The Bill provides that the Attorney shall within 28 days of an order for

compensation under the Act satisfy the order for payment from the general revenue of the State. How would the Attorney know within 28 days what other payments were to be made? It would be best to clear up the issue. It would take the Attorney and his department 28 days to make a payment, let alone an inquiry.

Mr. Millhouse: Do you intend to move to strike out clause 11 (2)?

Mr. BECKER: Yes. The amendment is to simplify the whole legislation.

Mr. MILLHOUSE: You can frown if you like, Sir, but I saw you look at the Attorney, wondering whether he would give me the explanation I asked for.

The CHAIRMAN: Order! I generally look around the Chamber to see whether any member wishes to speak.

Mr. MILLHOUSE: Of course, and you saw that I wished to speak.

The CHAIRMAN: Very, very late, I might add.

Mr. MILLHOUSE: Of course, and that is the whole point. I waited to the last possible moment to see whether the Attorney would give me an explanation. I am not trying to score a point. I want to know. The answer (if any, I must add now) that I get will decide which way I will vote. As things stand, he has to justify giving the Government and himself, as the present incumbent (for how long we do not know), the right arbitrarily to make a decision on this. That does seem undesirable, and on the face of it now it seems better that the court should do it. I am completely open to conviction if he is prepared to give some sort of explanation why it is better for the Government to make that arbitrary decision rather than to leave it to the court.

The Committee divided on the amendment:

Ayes (18)—Messrs. Allison, Arnold, Becker (teller), Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Venning, Wilson, and Wotton.

Noes (22)—Messrs. Abbott, Bannon, and Broomhill, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan (teller), Dunstan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Olson, Payne, Simmons, Slater, Wells, Whitten, and Wright.

Pairs—Ayes—Mrs. Adamson and Mr. Blacker. Noes—Messrs. McRae and Virgo.

Majority of 4 for the Noes.

Amendment thus negatived; clause as amended passed.

Clauses 8 and 9 passed.

Clause 10 —"Legal costs."

Mr. BECKER: I realise that a court may award costs as it thinks fit, but can the Attorney say why it is necessary to include "the prescribed scale"?

The Hon. PETER DUNCAN: The scale will be prescribed after consultations with the members of the legal profession, the Law Society, probably the judges (I imagine), and possibly the Economic Intelligence Unit. The scale will be drawn up appropriate to the work required to be done under the provisions of the legislation. It was believed that the nature of these applications is not similar in many respects to a normal application before a court; therefore, the general cost scale was inappropriate.

Mr. BECKER: If a client were prepared to pay his solicitor, would the prescribed scale preclude him from so doing?

The Hon. PETER DUNCAN: The honourable member does not appreciate that legal costs are fixed, in most cases, in any event by the courts, and that it is not ethical for a practitioner to charge more than the scale set down by the courts. That is the general practice in the legal profession.

Clause passed.

Clause 11—"Satisfaction of orders by Attorney-General."

The CHAIRMAN: Does the member for Hanson wish to proceed with his amendment to clause 11?

Mr. BECKER: No. My amendment to clause 11 relates to my previous amendment, and seeing that my previous amendment was defeated, there is no point in moving my amendment to clause 11.

Clause passed.

Remaining clauses (12 to 14) and title passed.

Bill read a third time and passed.

COMMERCIAL AND PRIVATE AGENTS ACT AMENDMENT BILL

In Committee.

(Continued from December 8. Page 1333.)

Clause 3—"Interpretation."

Mr. MATHWIN: When I was previously dealing with this Bill the Attorney-General was not here to answer my many questions. The Minister looking after it at that time in the Attorney-General's stead was the Premier, who did not feel inclined to answer any questions. This clause defines "store security officer" as follows:

> "store security officer" means a person—
>
> *(a)* who is employed by a person who carries on the business of selling goods by retail;
>
> and
>
> *(b)* whose principal function consists of the prevention, detection or investigation of offences in relation to property of his employer, or property that his employer is empowered to sell.

Does this definition include shop assistants involved in the retail selling of goods?

The Hon. PETER DUNCAN (Attorney-General): The answer is clearly "No". Paragraph *(a)* of the definition does not refer to the licensed person being in the business of selling: it refers to the employer being in that business. The store security officer simply has to be the employee of a person who is in the business of selling goods by retail and (I stress the word "and") the security officer must have as his principal function that of the prevention, detection or investigation of offences in relation to property of his employer, or property that his employer is empowered to sell. That definition does not in any way encompass shop assistants.

Mr. MATHWIN: I take it that a shop assistant is unable to take any part in assisting in combating pilfering. According to the Attorney-General, a shop assistant is not covered in any definition at all.

The Hon. PETER DUNCAN: A shop assistant is not covered by this legislation. His position will not change from the position that he exercises at law at present. He has certain rights as a citizen to effect arrests in limited cases. He has other limited rights at law which are unaffected by this Bill. The only persons whose rights are affected are those persons covered by the definition of "store security officer".

Clause passed.

Clause 4—"Application of Act."

Mr. MATHWIN: What is the situation in relation to a watchman of a store who could well be regarded as a security officer because of the duties he has to perform? What is his situation in relation to this clause or clause 5, whichever the Attorney would like to relate it to?

The Hon. PETER DUNCAN: It is difficult to answer that question because the honourable member has not said what he means by the term "watchman". However, if he means the sort of person who is employed after hours to

keep security in a store then I would have thought that that sort of person is already required to be licensed under the Act as it stands at present. Again, that person's position would not be changed by the provisions of this Bill dealing with store security officers.

Mr. MATHWIN: I take it that the Attorney is saying that there is, in the definitions, a definition of "watchman" and that that is already covered in the Act? This is a query I raised during the second reading debate, to which I hoped I would receive an answer. I refer to the answer the Attorney gave me previously in relation to a question I asked him about the definition of "watchman". Is the information he gave me correct?

The Hon. PETER DUNCAN: I again do not quite understand what the honourable member is referring to. The principal Act already covers people referred to as "security agent" in the following terms:

> "security agent" means a person who, for monetary or other consideration, performs the function of guarding property or keeping property under surveillance:

It also defines "security guard" as follows:

> "security guard" means a person in the employment of, or acting for or by arrangement with, a security agent who for monetary or other consideration performs for the security agent the function of guarding property or keeping property under surveillance.

It seems to me quite clear that either of those two definitions covers the sort of person I think the honourable member is referring to.

Clause passed.

Clause 5 passed.

Clause 6—"Provisional licences."

Mr. MATHWIN: There were a number of points I raised about this clause in debate that have not been answered by either the Attorney or his deputy who was looking after this Bill while the Attorney was away. I take it that the applicant has to furnish the board with a statutory declaration because the clause states:

> A provisional licence granted under this section shall be in force for an initial period of six weeks from the date on which it is issued.

Does the Attorney realise that it takes at least three months, and sometimes four or five months, to train a security officer? To issue a provisional licence for a period of six weeks does not seem sufficient to me; I would have hoped that the Attorney would explain why it is only six weeks. The Bill also states that the board may grant an application for a provisional licence: I would prefer "shall" instead of "may". Why was the Attorney not more forceful on that? Further, will the Attorney indicate his interpretation of "otherwise qualified" in the following provision:

> After making reasonable inquiries, he is satisfied that the applicant is a fit and proper person to hold a licence of that category and is otherwise qualified to hold the licence.

The Hon. PETER DUNCAN: The honourable member has raised three points. First, the principal matter that the board must concern itself with in determining whether or not to grant a licence to a person under this section is that person's fitness and suitability, whether he is a fit and proper person. That goes to character and suchlike matters basically. It is these matters that the board must investigate. In the present climate, with unemployment running as it is, stores should be able to find licensed store detectives who are unemployed and employ them without great difficulty.

If the present employment situation improves there will be persons without licences applying for positions as store detectives. It would be most unfair if such persons had to wait for a period of five or six weeks until their application had been processed by the board, which sits only once a month (maybe it is fortnightly, but I think it is once a month) and I am sure the reason for the six-week proviso here was to enable a store that wished to employ such a person to apply immediately for a provisional licence, which would be granted almost automatically, and then that person could go on to the pay-roll at an early date. That is the reason why the six-week rule applies. The question here is not the person's training so much as his suitability and fitness, in terms of his character. They are the matters the board must take into account. The reason why the provision gives the board discretion to grant a provisional licence to an applicant is the fact that, if a person puts in a statutory declaration saying that he is a fit and proper person, and the person concerned is a notorious known criminal around the State, the board must have a discretion and the word "may" must stay in the Bill to ensure that that discretion is preserved.

It would be ridiculous if there was a provision that the board "shall" grant a provisional licence, regardless of the person's character, standing in the community, or criminal record. It would make a mockery of the situation.

Mr. MATHWIN: I accept most of that explanation, but I should like to hear the Attorney's interpretation of "otherwise qualified".

The Hon. PETER DUNCAN: This is a slight extension of the words "fit and proper" because, although people from time to time may qualify in that regard, for other reasons they are not qualified. An applicant might be a policeman—or perhaps a member of the Judiciary, to take an absurd example. I cannot think of a specific example, but that sort of situation would disqualify a person although he was fit and proper in other respects.

Mr. MATHWIN: It seems that the Attorney either does not know the answer or is afraid to tell us.

Clause passed.

Clauses 7 to 10 passed.

Clause 11—"Proceedings."

Mr. MATHWIN: If anyone wants to charge a person with an offence, it should be done as soon as possible, because after a year or two years people tend to forget. Why does subclause (2) provide that proceedings may be commenced within two years of the date of the offence?

The Hon. PETER DUNCAN: I have no doubt that the Government, in its desire to ensure the very thing to which the honourable member has referred, specifically included this provision limiting the bringing of proceedings to two years from the date on which the offence occurred. If it had not done so, the Limitation of Actions Act would have applied generally and the limitations under that Act are somewhat longer than the limitation provided in this Bill.

If this provision had not been included in the Bill, it would not have come to the honourable member's attention and would have passed without comment from him. Under this provision, the Government is limiting to two years the time that will be available for the bringing of action, whereas under the Limitations of Actions Act the period could have been three years or five years. So, the Bill is better as it now stands than it would have been had this provision been omitted from it.

Mr. MATHWIN: I agree that the Bill is better than it would otherwise have been. However, there are other Acts in which the period is much less than two years, and I wondered why the Government specified two years instead of, say, one year. Had the Government stipulated one year, the legislation would have been far more effective.

Clause passed.

Title passed.

The Hon. PETER DUNCAN (Attorney-General) moved:
That this Bill be now read a third time.

Mr. MATHWIN (Glenelg): It is with much dissapointment that I have seen this Bill proceed in the manner in which it has proceeded. The Bill has a long history. Indeed, it was on the Notice Paper last year. When eventually it reached this place, the Attorney-General was away on a holiday in China, or somewhere. He left the Premier in charge of the matter while he was away.

The SPEAKER: Order! The honourable member knows that, when the Speaker stands, the honourable member must resume his seat. He must speak to the Bill as it comes out of Committee, and I hope that he does so.

Mr. MATHWIN: Thank you Sir. I apologise if I was naughty. However, some things ought to have been said. As the Bill has come out of Committee, it is more apparent to me than ever that its whole purpose is to bring store detectives under the harrassment provision. The Attorney-General introduced the Bill to take control over store detectives and put them under the harrassment provision in the original Act, under which it would be impossible for them to catch the professional thieves, who are costing the consumers of this State millions of dollars a year.

Mr. Chapman: He's protecting the shoplifters.

Mr. MATHWIN: He is protecting the criminals. I have given the reason why the Attorney introduced the Bill and I register my objection to it. I object to the lack of information given in reply to the very excellent speech I made on the second reading. I am sorry that the Attorney did not hear my speech, but I thought he would have read it and learnt much from it. The Government guillotined me regarding an amendment I tried to move. The Government took a division in regard to the amendment and would not allow it to be discussed. That is a disgrace to the Government and to the Attorney-General of this State.

Bill read a third time and passed.

ADJOURNMENT

The Hon. PETER DUNCAN (Attorney-General) moved:
That the House do now adjourn.

Mr. HEMMINGS (Napier): I should like to speak this afternoon about security. I have chosen this subject because it is obvious that members opposite showed during the debate on Tuesday that they had no real conception of what security was all about. This highlights one danger in being a politician, and we often tend to think we are authorities on every subject that comes before us. During the debate on Tuesday, extending for about 8½ hours, Mr. Acting Justice White's Report was dissected so many times that it was not funny. Apart from harping about the sacking of Mr. Salisbury and denigrating the Premier, members opposite went on and on about there being nothing to worry about, although there were 41 000 files on people, most of whom were innocent people in South Australia. Members told us that we needed this for the sake of security to protect the citizens of South Australia from subversive elements. However, no-one questioned the efficiency and competence of the branch that carried out this work. We all accept the fact that a security organisation should exist and on this subject I can claim to know more than most members of this House.

Before being elected to this Parliament, I was employed at the Weapons Research Establishment at Salisbury, first with a private contractor and then with the Department of Defence. This covered a period of 12 years but, before being accepted into that establishment, I had to undergo a comprehensive security check by the Commonwealth police and the Security Branch in the United Kingdom. On acceptance, I took an oath under the Official Secrets Act and repeated that oath many times in the 12 years. I worked on numerous projects with classifications ranging from secret to confidential and down to unclassified. In the position I held, I had access to information that could be of assistance to enemies of Australia. Before coming to this country, I was active in the Labour Party in the United Kingdom and was a shop steward in the Amalgamated Engineering Union.

This involvement continued at a great level after I settled here yet I was still not considered to be a security risk. From reading the White Report, I found out that there was one small part of my life that made me a security risk, and that was when I stood as a candidate in the 1975 State elections. That was the time when, according to the White Report, I came under notice by the Special Branch. I object to that most strongly. Some members from this side have said that it does not worry them, that they are not the least bit interested, but I do object most strongly. Indeed, I find it hard to believe the claims of members opposite that if they had been on file (they had read that they were not even on the files), they would not have worried.

If there had been a Special Branch which placed emphasis on Liberal Party and Country Party members, they would have been there screaming. I find it even more incredible that the member for Flinders wants to be on a file. He said that he wished there was a file on him. I find that incredible.

Members interjecting:

The SPEAKER: Order! It is not Question Time. The honourable member for Napier has the floor.

Mr. HEMMINGS: Why should the Australian police and the Security Branch in the United Kingdom consider me safe but the Special Branch, as soon as I become an A.L.P. candidate, consider me suspect? The answer lies in the report. If the Opposition had not been so intent on trying to destroy the Premier's reputation, it would not have missed one fact that came out of the report; that is, apart from the fact that the Commissioner of Police had misled the Parliament, the Special Branch was incompetent, and had been incompetent for many years.

I will explain why I believe Special Branch is incompetent. I refer to page 16 of the report dealing with the staff and chain of command, as follows:

> 6.2.1 Since December, 1975, a senior sergeant has been immediately in charge. He is assisted by another sergeant, and by three constables.
>
> 6.2.2 The sergeant in charge is theoretically responsible to Assistant Commissioner Calder, but in practice responsible to the Commissioner himself.

We then read:

> In turn, the Commissioner has been inclined to allow Special Branch to run its own affairs, as it was operating to ASIO's satisfaction.

I find that rather hard to believe, because at that time, when the Premier first asked questions concerning Special Branch operations, ASIO was being proved throughout Australia to be an incompetent organisation. I recall the marvellous Bruce Petty cartoons showing ASIO agents stuffing around with a trenchcoat, gas mask and little hat. Even then the Commissioner did not feel it worth while investigating any deeper. I now refer to Appendix 7, which dealt with answers to questions asked by the Premier. One question, which concerned educational qualifications, was

as follows:

> How many have *(a)* reached university matriculation level? *(b)* obtained tertiary education qualifications?

The answer to both those questions was "Nil". In reply to a question about special training, the answer was as follows:

> No—other than experience gained in investigation work and the reading of literature associated with philosophy or activities of groups coming under notice.

Surely one would have thought that a highly regarded Commissioner (and I stress that I am talking not about the Commissioner's integrity or honesty but about his professional capabilities, as we have been told time and again in the debate that he was a highly professional policemen) with all that information before him concerning the lack of training and qualifications (apart from one member attending a weekly seminar with ASIO in Melbourne), would have had more to say in this sensitive area.

Mr. Chapman: What about his nationality—do you question that?

Mr. HEMMINGS: I do not question anyone's nationality, even that of the honourable member. Perhaps the incompetence Special Branch has been displaying all these years and its obsession with concerning itself with only left-of-centre groups never would have occurred. The Commissioner, perhaps, would never have got himself into that situation, and we never would have had this hypocritical attempt by the Opposition to use the legitimate sacking of a Commissioner of Police for its own political ends.

That is why I stress that I think I know a little more about security than do members opposite. I have worked in secure areas. I know the principle of "need to know", and, when I read in a report that all the Special Branch did over the years on political Parties and civil liberties groups was collect newspaper cuttings and then say that they came under notice, I can only call it incompetent.

Mrs. ADAMSON (Coles): I rise to condemn in the strongest possible terms the sacking by the Government of the Commissioner of Police, Mr. Salisbury, and to say that I doubt whether his constituents would be pleased to hear the sneers and slurs of the member for Napier; they do him no credit whatsoever. The action of the Government in sacking the Commissioner has convulsed South Australia, it has shocked the whole of Australia, and it has serious implications internationally for both police independence and national security. Not only has the sacking outraged the sense of justice and fair play of hundreds of thousands of citizens but also it has sent a wave of apprehension and fear through the South Australian Public Service and the Police Force. The Public Service in South Australia is now like a powder keg with a slow-burning fuse, and members opposite will sit and wait while that fuse burns. The Premier lit the fuse when he sacked the Commissioner of Police, and the only thing that will defuse it is a Royal Commission to find out why.

Dr. Eastick: You'd think members opposite would have a Minister to look after them, wouldn't you?

Mrs. ADAMSON: Their Ministers are so frightened that they are hiding behind doors, and well they might do. Anyone who questions that public servants are in fear should talk to those members of the Public Service who are wanting and wishing to sign petitions protesting against the dismissal of the Commissioner of Police, but dare not do so for fear that their careers will be prejudiced or that the future of their families might suffer.

The Premier has made a great play on two points (one is the accountability of the Public Service to the Government and the other is the White Report) as justification for sacking Mr. Salisbury. I should like to look at those two points and examine the justification they provide for the Premier's actions. First of all, to suggest that at all times every public servant in any situation should provide the Government with any information it requires is to ignore the concept of the Public Service and its responsibility, not only to the Government of the day but also to the public. An obvious example would be the office of the Taxation Commissioner, who has a responsibility to protect the confidentiality of citizens and who would be failing in his duty if he did not withstand illegal or unreasonable requests from his Minister for information.

Mr. Keneally: That is illegal or unreasonable.

Mrs. ADAMSON: Quite. I shall deal with that in a moment. Another obvious example is national security. It seems to have completely escaped the Government, notably the Premier and the member for Ross Smith, when they make simplistic analogies regarding the relationship between the Commissioner of Police in South Australia and his Minister or the Government and the relationship between the police and the Government in the United Kingdom, that the United Kingdom has a unitary system of government, where all power is concentrated in one area of government.

Mr. Bannon: Yes, but we have a Commonwealth Police Force.

Mrs. ADAMSON: Australia has a Federal system in which there is a division of power between Federal, State and local government. In Australia, the responsibility for national security lies with the Commonwealth Government, which has ASIO as its security organisation. Similarly, the Commonwealth Government has a responsibility for customs and the control of prohibited imports such as drugs. The States, on the other hand, have constitutional responsibility for the maintenance of law and order.

In certain circumstances, Commonwealth law supersedes State law. Police Commissioners are pledged to uphold both Commonwealth and State law. In fulfilling his duty as he saw it to national security, Mr. Salisbury clearly felt compelled to withhold information that he believed related to national security from the State Government. Whether that view is right or wrong has not been proved by the Premier, but the fact that it has not been proved is no excuse for sacking the Police Commissioner. It is the former Commissioner's belief that he had a clear responsibility to ASIO that lies at the root of this affair. That belief is borne out by Mr. Salisbury's statements at the time, supported by comments in an interview in the *National Times*, dated January 30, 1978, as follows:

> Former Police Commissioner Harold Salisbury told a press conference two weeks ago that the Special Branch had a clear responsibility to ASIO: "(This) seems to be pointed by the fact that the combination lock to the strong room in Special Branch had to be approved by the Commonwealth Attorney-General," he said. Salisbury also talked about a secret oath which prevented him from telling the South Australian Premier what was in the files. Had he done so, he said, he "would have been instrumental in breaching an oath of secrecy and in destroying an absolutely vital service to the nation." . . .
>
> What is significant about Salisbury's defence of his actions is that he suggested that on security matters he felt his first responsibility was to the Commonwealth rather than to the State which employed him, and it is hard to see that the proposed judicial audit will alter this. The constitutional interpretation of the Crimes Act is in many ways still unclear, but it is possible that some sections could be used to force State police officers who had information on people or

groups thought to be subversive to give that information to the Federal Attorney-General or his agents. Such a power, if upheld, would override the State provision for judicial audit.

So we are left with the clear impression that, even if there is a judicial audit, the situation will remain the same in future as it has in the past and that the present Commissioner (should he dare to face the axe in trying to fulfil his duty as he may see it, as his predecessor did) may find himself liable for instant dismissal. It is intolerable that a man should be condemned for doing his duty according to his perception of it, unless that perception has been proved to be wrong—and it has not been proved to be wrong. Nowhere has the Government proved the Commissioner wrong in his perception of his duty and we are left with the question, "Why did the Premier sack Mr. Salisbury?"

If he did so on the basis of Mr. Acting Justice White's report, I think he did so on some flimsy evidence. At page 1 of his report, Mr. Acting Justice White says:

> 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.

At page 42, paragraph 12.3, Mr. Acting Justice White says:

> The mass of apparently innocuous and irrelevant material in Special Branch records (or some of it) may not retain that appearance when coupled with ASIO material and with that of international intelligence services of friendly powers.

That is a complete contradiction. At page 1, paragraph 1.2.3, he states:

> Grave difficulties have been encountered in past attempts to define domestic subversion and grave mistakes have been made by Special Branch in attempting to apply vague and erroneous concepts to particular organisations, persons and activities.

There is not one scintilla of evidence to back that assertion. There are no facts or references. We are expected to take it on trust. It would not stand up for two minutes in a court of law, yet the Premier says it is incontrovertible. Paragraph 2.6 of the White Report states:

> 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.

We see a complete conflict with that statement in paragraph 13.5.1, as follows:

> Inadequate records are kept of these potentially subversive elements—

referring to the right wing—

> which should be fully recorded.

That is a straight conflict. In one place Mr. Acting Justice White says there are substantial records about right-wing organisations, while in another place he says that inadequate records are kept. I could go on. The report is riddled with inconsistencies, inaccuracies, and omissions, yet it is on the basis of this report that the Premier says he sacked the Commissioner of Police. The Premier's wife makes the following statement in her extraordinary article in last Saturday's *Advertiser:*

> The Police Commissioner can go with the consolation of knowing that he is a popular hero.

I have never read or heard such callousness.

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

Mrs. BYRNE (Todd): Prior to the last Federal election important topics such as unemployment, inflation, economic management, and uranium were well ventilated in this House and elsewhere. Although those subjects were important, that period was similar to the present period, when the dismissal of the Commissioner of Police almost seems to have been done to death in this House. According to an article in the London *Guardian* of January 29, apparently South Australia is not the only place where a police chief has been sacked. The article, headed "Irish Police Chief sacked", states, in part:

> The Irish Police Commissioner, Mr. Edmund Garvey, was peremptorily dismissed by the Dublin Government last week after he had refused to resign. . . . . No reasons were given by the Dublin Government in its terse announcement of Mr. Garvey's dismissal. It took effect immediately and one of his deputies has assumed responsibility until his successor is chosen.
>
> Mr. Garvey, who is 62, would only say that he had been given two hours to resign.

So, South Australia is not the only place where such a happening has occurred.

Mr. Bannon: He, too, came from Yorkshire.

Mrs. BYRNE: I turn now to the fact that many people have undoubtedly seen stickers on the rear of motor cars saying "Save the Whale". Prior to the last Federal election not enough was said about this matter. The Labor Party's policy speech stated:

> The Labor Government will not permit the killing of the whales assigned as Australia's quota by the International Whaling Commission. We will use all our influence to end the indiscriminate slaughter of whales by Japan and the Soviet Union.

As most members would be aware, the whale is the largest animal that has ever lived. Whales are much bigger than elephants and bigger even than the prehistoric dinosaurs. They look like fish, but they are not fish. They are mammals, as are dogs, cats, horses, and human beings, but whether human beings are humane at all times is questionable, especially in regard to the killing of whales.

Men have hunted whales for thousands of years. The first whalers were men who may have lived in what is now Norway, pictures carved in rocks thousands of years ago showing these men hunting whales from canoes. Whaling has had a long history and several primitive peoples developed the ability to catch whales that came within their reach. What I find deplorable is the way in which the whales are killed.

During the twelfth century the Basques started to hunt whales in large sailing ships. Each ship carried several small whale boats from which men harpooned their prey. After killing a whale, the men sliced off the blubber, and when they had collected a full load of blubber they sailed home, where they cooked it to get the oil. In about 1600 the Basques began to process the whales aboard the ship.

American whaling declined rapidly during the late 1800's, but no-one seemed concerned, and the Americans did not keep up with the whaling industries of other countries, which were by that time using harpoon guns and steamships. Recently the following letter written by a local person appeared in the *Advertiser:*

> I was a crew member of the *Discovery* from 1929 to 1935, researching into the whaling industry in the Antarctic. I saw hundreds of very large blue whales slaughtered. The poor things were hunted by Norwegian whalers until exhausted, then shot in the back with a steel three-pronged harpoon fired from a gun in the bows of the whaler. This harpoon was fitted with a delayed action explosive head which, when the whale "sounded" (dived), exploded two seconds after impact. The sea was soon covered in blood . . . Also, during the seal-killing season (January-February), I have actually seen seal pups with tears running down their cheeks

> as the Norwegians walked among them on the beaches at South Georgia, Antarctica, clubbing them to death. I'm sure if people only knew the details of this slaughter, it would be stopped.

I could not agree more. Referring to the position in Australia and in near-Australian waters, I point out that whaling in the South Pacific Ocean began in the late 1790's. Most early whalers were British or American. The sperm-whaling industry expanded rapidly after 1814. Whaling declined dramatically in Australia in the years after the Second World War, and in the early 1960's there were two main whaling stations in Western Australia, one in New South Wales, one in Queensland, one on Norfolk Island and two in New Zealand (one in the Hauraki Gulf, and the other in Cook Strait). By 1965 only one station in Western Australia was still operating. Russian and Japanese whalers continued to operate in the Pacific Ocean, but other companies had to close down because of the shortage of whales. It is not surprising that the numbers of whales were short, because they had been hunted for so many years that their numbers were becoming depleted.

In 1946, the International Whaling Commission was set up to conserve whale stocks. However, whether it has succeeded, or whether the I.W.C. is effective as far as management practice is concerned, is debatable. On December 7 last year, an article appeared in the *Advertiser* headed "Whale Quota Raised", which stated, in part:

> The International Whaling Commission today voted to raise the sperm whale quota in the northern Pacific from 763 to 6 444.

This bears out what I said. It is debatable whether the I.W.C. is operating in the interests of the conservation of whales. Because of the long history of whaling, it is not surprising that some species have been hunted to extinction. I could quote from other articles on this matter, but it seems that time does not permit me to do so. However, I will quote from one release, issued by the Conservation Council of South Australia, in which the following appears:

> Every single whale product is now available from another source. The only possible argument (used only by Japan), that whales are a source of protein for human consumption, is no longer valid, now that greed and stupidity have destroyed the stocks. The average per capita consumption of whale meat in Japan is now less than ½ oz. per week—less than 1 per cent of the total protein consumption.

So it can be seen there is no need for this slaughter to continue. I am sorry I have not more time to quote from other articles in similar vein. Whether nations should continue to hunt whales is an issue of great importance. Australia is one of the last remaining whaling nations and, as international support grows for an end to the killing of whales, our nation runs the risk of being characterised as one that puts dollars before principles.

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

Motion carried.

At 5.22 p.m. the House adjourned until Tuesday, February 14, at 2 p.m.