HOUSE OF ASSEMBLY

Wednesday 11 February 1981

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

QUESTIONS ON NOTICE

The SPEAKER: I draw the attention of honourable members to the Notice Paper which is before them and which is the basis of our daily proceedings. I wish to report to the House that, due to the large sum of Questions on Notice handed in before 12 o'clock yesterday, the Clerk of the House was unable, despite remaining here until midnight last night, to edit and correct all the proofs of the questions. Therefore, the last 70 questions have not been placed on today's Notice Paper.

It is my intention to circularise members regarding Questions on Notice but in view of this breach of Standing Orders I now bring it to the attention of the House. In doing so I am satisfied that the Clerk has made every endeavour to ensure that as many questions as possible were included on the Notice Paper and the lateness of the hour and the lead time for the Government Printer to have the proofs returned in order to print and deliver the Notice Paper before 2 p.m. today prevented the inclusion of the remaining questions.

While the member for Albert Park handed in the majority of the questions I do not criticise him in that regard, and the fact that he handed in the questions early is acknowledged and appreciated. However, I do remind all members of their responsibility in the preparation of questions. The particular problem was exacerbated by the large number of hand-written questions, many of which were in note form and abbreviated style, and I suggest that all questions should be typed and fully set out in accordance with Standing Orders and practice of the House. Members should also be aware of the difficulties caused the Government Printer in type setting where the copy is not clear or has had to be heavily edited. I ask for all members' co-operation.

PETITION: SECONDED TEACHERS

A petition signed by 20 residents of South Australia praying that the House urge the Government to take all possible steps to prevent the erosion in numbers of seconded teachers and support services in the Education Department was presented by Mr. Keneally.

Petition received.

PETITIONS: PROSTITUTION

Petitions signed by 2 553 residents of South Australia praying that the House urge the Government to strengthen existing laws against the prostitution trade, reject any proposal to legalise the trade, and request the Commonwealth Government to sign the United Nations Convention on Prostitution were presented by the Hons. E. R. Goldsworthy, M. M. Wilson, and J. D. Wright and Messrs. Bannon, Keneally, Hamilton, Crafter, Millhouse, Blacker, Langley, Whitten, Billard, Lewis, Becker, and Mathwin.

Petitions received.

PETITION: KANGAROO ISLAND LAND

A petition signed by 55 residents of South Australia praying that the House urge the Government to oppose the subdivision and disposal of Crown lands situated in the hundreds of Gosse, Ritchie and McDonald on Kangaroo Island was presented by Mr. Becker.

Petition received.

PETITION: HOUSING TRUST RENTS

A petition signed by 84 residents of South Australia praying that the House urge the Government to introduce a fair and equitable system of rent payments for all Housing Trust tenants was presented by Mr. Hamilton.

Petition received.

MINISTERIAL STATEMENT: QUESTIONS ON NOTICE

The Hon. D. O. TONKIN (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. D. O. TONKIN: Mr. Speaker, as you have already mentioned, and as honourable members would be aware, there are many questions presently on the Notice Paper (in fact, the tally stands at 1 097) and the number has remained persistently high since the last election. Members may not be aware, however, of the heavy costs to the taxpayer which are involved, both in placing questions on the Notice Paper and in providing answers.

Each page of the Notice Paper, for example, costs in excess of $100 for each day of publication, and the value of time and communications required to provide answers runs to many thousands of dollars. Naturally, the Government recognises and will accommodate the legitimate right of all members to seek information which can be obtained only from the Government, which is relevant to members' Parliamentary duties, and which is not easily available elsewhere. The Government has accorded, and will continue to accord, such questions a high priority and will take all reasonable steps to ensure that factually correct and comprehensive answers are supplied promptly.

There remains, however, the increasing volume of questions being placed on the Notice Paper which are irrelevant to State Government responsibilities, or are so broadly asked that it is impossible to provide a detailed answer, or in some cases are simply fatuous and do nothing but reflect on the disinclination of certain members to work! Recently, the Notice Paper contained a long series of similar questions on general statements of Government policy, all of which cost thousands of dollars to print, and all of which, I might add, were asked by the one member who repeatedly expresses his desire to achieve Government economies. Not one of these questions admitted of a useful answer.

In another recent example the member for Baudin requested detailed information on consultancies. Efforts to provide detailed and satisfactory answers to these questions have already cost the taxpayers several thousand dollars, to date.

Members interjecting:

The Hon. D. O. TONKIN: I think one of the problems is that the honourable member did not realise the implications of his question when framing it.

Members interjecting:

The SPEAKER: Leave has been granted for a Ministerial statement, and I ask members to listen to it in silence.

The Hon. D. O. TONKIN: The present Notice Paper contains numerous requests for information which is freely available in the Parliamentary Library and elsewhere. I do not regard, for example, Question No. 1 020—"What is cystic fibrosis and what are the symptoms of the disease?"—as being a question worthy of the time and effort of Public Service officers. Similarly, all of the many questions asked by the member for Albert Park on the incidence of crime in South Australia could be easily obtained by reading the reports of the Police Commissioner and the Bureau of Crime Statistics if he felt so inclined.

Other questions, such as No. 1076, which asks whether acrylic carpet has been installed in certain schools, and No. 1073, which seeks student numbers in particular schools, could be answered at substantially cheaper cost by simply telephoning or writing to the schools concerned. Still others do not even fall within the ambit of State Government responsibility.

I would suggest that members, including the member for Ascot Park, read the Australian Constitution before considering the placement of such questions as No. 1096—"When does the Government intend to impose restrictions on the number of T.V. programmes depicting rape, murder, drugs and execution?" I do not for one minute downgrade the honourable member's concern for these matters, but I think he has been in this place long enough to know that it is not a State Government responsibility. Finally, I would request all members to balance their zeal in asking questions with the simple discretion of checking to see whether the same question has not been asked previously.

There are many questions currently on the Notice Paper, including Nos. 880, 881, 883, 905, 944, 947 and 952, which are either repetitive or so similar to earlier questions that there is no apparent distinction between them. There remains, of course, the genus of question which is so fatuous that it says more about the questioner than I could. A question ending "What has been the Federal Government's response, and if not, why not?" is a question deserving no further comments from me, and will receive no attention from me.

Members interjecting:

The SPEAKER: Order!

The Hon. D. O. TONKIN: I repeat, Mr. Speaker, that, while the Government will not in any way impede or delay the information which may properly be asked by members under the terms of the Standing Orders, the Government will not indulge frivolous or unnecesary requests at considerable cost to the taxpayers of South Australia.

MINISTERIAL STATEMENT: AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES

The Hon. E. R. GOLDSWORTHY (Minister of Mines and Energy): I seek leave to make a statement.

Leave granted.

The Hon. E. R. GOLDSWORTHY: I have been advised that, last night, the Thebarton council made certain decisions in relation to the Thebarton plant of the Australian Mineral Development Laboratories. As the Minister responsible to Parliament for the Australian Mineral Development Laboratories Act, I wish to bring certain matters to the attention of this House relating to those decisions.

The essence of the council's decision is that it wants the plant moved to another location. The council's decisions follow closely a series of public statements by the Federal member for Hindmarsh, Mr. Scott. Before discussing these statements, it is necessary to put into context the history and the role of Amdel. Honourable members will recall that the establishment of the laboratories in 1960 followed research and development undertaken in the 1950's by the then Department of Mines, especially in relation to treatment processes for uranium mined at Radium Hill. The excellence of the work of the department in that period was such that it attracted clients from interstate and overseas seeking assistance in mining and mineral projects of major importance.

As a result of this activity, consultations were held with the Commonwealth Government and representatives of the mining industry in 1959, and it was agreed that the laboratories and staff could perform a valuable function for the community. Consequently, legislation was passed formalising an agreement between the three sponsors of the project—the South Australian Government, the Commonwealth and the mining industry—guaranteeing financial support.

The laboratories were initially set up for a trial period of five years, commencing in 1960, but the initial period of operation proved so successful that amending legislation was passed in 1963 to provide for the continuing life of the organisation. Since that time, the organisation has continued to grow in terms of staff employed and the range of services offered. Amdel, as an independent contracting organisation engaged in research, development, consulting and service work for industry and Government, functions on a commercial basis and relies on earnings to provide the services offered.

Those services now cover a wide range, including analytical chemistry, mineralogy and petrology, geochemistry, geochronology, materials services, operations research, computer services, geostatistics, mine planning, mineral engineering, chemical metallurgy, environmental studies, process development design, process instrumentation and control, and forensic investigations. Those services are of very valuable assistance to the community. For instance, Amdel's work in forensic investigations is very much valued by the South Australian Police Department.

Until recently, Amdel has been allowed to make its contribution to the community and the economy of this State with bipartisan support from the major political Parties. As recently as August 1978, the former State Government legislated, with the support of the then Opposition, to make changes to the Australian Mineral Development Laboratories Act to allow for the laboratories to be developed as a market-oriented corporation with the required flexibility and capacity to adapt to changes in demands for their services.

I now turn to Amdel's involvement in activities associated with uranium, which I remind the House were the whole basis in the 1950's leading to South Australia obtaining this very valued organisation. A trace through *Hansard* shows no criticism whatever during the whole of the life of the former Government about the extent to which Amdel was involved in activities associated with uranium mining. Such involvement was freely admitted. On 20 October 1977 my predecessor, Mr. Hudson, told this House:

> Amdel resources are available in the uranium area, because that is an area of its expertise.

Mr. Hudson also stated, in reference to Amdel's functions generally, that:

> It is an important organisation, since it is the only research organisation in this area outside the C.S.I.R.O. and the Bureau of Mineral Resources.

This bipartisan support for Amdel has changed markedly, however, in the past 18 months. In May 1980, members of the A.L.P. associated themselves with a demonstration organised by the Campaign Against Nuclear Energy, during which some scurrilous and baseless allegations were made against Amdel. More recently, the Federal member for Hindmarsh, Mr. Scott, has made some statements which have received prominence in the media. There has not been much new in those statements. In the main, they have involved issues which were canvassed in questions asked as long ago as last August by members of the Opposition, in response to a Health Commission survey, at the request of the Public Service Association and another union at Amdel, if my memory serves me correctly.

On 5 August last year, I answered a question about a report compiled by the Health Commission, following investigations at Amdel. The Minister of Health answered a further question on 21 August. In summary, our answers indicated that, while nothing had been found at Thebarton to warrant concern about the health, safety and well-being of workers and nearby residents, action should be taken to upgrade standards in certain areas and to purchase additional equipment to extend monitoring. I might say that such a necessity had not pressed itself on the minds of those in the previous Administration. The activities of Amdel have been no different during the past 18 months than they have been since 1977 and earlier. So, we become a little cynical about the newfound support of members opposite for CANE.

The Minister of Health, in her answer on 21 August, indicated what action had already been taken at that stage, to implement the Health Commission's recommendations. Notwithstanding all of these facts, the Federal member for Hindmarsh made certain statements to the *Advertiser* which were reported last Saturday. His statements implied that the Health Commission's report was of only recent date and that action had not been taken as recommended. In fact, the report was dated 18 April last year, and action was taken as indicated in the information subsequently given to this House. In other words, all of Mr. Scott's stuff was stale news, anyway.

Mr. Langley: He still won the seat.

The SPEAKER: Order! The honourable Deputy Premier has sought leave to make a Ministerial statement, and I would ask him not to answer interjections.

The Hon. E. R. GOLDSWORTHY: Yes, Sir, but in my Ministerial statement I observe that Mr. Scott's majority was lower than in any other district in South Australia, particularly in the Thebarton area, and his newfound interest in Amdel is not surprising.

Mr. Langley: He still won.

The Hon. E. R. GOLDSWORTHY: He kept a very low profile leading up to the election, as did Mr. Apap, and he would have suffered the same fate as Mr. Apap if he had carried on in that way. Comrade Scott has now reverted to type.

The Hon. R. G. PAYNE: On a point of order, Mr. Speaker, my understanding is that leave was given for a Ministerial statement, not for a long debate on matters which are not directly related to what we understood would be included in that Ministerial statement.

The SPEAKER: I will not uphold the point of order that the honourable member has raised. I have already drawn the Deputy Premier's attention to the leave which was granted by the House, and I was in the process of doing so again when the honourable member for Mitchell rose in his place.

The Hon. E. R. GOLDSWORTHY: Mr. Scott further alleged that "wrong" monitoring equipment had been purchased. That is entirely without foundation. Following the Health Commission's report, new measuring equipment for alpha as well as gamma radiation has been purchased, a necessity that, as I have said, did not press itself on the previous Government. A radiation operation manual has been compiled for approval by the Health Commission. The recommended monitoring programme has been in operation since August last year, as has been reported to the House.

All personnel at Amdel wear T.L.D. monitoring devices as approved by the Health Commission. These are checked in the Australian Radiation Laboratory in Melbourne. In addition, the Health Commission staff make independent checks on the Amdel readings. To date, all readings have been only a small fraction of accepted safety limits. In fact, I have informed the House in relation to that point that when a reading is detected (and in the vast majority of cases no reading is detected) it is about 1 per cent of the accepted limit. Amdel is required to conform to a range of health and safety standards imposed by local, State and Federal laws and regulations. It is a responsible organisation, enjoying a reputation throughout Australia and overseas for its expertise in technical research and development in many areas.

I noted only at the weekend statements by the Leader of the Opposition about the extent to which South Australia should be encouraging the development and expansion of industry with a high degree of technology. Such an attitude seems to be in direct conflict with the current stance of the A.L.P. relating to Amdel, for statements such as those being made by Mr. Scott are calculated only to jeopardise the reputation which Amdel has established. Do Mr. Scott and the A.L.P., in fact, want to drive this organisation out of South Australia altogether?

When the motives for these allegations are examined, and bearing in mind the bipartisan support which Amdel enjoyed before the last State election, it becomes obvious that this campaign has been waged not out of any genuine concern for health and safety matters, but rather as an attempt to seek support for the Labor Party's attitude to uranium matters in general. As such, it deserves the condemnation of everyone interested in assessing matters on a basis of fact and propriety rather than of distortion and emotion.

I will be referring this statement to the Thebarton council and I understand that officers of Amdel will be meeting with the council at an early date to put before it the full facts. So far as the residents of Thebarton are concerned, they have the Government's assurance that their location does not expose them to anything more than natural background radiation. I have discussed this statement with the Health Commission. In fact, whether they live in a timber or a brick house has far more bearing on the amount of radiation they receive than has their proximity to the Amdel plant.

MINISTERIAL STATEMENT: YATALA CANTEEN

The Hon. W. A. RODDA (Chief Secretary): I seek leave to make a statement.

Leave granted.

The Hon. W. A. RODDA: The canteen operations at Yatala Labour Prison have been the subject of a recent report by the Public Accounts Committee tabled in this Parliament on 4 December 1980. In response to Public Accounts Committee inquiries regarding alleged mismanagement and pilfering from the canteen, the Department of Correctional Services established a canteen operations review committee on 3 September 1980.

As a result of that committee's investigations, a recommendation was made that inmate labour be replaced by paid staff to operate the canteens at Yatala Labour Prison and Adelaide Goal. As a result, the Government recently approved the temporary appointment of three persons to operate the canteens at both institutions. One storekeeper will be employed at Adelaide Gaol, and one storekeeper and one clerk at Yatala Labour Prison. These persons are being selected from surplus labour in other Government departments and will be temporary appointments subject to a complete review of the canteen operations by an officer seconded from the Department of Services and Supply.

The major problem has been that of pilfering. The identification of those responsible for the pilfering has been left open by the Public Accounts Committee. Many of the criticisms expressed by the Public Accounts Committee arose because of a lack of suitable relieving staff. Normally a prison officer relieves in the absence of the canteen officer, but, because the Australian Government Workers Association refused to allow selective posting of officers, persons with little or no clerical experience had to be nominated for duty in the canteen. It has been decided that inmate labour will be replaced by paid labour in the canteens, pending the report of the officer from the Department of Services and Supply.

Other interim control measures which have been introduced have resulted in a marked improvement in the control of stock. All inmates, purchases are now checked by an officer, once packaged and before the inmate leaves the canteen. Delivery arrangements have been changed to allow direct delivery of goods to the canteen, except in the case of some bulk items.

The Public Accounts Committee report contains eight specific recommendations. The first is that canteen goods should be sold to prisoners at cost. At present goods are sold at a price which is considerably lower than that outside the prison. However, a small margin of profit is retained in order to provide a supply of sporting and other recreational facilities to inmates. This method of charging has resulted in a regular supply of sporting goods, and has meant that inmates, having contributed to the purchase of equipment, treat it with appropriate respect.

The prices charged are still significantly lower than those outside the prison. A can of Coke, for example, is 35c at Yatala and normally 50c in a delicatessen outside. It is therefore intended to continue to maintain an average margin of profit of around 5 per cent on an annual canteen turnover of $350 000. A profit margin of 5 per cent would provide $17 800 for sporting equipment and other recreational facilities for inmates.

The Public Accounts Committee recommended that departmental institutions be exempted from charging a deposit on drink cans. The Government is presently considering a proposal to exempt the Department of Correctional Services from the provisions of the beverage container legislation.

The third recommendation referred to the need for weekly physical stocktaking and a streamlining of record keeping. The officer from the Department of Services and Supply will recommend what procedures should be adopted for stocktaking, ledger keeping, and buy-day procedures. The report will form the basis for determining the procedures and long-term staffing requirements for canteens at Yatala Labour Prison and Adelaide Gaol.

The fourth recommendation is that prisoners should continue to be effectively employed in the canteen as part of their rehabilitation programme. There is considerable concern at this proposal, which seems to be outside the responsibilities of the Public Accounts Committee. Continued prisoner involvement can be achieved only within strict accounting and supervisory procedures, and the recommendation will be further considered by the Government upon receipt of the report by the officer of the Department of Services and Supply.

The fifth recommendation of the Public Accounts Committee refers to the provision of a job specification for canteen officers. A job specification will be provided to officers and this will be developed as soon as the staffing arrangements are determined. A copy will be retained in the canteen for use by relieving staff, but it will be necessary for such officers to have the appropriate clerical background.

The sixth recommendation is that the Superintendent at each institution should be provided with a weekly canteen stock reconciliation report certified by the canteen officer, that regular audits should be carried out, and that the internal auditor should be called to investigate weekly discrepancies of $50 or more.

While there is no disagreement with this recommendation in principle, it should be understood that it is virtually impossible for the canteen officer to do a weekly stock reconciliation by himself, while prisoners are employed in the canteen. This matter also will be taken into consideration by the officer from the Department of Services and Supply in his review of canteen operations.

The seventh recommendation is that the internal audit function should be reviewed and become part of the Chief Secretary's staff and report to him. The departmental committee which was established to review canteen operations has recommended that the internal checking officer should regularly, and without notice, visit the canteens and undertake a check. This procedure has been adopted and will continue to be followed by the internal checking officer. However, it would be difficult to justify a position on the Chief Secretary's staff solely to check the operations of the canteen. The internal audit function should be part of the departmental clerical function, with an internal auditor.

The final recommendation of the Public Accounts Committee is that dividends from Associated Co-operative Wholesalers should be paid into the amenities fund, that sports prizes for prisoners should be paid from this fund, and that the fund be an interest bearing trust account at the Treasury. In principle, this is what already happens. The dividends are paid into revenue of the canteen and become part of the gross profit on its operation. From this gross profit, the annual allocation of funds for amenities is made. The funds for the operation of the canteen have already been transferred to an interest bearing account.

In conclusion, the secondment by the Government of the officer of the State Supply Division should see a marked improvement in the procedures followed within the canteens. The department will continue to monitor the situation to ensure that the problems experienced do not recur.

MINISTERIAL STATEMENT: AMOEBIC MENINGITIS

The Hon. P. B. ARNOLD (Minister of Water Resources): I seek leave to make a statement.

Leave granted.

The Hon. P. B. ARNOLD: The Minister of Health and I, as Minister of Water Resources, are seriously concerned that the people of South Australia, and in particular the residents of Whyalla, are becoming unduly worried by media reports dealing with the discovery of the organism

which causes amoebic meningitis in the water supply systems of Whyalla and the Yorke Peninsula.

We are concerned that some of these reports are unnecessarily alarmist. Let me assure the House that the Government has acted swiftly and done everything necessary to deal with this problem. Tests have shown that boosting the chlorine dosage of the water supply to sufficient levels is enough to kill the disease-carrying organism.

On 31 January, my department took the precaution of installing a mobile booster chlorinator on the Morgan-Whyalla pipeline to increase the chlorine levels of that supply. This was 10 days before we had conclusive results from tests on samples of Whyalla's water supplies. Additional chlorination plants are being installed as a matter of urgency on the Yorke Peninsula pipeline. We have already announced Cabinet approval for the spending of $3 000 000 on two water filtration plants to be installed on the Morgan-Whyalla and Stockwell-Swan Reach pipelines.

In addition, I have spoken to the Minister for National Development (Senator Carrick), seeking Federal Government aid to provide filtered water for the northern towns as a matter of urgency. I am confident that the Federal Government will view that approach favourably.

It must be emphasised that chlorination is the only effective treatment for water contaminated by amoebae. Filtration, while it would improve the quality of the water, would not eliminate the risk of amoebic meningitis.

My department has also stepped up its water sampling programme in the affected areas. These programmes are on-going and had been continuing as a matter of course before the amoeba was discovered in the Whyalla and Yorke Peninsula supplies. All necessary action to ensure the safety of the water supply at Whyalla had been taken immediately the diagnosis was made of amoebic meningitis on 25 January.

QUESTION TIME

The SPEAKER: I draw honourable members' attention to the fact that, in the absence of the Minister of Environment, any question directed to that portfolio will be taken by the Minister of Transport.

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

That Standing Orders be so far suspended as to allow Question Time to continue to 3.25 p.m.

Motion carried.

BUDGET DEFICIT

Mr. BANNON: My question is directed to the Premier. In view of the half-yearly account figures, is there a prospect of a $40 000 000 deficit on the Revenue Account for the 1980-81 financial year and, if not, what steps does the Premier intend to take to retrieve the situation? On 17 December 1979 and again on 4 January 1980, the Premier, in minutes to his Ministers, specifically referred to the prospect of a possible $40 000 000 deficit that might occur in the 1980-81 financial year. The Revenue Account deficit for the six months to December 1980 was an all-time record of $39 300 000 and a marked deterioration from the $5 600 000 deficit to December 1979. The Premier has budgeted for a $1 500 000 deficit on the combined accounts, which currently show a deficit of about $19 000 000.

The Hon. D. O. TONKIN: I am obliged to say at the outset that, when the 1979-80 Budget was brought into this House, the Leader of the Opposition was a new Leader, and a relative newcomer to the Parliamentary scene. At that time, he gave no real indication of any proper understanding of the budgetary process or of the financial management of the State. Generally, this was put down to lack of experience; of course, everyone said he was bound to learn.

When the 1980-81 Budget was introduced, the Leader of the Opposition had certainly been longer in office, but, with equal certainty, was no wiser in his understanding of those financial matters. His immediate and apparently authoritative assertions will be recalled by all members. They were repeated by an eager media. What is, I believe, still embarrassing for him, and most unfortunate for his Party, is that his predictions were so completely out of line with reality. They were, in fact, very little more than arrant nonsense; they were either based on miscalculation or on a simple lack of understanding. It is a matter of record that his extravagant claims of cuts of 12 per cent in real health expenditure, and 4 per cent real cuts in education, were both totally inaccurate and misleading, as rapidly emerged.

The Leader did not at that time repeat his claims, but neither did he correct them. Indeed, it is only fair to say that in that debate on the Budget his speech was characterised by further errors, inaccuracies and false conclusions, all obviously arising from a very serious lack of understanding of the financial processes involved.

Mr. Trainer: You haven't used the word "farrago" yet.

The SPEAKER: Order! The honourable Premier is answering a question.

The Hon. D. O. TONKIN: These matters, although I canvass them in some detail, are very pertinent indeed to the question that has been asked, because it has been based on those same inaccuracies, and on an obvious lack of understanding of the budgetary process.

Mr. Bannon: We shall see.

The Hon. D. O. TONKIN: Unfortunately, we have seen, and the Leader has demonstrated quite clearly and conclusively simply by asking this question that he has no real understanding of how the budgetary process and the financial management of this State is accomplished. He fails to recognise the interdependent relationship between Revenue and Loan Accounts. He made that very clear. He ignored completely at that time the fact that the State Loan funds of $15 000 000 were being used to augment the Commonwealth Loan funds allocation. All of his misconceptions in the past have been rebutted and very carefully explained to him. Whether or not he has benefited in any way from those strenuous efforts, which I recall from reading *Hansard* were made by the Deputy Premier and our other colleagues on this side of the House to disabuse him of some of his misunderstandings, or whether they were successful or not, I had no way of telling until a few minutes ago.

Now, following the question he has asked, it is quite clear that the Leader's understanding of financial matters has not improved in the slightest way, although he has been a little bit longer in his office as Leader. I suggest that he would do a great deal better if he were to ignore his pitiful attempts at petty point scoring for political reasons and get down to the nitty gritty of really learning what it is all about. If he were to do that, he might get somewhere. What his reasons are for promulgating these mischievous misconceptions and extravagant claims, I am not sure.

Mr. Bannon: I asked a simple question.

Members interjecting:

The SPEAKER: Order! The House will come to order. The honourable Premier is answering a question.

The Hon. D. O. TONKIN: It was, indeed, a simple question from a simple soul. I do not know whether his question, and the various comments that he has made to the media, are based on a mischievous desire to tear down at all costs, and to criticise as is his wont, or whether they really are just a total lack of understanding of the budgetary process.

With every monthly statement which is made (and let us remember that the Leader has latched on to this fact) there appears a warning that the final result for the year cannot be inferred from each month's figures. This actually applies both in isolation to individual figures and to figures for corresponding months. Typically, the curve varies. It is one which is plotted every month by the Under Treasurer. I am certain that the member for Hartley will remember those monthly visits that the Under Treasurer makes. He understands, and I believe that the Leader would do well to seek his advice. I think that in those days the Under Treasurer visited the honourable member to get that daily cheque signed—and very well indeed it was signed.

Mr. Bannon: A monthly visit.

The Hon. D. O. TONKIN: That clever interjection once again demonstrates how little the Leader knows. Why does he not talk to his colleague, the member for Hartley? But perhaps that is asking too much. Payments exceeded receipts on the combined accounts by $19 800 000 in December 1980. The figures for January, which will be released within the next day or two, show a marked improvement, if we are taking figures in isolation. I have already pointed out that it is not safe, or wise, to take those figures in isolation, because, if we look at other low points over the past decade, during the administration of the former regime, it is evident that in other years payments had exceeded receipts on the combined accounts by far more at this stage of the financial year.

I wish that the Leader would do a little homework or tell somebody to do a little homework for him. In December 1974 the combined accounts showed six-monthly payments in excess of $18 100 000 (in current money value, $33 000 000). In December 1977, the six-monthly statement of the combined accounts showed an excess of payments amounting to $27 800 000 (or $36 000 000 in current values). The Leader says that this year's figure is an all-time record. He just has not done his homework. In August 1977, just two months into the financial year, the combined accounts showed a payments excess of $54 300 000. I do not know what the Leader has been making all this noise about, except that he obviously does not understand what he is saying.

Members interjecting:

The SPEAKER: Order!

The Hon. D. O. TONKIN: I am more than surprised (and I am answering this question in some detail because it is a matter of great concern) that people—

Members interjecting:

The SPEAKER: Order! Standing Orders do not provide for the answering of supplementary questions, but they do provide for the treatment of members who persistently interject.

The Hon. D. O. TONKIN: I would have used the word "farrago" with respect to the interjections. I am answering this question in some detail because I am concerned that the Leader, by putting about the fallacies, misconceptions, and evidence of his misunderstanding, as he is doing, is seriously running the risk of destroying a most valuable commodity that is developing in South Australia at present—that is, confidence, something that the Leader does everything he can to tear down.

The results as they are shown are not uncommon. I have just shown, by the figures I have given, that they have been exceeded by very large amounts in the past, and that the Leader is very wrong in taking them as an indication of what the likely result at the end of the year will be. I am surprised indeed that the Leader should continue to press his wild and extravagant claim that there will be a $40 000 000 deficit. I would have thought that he would be too embarrassed to raise the subject again after last year, when he was, from memory, roughly $76 000 000 out. Certainly, had the Government, when it was elected to office, continued with the policies of the former Government, the State would have faced a deficit of $40 000 000; there was no secret about that.

That was included in a circular that was sent to all departments calling for stringent controls on Government spending. The Leader of the Opposition seized on that figure of $40 000 000, and he has been promoting it ever since. Following the combined account surplus of $37 400 000 for the last financial year (and this must always be kept in mind when we are dealing with the long-term overall result), the Leader went very quiet on his claim of a $40 000 000 deficit. I could, and I will, offer to give the Leader all the assistance possible in learning to understand how the two accounts work. I was looking forward to some detailed comment and questioning from him yesterday when we passed the Public Finance Act Amendment Bill in this House. I would have thought that in the circumstances that would be a first-class opportunity for the Leader to seek some help and guidance, but he did not do so.

There are a number of matters that I will briefly deal with. The Leader claimed publicly to have been shocked by what he calls a massive miscalculation in the allowance for wage increases this year. In actual fact, a round sum allowance of $79 000 000 was set aside in this year's Budget for increases in wage and salary rates. That amount was approved and voted for by members of the Opposition. I heard no comment from them at the time about the possible inadequacy of the sum. However, it was a record increase, based not only upon indexation judgments in line with the current rate of inflation, but also upon anticipated judgments in work value cases as well. That sum of $79 000 000 was a record sum, and it represented an increase of $25 000 000 or 46 per cent from $54 000 000 in the previous year.

The Government certainly commented about the very large increase in the amounts set aside for round sum allowances, but I heard nothing from the Leader at that time. I might almost have expected comment from the Hon. Mr. Sumner, who seems to be taking the running in Treasury matters. I understand that he was very disappointed about not being able to get preselection for a Lower House seat. On present indications, the amount for round sum allowances will be approximately $89 000 000 for the entire financial year; in other words, $10 000 000 more than was expected. How anyone can justify a comment about there having been a massive miscalculation, I do not know.

The extraordinary increase of $35 000 000, or 65 per cent over the amount spent on wage increases during the previous year, will put additional pressure on our Budget—I have already said so publicly. Indexation increases of 7·9 per cent (that is the total of 4·2 per cent in July and 3·7 per cent in January 1981), plus the work value decisions for most State Government employees, have really put the average wage increase up to about 14 per cent. Indeed, some of the figures have increased by 11 per cent over and above the indexation level, bringing the

figure up to 19 per cent. Approximately 65 000 people, or nearly 95 per cent of Government employees, have received a work value increase this year.

The rate of inflation in South Australia is expected to be marginally less than 10 per cent this year, yet we have wage increases ranging on average between 13 per cent and 19 per cent for Government employees. Of course, this will have an impact on the Budget. It would be a very foolish person who said that it would not.

Mr. Hamilton: That is $20 000 000.

The Hon. D. O. TONKIN: That comment shows just how dense some members opposite are. I have already said that the total sum for the whole financial year will be about $10 000 000.

Honourable members would do well to listen. The shortfall of $10 000 000 means that $10 000 000 must be found. There are still additional work value claims to come, and I believe that the Treasury officials and the experts did very well indeed to arrive at that figure of $79 000 000. Other matters which are going to impact upon the Budget include interest payments on the public debt, which will be probably $7 000 000 beyond estimate.

I will not go into details now: I think the Leader could well do his own reading on the matter. The material is available, and I believe that he should do something about reading more of the past records of the State's management. I simply say that one of the problems under which this Government is labouring is the effects of the previous Labor Government, when the prudent increases in the State's liability were abandoned from 1976 until the change of government in 1977. Up until that time, the State's total liability had been growing by about 1·5 per cent to 3 per cent a year. In 1977, it rose by 9·34 per cent, in 1978 by 8·78 per cent, and in 1979 by 7·33 per cent. The previous Government went mad and increased the public debt to an enormous extent. In 1980, in this Government's first Budget, it managed to reduce that by almost half, to 4·5 per cent and it will continue to exercise restraint. Although we will do that, we will continue to pay dearly for the Labor Government's lack of restraint in the years just gone by.

Mr. Keneally: And you're not going to answer the question.

The SPEAKER: Order!

The Hon. D. O. TONKIN: I would say that we will finish the year with a slightly bigger deficit perhaps than that which was planned. Instead of $1 000 000 or $2 000 000, it may well be in the region of $9 000 000 or $10 000 000; I do not know. What I know is that the Government's policies, which have been proven by the result in the last financial year, which have proven effective, will continue to be put into operation. It will continue to curtail expenditure which is extravagant or unnecessary. The fact remains that the taxpayers of this State put this Government into office because they believed that taxation was too high. We have honoured our promise to reduce State taxation. We have done it at the first opportunity—

An honourable member: Spectacularly.

The Hon. D. O. TONKIN: —and we have done it, as my colleague says, spectacularly. I believe that we can continue with our present course. I believe that we can make appropriate savings, and I say that it is essential that we do, because, with the impending release of the relativities report, I think we will have to find a little more money. We will suffer, and suffer quite markedly, from the effects of the railways agreement, which was so scandalously negotiated five years ago without any thought for the future.

Mr. Bannon: Nonsense!

The Hon. D. O. TONKIN: That is not nonsense. I wish the Leader were right on this occasion, but I am afraid that it is not nonsense. It is quite significant. I maintain that we can do something positive to continue with the policies we have adopted, and that we will return a relatively small and workable deficit at the end of this financial year.

I turn now to one other aspect of the question the Leader has asked, and suggest to him that, instead of being negative, he might turn his attention to ways in which the State can generate additional sources of revenue from available sources without lifting the level of individual taxation. Before he gets on his hobby horse and starts talking about—

Mr. Bannon: Restore employment.

The Hon. D. O. TONKIN: This Government has a record of having created 3 800 jobs since it came to office in September 1979. I know that the Leader does not like it, but the figures show clearly that more than 3 500 jobs have been created in South Australia since this Government came to office. Before the Leader gets on to his hobby horse of some form of additional State taxation, may I suggest that he give his attention to the area of mining royalties, which deliver to this State about $4 000 000 a year at present but which could yield up to $50 000 000 a year from Olympic Dam, Roxby Downs, alone when that mine is in full production.

Mr. Keneally: When will that be?

The Hon. D. O. TONKIN: It will come to pass a great deal more rapidly with the support of members opposite. I suggest that, instead of crying "Jonah", which is a role the Leader has come to play very well, he would do better to support the development, to follow in the footsteps of his excellent colleague from Hartley, and support the development of Olympic Dam, and help us to get on with Roxby Downs, developing that mine as rapidly as we can so that we can get some benefit into the pockets of the people of South Australia. That is what the Leader should do. When it was in Government, the Labor Party did everything it could to inhibit development, both industrial and mining. Now, if we had a clear, forthright statement from the Leader saying that he supported development in South Australia, that he would support all initiatives to bring about development in South Australia, including Roxby Downs and the mining potential that is there, his statement would do a lot more for this State than the fatuous and rather pitiful questions that he is asking in this House.

INTERNATIONAL AIR TRAVEL

Mr. OSWALD: Can the Premier inform the House whether the submission presented to the British Civil Aviation Authority by Laker Airways includes a proposal to schedule Adelaide on that airways' Britain-Australia sky train?

Mr. Bannon: The written submission doesn't; the verbal undertakings do.

The Hon. D. O. TONKIN: I am fascinated to hear the Leader's rapid interjection, because this matter has caused me a great deal of surprise and concern. I have been unable to understand exactly the Leader's great interest in this matter. We have heard in the media on a number of occasions about the Leader's having had discussions with Sir Freddie Laker, and the Leader has passed on undertakings from Sir Freddie Laker. I have been rather surprised to hear all of those reports. Certainly, officers of the Government have now completed a very thorough examination of the Laker Airways' submission to the British Civil Aviation Authority.

Mr. Bannon: I've only seen the written one; have they talked to the people?

The SPEAKER: Order!

Mr. Bannon: I am just providing some information.

The SPEAKER: Order!

The Hon. D. O. TONKIN: It seems to me that the Leader of the Opposition protesteth far too much. I would like to review his record in this matter. I know that I should not respond to interjections, but nevertheless the Leader has taken what he has said to be (and it must therefore be accurate) a leading role in negotiations with Sir Freddie Laker. On 10 May 1980, the Leader announced that Sir Freddie Laker would come to Adelaide in August to discuss with him the establishment of a cut price air link between London and Adelaide; on 9 July 1980, the Leader released a statement saying that he had received very encouraging news from Sir Freddie Laker and that Adelaide was one step closer to direct internationl flights. August came and went, and Sir Freddie did not come. The Leader issued another statement saying that Sir Freddie would be here in February 1981 to discuss the matter with him; I think it is now February 1981, and I see no sign of Sir Freddie Laker's coming.

Mr. Keneally: Are you sure?

The Hon. D. O. TONKIN: Yes, I am sure, but I do not think that your Leader is sure. On 16 January this year, the Leader issued a further statement which said, in part:

> Laker Airways now believes a direct London-Adelaide connection could eventually be a goer.

Finally, on 27 January this year, after the Civil Aviation Authority proceedings had commenced, the Leader publicly applauded (and I quote) "Laker Airway's decision to include an Adelaide-London connection in its current submissions before the British Government".

What we have, therefore, even after the Laker submission became a public document, are repeated assurances by the Leader that Laker Airways has undertaken to fly to Adelaide and, further, that it is the Leader's intercession on behalf of South Australia that has secured international status for Adelaide Airport. Let me return to Laker Airways submission and state the facts as they really are.

Nowhere in the submission (and I am glad to have the Leader's confirmation) is Adelaide mentioned as a possible terminal point for United Kingdom-Australia flights. In fact, nowhere in the report is Adelaide mentioned at all. I would have thought that, with the intense publicity which had been generated from the Leader's office, there must have been some reasonable basis for those comments, some encouraging sign, and I would have thought that, if it were as important as that to Laker Airways to come to South Australia, we would have seen some mention of it in the Laker Airways submission to the Civil Aviation Authority. Certainly, British Caledonian has put in a proposal for a regular flight to Adelaide, but I cannot—

Mr. Ashenden: Back to Raywood again?

The Hon. D. O. TONKIN: I do not think Raywood would help one little bit. Laker Airways has proposed daily DC10 flights from London to Australia servicing only one destination on each flight, and that destination is either Sydney, Melbourne or Perth; it will have two intermediate stops on all flights; morning departures from London; and it will offer first-class section travel 66 per cent cheaper, economy class travel 48 per cent cheaper, and excursion fares 13 per cent cheaper.

I believe that that in itself is a desirable thing. I would have been far more reassured had the submission mentioned the particular needs of Adelaide and of South Australia. Laker Airways will offer the entire cargo capacity to the highest bidder, who will then accept all risks and expenses.

As to the value ascribed by Laker Airways to the Leader's assurances of South Australian support, I should say that only last week and in preceding weeks the airline came to the Government (not to the Leader) and requested a supporting statement that could be placed before the Civil Aviation Authority for the purpose of fortifying Laker's submission. The telex which was sent to Sir Freddie Laker is as follows:

> Although your proposed operational plan for U.K.-Australia flights does not include Adelaide, the South Australian Government, in pursuit of the legitimate claims of the people of this State for international flights, and in the hope that you may eventually decide to give consideration to Adelaide, wishes you well in your application.

That is as far as we can go in the circumstances.

The Hon. J. D Wright: What date is that?

The Hon. D. O. TONKIN: That telex was sent on 9 February. As to the Leader's repeated assurances that Sir Freddie is to visit Adelaide, first in August last year and then in February this year, I am informed by Laker Airways that Sir Freddie has no plans to visit Adelaide, but that, if he should come at some time in the future then, of course, his purpose would be to discuss the issue with the Government.

WOOD CHIPS

The Hon. J. D. WRIGHT: Is the Premier aware that his Minister of Forests tape recorded a phone conversation between himself and a John Fairfax journalist based in Melbourne, and will the Premier ask the Attorney-General to investigate this apparent breach of the Listening Devices Act?

I have been informed that a John Fairfax journalist, whilst pursuing her investigations for the *National Times* into the Marubeni letter affair, telephoned the Minister of Forests at his home on Sunday 25 January. I am informed that during that conversation the Minister told this reporter that a Marubeni representative had met with him in mid-March 1980 and expressed concern that his company had not been given a chance to tender for the wood chip contract. That, of course, completely contradicts the Minister's statements to this House and to the *Advertiser* on 7 February that he had never met with anyone from Marubeni.

However, I am reliably informed that the Minister taped the full conversation with this reporter without informing her, and therefore in breach of the law. The reporter is prepared to make a statutory declaration to the effect that the Minister did not inform her that he was recording. I also understand that the Minister offered what he described as a full transcript of this interview to several Adelaide journalists yesterday afternoon. However, I understand that the Minister, now aware that a national newspaper is pursuing the bugging story, is today prepared to issue only a transcript of his side of the phone conversation.

Members interjecting:

The Hon. J. D. WRIGHT: Laugh if you like, but answer it and give me an investigation. I am also told that the Minister now claims that this was all that was recorded, even though it has been put to me that the Minister has a suction phone attachment used for recording telephone conversations in his office. In addition to the Premier's reply, it will be interesting to hear the Minister's comments, because the Opposition, in producing evidence

about communications with Marubeni, has already proved that he handles the truth somewhat carelessly.

The SPEAKER: In calling the Premier to answer the question, I indicate that the Minister will not be asked to comment.

The Hon. W. E. Chapman: I would welcome it if I was.

The SPEAKER: Order!

The Hon. D. O. TONKIN: In his last comments and in his question, I think the Deputy Leader of the Opposition shows quite clearly that he does not handle the truth with any degree of reliability.

The Hon. J. D. Wright: Prove that statement.

The Hon. D. O. TONKIN: I am just answering the statement that the Deputy Leader made about the Minister, and I am commenting on that because I am amazed that this subject should be brought up in this House yet again by the Opposition, which seems to be absolutely desperate for ideas. I just cannot imagine what is wrong with members opposite. This is an amazing situation. The whole imputation which has been based on the possession of illegally obtained documents is a most unfortunate one, and it shows a total disregard for the truth and a total disregard for any attempt to get to the truth.

Let us deal with the matter brought forward. The Minister of Agriculture has already told me that he recorded his conversation with a journalist. He has of necessity become—

The Hon. J. D. Wright: Why don't you record your own?

The Hon. D. O. TONKIN: Because if one puts a tape recorder on the desk and speaks into the receiver of a telephone, usually one's voice is recorded on the tape recorder. Perhaps the Deputy Leader would like a lesson in using a tape recorder.

Mr. Trainer: The Deputy Leader clearly referred to a suction microphone.

The SPEAKER: Order!

The Hon. D. O. TONKIN: There is no legislation that precludes anyone from recording his or her own conversation, and transcribing it. I judge, from what I understand, that it is probably just as well that the Minister took that course of action. I have no further comment to make on it except to say—no, I will not even give the Opposition advice.

SOUTH AUSTRALIAN SUPPLEMENT

Mr. ASHENDEN: Has the Premier read the South Australian supplement to today's issue of the *Australian* and, if he has, has he any comment to make on the contents of its several articles and on the editorial comment by Peter Ward?

The SPEAKER: I ask the Premier, in answering any question, not to comment.

The Hon. D. O. TONKIN: Yes, I have seen the supplement which was published in the *Australian* today. I would like to place on record the strong belief that I hold that measures such as these and support such as that which has been given in that supplement to the *Australian* are very valuable indeed to South Australia. I think the Editor of the supplement, Peter Ward, and the local staff should be congratulated for what is an informative and incisive research product.

The South Australian business houses that contributed to the supplement, both by way of advertising and providing editorial material, have done South Australia a service also. There is no doubt that articles that reflect an optimistic and confident mood of South Australia generally, and of the South Australian community, can do nothing but build up the confidence we already have.

Statements such as "South Australia is at the centre of it all, able and increasingly willing to take advantage of the swelling economies and populations to the north and west while continuing to service the traditional markets to the east" and "After the vain hopes and promises and disillusionment of the 70's, there is a mood of optimism again" can do nothing but good for the future of this State. Another statement reads:

> South Australia is on the threshold of an era of economic and commercial development that will change how the State is viewed in Australia and by the world. The optimism can be felt in business circles. Already there are signs of improvement.

Mr. MILLHOUSE: I take a point of order on all of this twaddle that is going on. As I understand it, it is not in order to ask a Minister to comment on a newspaper article. I did not take the point earlier because something might have come out of it. All the Premier is doing is self-congratulation, reading out what is in the article. For a man who earlier in Question Time complained about the sort of questions he was getting on notice, this is an absurd irony. I take the point of order that the question is, in any case, quite out of order, and I ask that you rule so, Mr. Speaker.

The SPEAKER: It is too late for the Chair to rule the question out of order. The Chair indicated at the time the question was asked that it was in a form such as on previous occasions has led me to ask the member to approach the Chair to correct the wording. I did that by indicating that I would request that the honourable Premier not comment in providing the answer. That warning stands. I ask the honourable Premier to come to the answer of the question.

The Hon. D. O. TONKIN: With great respect, I am simply quoting from the article to demonstrate quite clearly that I have read it. The President of the Retail Traders Association was quoted in the article, as follows:

> Following a solid 1980 Christmas sales performance, 1981 has opened with valid reasons for optimism in the retail industry.

Mr. B. S. Mienisch, Managing Director of A. W. Baulderstone Pty. Ltd., said:

> South Australia enters the 1980's with a level of opportunity for resources development probably greater than at any time this century. This development will create corresponding opportunities for construction, and as a result there will be substantial volumes of construction generated by both the private and public sectors.

Mr. Graham Mill, Executive Director of the Master Builders Association, is quoted as saying:

> The substantial rise [in private sector building ventures] was tremendously encouraging, as it represented a planned commitment by the private sector of $59 000 000 to development in South Australia. It was clear evidence of an increasing confidence in the future of the State.

Property consultants Jones, Lang Wootton said:

> See a more buoyant market, greater building activity . . . new business confidence and a brighter outlook for 1981. Leading property agents in Adelaide point to the general upsurge in confidence in the State . . .

Mr. KENEALLY: I am seeking your assistance, Mr. Speaker. Is it in order to ask the Premier to table the *Australian*, so that he would not have to go through this charade?

The SPEAKER: Order! There is no point of order. I ask the honourable member and others not to be facetious in their use of the point of order mechanism.

The Hon. D. O. TONKIN: Leading property agents in Adelaide are quoted as saying that there is a general upsurge in confidence in the State being reflected in the property market. The article states:

> They cite the resignation of the former Premier, Mr. Dunstan, the abolition of death duties, and the strong prices being achieved for commodities as factors which are lifting the State out of the doldrums it has languished in for several years.

A staff writer says:

> South Australia has entered 1981 on the threshold of an unprecedented energy boom, with billions of dollars of mining and development projects poised to begin operations . . . overall the future has never looked rosier.

I have read the supplement. I have not yet read all the articles in detail, but I would strongly suggest that all members of the Opposition do so, and that they learn something from those articles and be proud of South Australia.

WATER FILTRATION

The Hon. R. G. PAYNE: Does the Minister of Water Resources regret his decision, and that of the present Government, in October 1979 not to proceed immediately with plans for water filtration on the Morgan-Whyalla and Swan Reach-Stockwell pipelines, and what special plans has the Government to regain 15 months of time already lost by that decision? I think members would be glad to hear from the Minister exactly what has happened about the filtration project since August 1979 when—to quote the Premier—the excellent member for Hartley was the excellent Premier of South Australia, and gave an undertaking that a Labor Government would proceed with water filtration for northern towns. Subsequent to the election, when the member for Bragg became Premier, the Mayor of Whyalla, Mrs. Ekblom, made a special trip to Adelaide to see whether Labor's firm pledge would be honoured by the incoming Government.

Shortly afterwards, the *Whyalla News* reported that Mrs. Ekblom was quite unable to get any such assurance. Later, in the Budget debate last year, questions were asked by the member for Whyalla of the Minister. Some information was given about a small amount of money allotted for investigations—$5 000 this year and $30 000 next year for further preliminary investigations, before the consultants come in to prepare the overall plan. We have been told today, in a Ministerial statement, that $3 000 000 had been approved for filtration plants and design. I do not believe that the House can accept—

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

The Hon. R. G. PAYNE: I do not wish to transgress in any way, but members, including myself, heard the Minister say in this House today that $3 000 000 had been approved by Cabinet for design on that project. I seek some real information from the Minister, for honourable members' benefit and for the 110 000-odd people in the North, about what is the programme that the Government has tied in with that $3 000 000 announcement, and what special steps the Minister and the Government are taking to catch up the time lost by that foolish decision.

The Hon. P. B. ARNOLD: The honourable member commenced his series of questions by asking whether I and the Government regret having deferred the decision to proceed forthwith filtering the northern towns' water supply. In no way does the Government regret its decision, which was honest and responsible. On the other hand, the previous Government gave an undertaking prior to the last State election, but at the same time provided no funds to proceed with that work.

The honourable member referred to the $5 000 provided in this year's Budget, and to the anticipated $30 000 in next year's Budget. The previous Government's Budget that we inherited provided no funds whatsoever. It was an empty statement made to the people of the northern towns, by the previous Government, with no financial backing at all. Soon after the incoming Government took office, a statement was made that a final decision about that project would be made within 12 months.

That was stated within a month of the Government's coming to office. Since that time, and early in January, a final report was received from the Engineering and Water Supply Department making recommendations to the Government. The Government has made the decision to proceed and to call tenders for the concept design and layout of the two plants that will be required to filter the water supplies to northern towns, Barossa Valley and Yorke Peninsula.

That is a firm statement and a decision that has been made by Cabinet. As soon as the specifications necessary for calling the tenders are completed by the Engineering and Water Supply Department it will go to tender, and the design process will commence. In other words, $3 000 000 has been provided. Approaches were made to the Federal Government some months ago, and I discussed the matter again last night with the Minister for National Development, Senator Carrick. As the Premier has said, this will be dependent on the Federal Government's support, and the funds that will be forthcoming from the Federal Government for this project will determine whether or not there will have to be any slowing down of the Adelaide water filtration programme. If insufficient funds are forthcoming from the Federal Government (and I have no reason to believe that that will be the case; I believe that the Federal Government will regard this project favourably, and it has been forewarned of it well in advance), the Government may be forced into a situation where the Adelaide water filtration programme will have to be slowed down as a result of proceeding at this stage with the northern towns water filtration programme.

I come back to the original question: I do not, and the Government does not, regret the decision that it made at that time, because, as I said in my statement earlier this afternoon, water filtration will not remove the risk of amoebic meningitis. Only chlorination will do that, and as such the risk to public health is not the result of lack of water filtration.

RADIATION LEVELS

Dr. BILLARD: Can the Minister of Health assure the House that the levels of radiation from the Amdel complex at Thebarton are acceptable? My question flows from the public statements made by the Federal member for Hindmarsh. I believe that the public deserves an assurance from the Minister about this matter.

Mr. O'Neill: Of course she'll give you an assurance, but it won't be worth anything.

The Hon. JENNIFER ADAMSON: I am happy to give that assurance. I respond to the member who made that interjection by saying that, if he chooses to reject the advice of the health physicists of the South Australian Health Commission, I suggest that he is more foolish than I thought. The Health Commission has advised me that radiation levels at Amdel are well within satisfactory limits. I deplore the efforts of the member for Hindmarsh

to create deliberately a public mischief and to arouse a deep anxiety in the minds of the people of Thebarton. The facts are that the monitoring programme at Amdel has been proceeding since early August, and measurements have been made by Amdel of gamma radiation, surface contamination, radon daughters, dust levels and radioactivity of dust. All results have been well within the standards laid down by the Australian Code of Practice for radiation protection in the mining and milling of uranium. That applies to the workers within Amdel. It follows, logically, therefore, that, if the workers within Amdel are in a perfectly safe situation, any residents in the surrounding areas are in an equally safe, or safer, situation.

I deplore the actions of the member for Hindmarsh. He said that he had conducted a sample survey. It is quite impossible to conduct a sample survey of health in the area. The only way that that can be properly done is by reference to the cancer registry and to mortality and morbidity statistics, and those statistics indicate that people in that area have no higher rate of incidence of cancer or similar diseases than people anywhere else in the State.

At 3.15 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

BOOTHBY BY-ELECTION

Mr. MILLHOUSE (Mitcham): I move:

That this House—

(a) greatly regrets that through the resignation of Mr. John Eldon McLeay less than four months after his re-election as member for Boothby in the House of Representatives there has to be a by-election for the Division of Boothby;

(b) strongly objects to the waste of time, money and effort involved in this by-election; and

(c) requests the South Australian Government publicly to reprove the Federal Government for what it has done by transmitting this resolution forthwith to the Prime Minister demanding a reply to it before 21 February.

I may say that my motion is shorn of its glory. When I gave notice of motion yesterday—

The SPEAKER: Order! I ask the honourable member for Mitcham to return to his seat. It is not competent, under the Standing Orders of this House, to comment on the method in which the motion has been brought into line with Standing Orders, and I ask the honourable member to continue his debate on the motion which stands on the Notice Paper.

Mr. MILLHOUSE: Can I, perhaps, read out the motion as I wished it had been in conformity with Standing Orders?

The SPEAKER: It is not appropriate to the motion before the House, and I ask the honourable member to return to the debate, which centres on the motion which is on the Notice Paper.

Mr. MILLHOUSE: May I say, to expand the motion and to give the argument for the various parts of it, that I will perhaps make reference to the notice that I gave yesterday. The first part of the motion states:

> That this House—*(a)* greatly regrets that through the resignation of Mr. John Eldon McLeay—

I must say that I have made a mistake there, as his second name is spelt with two "e's"—

> less than four months after his re-election as member for Boothby in the House of Representatives there has to be a by-election for the Division of Boothby;

In support of that, and by way of argument, I point out that Mr. McLeay resigned less than four months after his re-election so that he might accept from the Federal Government a position overseas, he not having notified his intention to leave politics.

The SPEAKER: Order! I have given a warning to the honourable member and I have given him a fair degree of latitude in starting to develop his argument. I point out to him, once again, that it is not competent for a member to comment on the reasons why an editing was necessary of a motion which was presented to the House but which was found to be outside the requirements and standards of Standing Orders and therefore needed to be put in an edited form. What the honourable member is now trying to do is circumvent the ruling given by the Chair. I am sure that he would not want to do that, and I can assure him that he will not be permitted to do that.

Mr. MILLHOUSE: Nothing would be further from my mind, but I was going on to give the reasons why this House regrets that a by-election in Boothby has been necessary.

The SPEAKER: I am quite certain that the honourable member is capable of doing that in other than the words he used yesterday.

Mr. MILLHOUSE: Let me see whether I can paraphrase them, then. Mr. McLeay, who has been the member for Boothby since 1966, stood for re-election at the last Federal election on 18 October. He gave no public hint whatever that he proposed to do other than serve his full term. Yet, within a few days of the election (indeed, at the time when the new Ministry was announced; I think it was, in fact, a fortnight after the election), he was left out, and it was said that he did not want to go on in politics and that he had asked not to be included in the Ministry. Whether he had been sacked and that was a fair excuse, or whether that was genuine, I do not know, but the fact is that within a fortnight or so of the election he, having been re-elected for a three-year term, said:

> I am not going on with politics. I am going to what, in fact, is a minor consular post overseas in Los Angeles in about the middle of 1981.

I say advisedly that it is a minor consular position, because on inquiry I find that the Consular-General position in Los Angeles was established only in March 1971. It was closed altogether between July 1976 and September 1978, when it became a convenient place to which to push the unfortunate Mr. Peter Barbour, who has been Consular-General in Los Angeles ever since, and who had been somewhat of an embarrassment as the Director-General of ASIO before being sent to the position of Consular-General in New York.

I have outlined the position with regard to Los Angeles. There was no hint whatever that Mr. McLeay was to do other than serve his full term. As I say, he has been a Federal member since 1966. I am not too sure, but I think he was a Minister before 1975. The only time I have seen Mr. McLeay on a public occasion in my State electorate of Mitcham was about 18 months ago, when he was opening the block of buildings where his own office is situated. He then said that he hoped to be the member for Boothby for many years to come. That is what he said on that occasion, but within a fortnight of the last election, he said that he was leaving politics and going to a diplomatic post overseas.

He can go to a diplomatic post overseas, or a consular post, as in fact it is, only through the good offices of the Federal Government. There is no doubt whatever that this

is a cynical manipulation of appointments overseas to get rid of a Minister who has been entirely ineffective in his position. There is no doubt that he has been ineffective. It is well known that he never stood up for South Australia in the councils of Federal Government. He took the view that the less he said the less trouble he would get into. Let any of my friends opposite deny that that was the view he took. It was perfectly obvious that he was not prepared to do anything for South Australia, and the very fact of the discontent there has been about the paucity of representation of South Australians in Federal Cabinet underlines that. Of course, the fact that he was the only representative in the Ministry shows the poverty of the Liberal representation from South Australia in Canberra.

Mr. Keneally: Their Federal representation is better than their State representation.

Mr. MILLHOUSE: Well, we won't go into that. My shrewd suspicion is that, of course, Mr. McLeay was pushed out, and the Federal Government does not give a damn about anything but using posts overseas as a convenience to get rid of ineffective and ineffectual Ministers. The Federal Government has done it with him and, incidentally, it has done it with Mr. Garland by sending him off as High Commissioner in London.

It was to be a leisurely process until the unfortunate Eric Robinson suddenly died. He, of course, had been pushed out of the Federal Cabinet and Ministry only a few months before, and that had caused great tensions within the Liberal Party and between the Liberal Party and the Country Party. That was compounded by his death, because it has led to friction during the by-election campaign, and the three by-elections were brought forward hurriedly to try to minimise the damage between the Country Party and the Liberal Party. I see my friend, the member for Flinders, nodding in assent when I say that. There is a great deal of friction between the Liberals and the Country Party in the seat of McPherson.

Mr. McLeay had already set out on a so-called study tour which had nothing to do with his "job" in Los Angeles (and I put that in inverted commas). Of course, he had to be out of the country before he resigned as a Parliamentarian or he was not entitled to a trip. First of all, it was stated that he was uncontactable; at least he had had the sense to leave his resignation form behind so that it could be put in by somebody else in case of an emergency which had arisen.

As soon as it was known that he was leaving politics in this way, immediately after his re-election, there was a protest which I think was best summed up by a letter to the *Advertiser* written by Mr. and Mrs. Graham, persons whom I do not know and who have nothing to do with my Party and, as far as I know, nothing to do with the Labor Party either. The following is what they said in the *Advertiser* on 18 December, headed "A Hapless Boothby":

> Sir—We are forced to agree with John Bannon (*Advertiser* 13 December 1980). Just who do the Federal Liberal Party in general and Mr. John McLeay in particular, think they are? They seem to use and abuse this hapless electorate of Boothby, whose only fault is that it happens to be a "safe blue-ribbon seat". To think we elected a member and now we find that he wished to serve only a few months in the trusted office given to him by the people of Boothby, perhaps because he has little else to do between leaving Parliament and joining the diplomatic service. Are we to be the convenience of any lacklustre politician?

I will leave out the next paragraph. The letter continues:

> If the electorate of Boothby does not express its disgust at being made to look like sheep to be led around hither and thither by its rude masters, then it deserves little better.

They go on to say:

> We see no reason to support any Liberal candidate at the forthcoming extravagantly expensive by-election.

This by-election will, I believe, cost $70 000 or $80 000, and it is completely unnecessary. If there had been any honour at all in the Liberal Party, Mr. McLeay would not have stood at the last election. It is one thing for a member who is some time into his term, because of some unexpected or new turn of events, to decide to leave politics. In this regard I do not necessarily blame the member for Fisher, who tried to get the preselection. He was not to know (or at least I will make the charitable assumption that he was not to know at the time he stood for Fisher in September 1979) that there was to be a vacancy in Boothby, and I do not blame him for having a go. However, Mr. McLeay and the other Liberals must have known that he (Mr. McLeay) was going. To have allowed this to happen at the taxpayers' expense is a very low standard of politics indeed, and I believe that somebody had to make a protest about it. This was the last occasion on which we in this Parliament could make a protest about the matter, and that is why I took the opportunity of putting down this notice of motion yesterday. Mr. McLeay resigned, and then there was the scramble for preselection, and the narrow success of Mr. Steele Hall in that preselection.

The Hon. M. M. Wilson: Very democratic.

Mr. MILLHOUSE: It may have been very democratic.

Members interjecting:

Mr. MILLHOUSE: I did not necessarily propose to comment on the choice, but if I am invited to do so I shall certainly make this point—perhaps the Minister will appreciate it. There are two things particularly for which Steele Hall can be thanked by the Liberals arising out of his past political career. The Premier referred to one of them this afternoon. If it had not been for Steele Hall, the railways transfer agreement would never have gone through this Parliament. I hope members opposite realise that. I was here and I voted for it, and I have always regretted that I did. However, in the Senate he had already supported the transfer agreement without any consultation with the four State members of his then Party, and he absolutely insisted that we should support it. I did, against my better judgment. However, if it had not been for the support of the Hon. Mr. Cameron and the Hon. Mr. Carnie in the other place, that agreement would never have gone through. So, on the one hand we have here a Government which has said time and time again that it regrets the transfer of the railways to the Commonwealth, but at the same time supporting as the candidate in Boothby a man who beyond any other individual was responsible for the success of the railways transfer agreement.

The DEPUTY SPEAKER: I suggest that the honourable member confine his remarks to his motion. He is straying somewhat.

Mr. MILLHOUSE: I have made the point, Mr. Deputy Speaker, but I noticed that you were pretty interested in what I was saying.

The DEPUTY SPEAKER: Order! I suggest that the member for Mitcham confine his remarks to the motion.

Mr. MILLHOUSE: The other matter for which this community can thank Mr. Hall is that his action in leaving the L.C.L., as it was in 1973, has led directly to the present strength of the Australian Democrats in this State, where the Australian Democrats are stronger than in any other State. We have three members of Parliament in South Australia. I hear a hollow laugh from the member for Mallee. We often hear it, but he knows, as well as every one of his colleagues knows, that, as a result of their

strength in this State, the Democrats in Canberra will hold the balance of influence, reason, or power, or whatever we like to call it, in the Senate after the end of this financial year—and he pre-eminently is responsible for that.

I did not propose to say anything about Mr. Hall, but I was goaded into it by some of the backwoods men in the Liberal Party. I give them those two matters for their consideration, and whether it will dampen their enthusiasm for his candidature in Boothby or increase it, I do not know; I shall watch with interest to see.

The real point I am making in this motion is the despicable way in which the Liberal Party has debased its opportunities in office by manipulating the situation merely to suit itself and at the expense of the taxpayer. It is a cynical exercise in political convenience, and, whether they laugh or remain silent, members opposite know that that is the case. Something had to be done to get rid of John McLeay, and this is what was done. It was done without any thought or regard at all for the people of Boothby or the people of Australia, merely because it gave some sort of Party political advantage.

I thoroughly disapprove of that kind of conduct. I believe that many people in the community disapprove of that kind of conduct. It may well be that the Liberal Party will get away with it, but it is something that I certainly bring to the notice of this House, and it was for that reason that I moved the motion.

Before I sit down, let me say that I mentioned the member for Fisher previously. He had the misfortune not to be successful in the preselection contest. I do not know, but I suspect that that will weaken his position in his State seat. Whether it does or not remains to be seen.

The Hon. M. M. Wilson: Did it weaken yours a few years back?

Mr. MILLHOUSE: I do not think it did, but I do not think I had a fire to contend with, or other things such as the honourable member—

The DEPUTY SPEAKER: Order! The honourable member's remarks will refer to the motion before the Chair.

Mr. MILLHOUSE: One of your colleagues, Mr. Deputy Speaker, pricked me into that.

The DEPUTY SPEAKER: Then he was out or order.

Mr. MILLHOUSE: Of course he was, but you did not bring him to order.

The DEPUTY SPEAKER: Order! The honourable member will not reflect on the Chair, or I will deal with him.

Mr. MILLHOUSE: Of course not. I think I have said enough. I hope that the Leader of the Opposition will support me on this occasion, because certainly this is a very shabby dealing indeed.

Mr. BANNON (Leader of the Opposition): I certainly have pleasure in seconding and supporting the motion. In fact, as the honourable member has already indicated in reading a letter to the *Advertiser*, it was very early indeed that I made a statement deploring the cynical manoeuvres that had resulted in this resignation of the Hon. Mr. McLeay and the whole way in which this unnecessary by-election has been foisted on the electorate of Boothby. It is certainly an insult to those electors to be asked one day to vote for a member, to return that member for a three-year term of office, and then to be told within days of that poll and that re-election that this member was to be found some other job and would be getting out of Parliament. It is an absolute insult to them.

Certainly, the speed with which this matter was manoeuvred and the speed with which the changes were revealed indicated that they had been planned well before the election by the Prime Minister. He knew in his own mind that, if returned, two or three people would get the chop, and he would try to fix up some posts for some of those who might prove troublesome. It is a very cynical exercise indeed, and an insult to those voters who are to be forced to go to the polls again.

The second aspect of this has been touched on by the member for Mitcham, namely, that these premature elections cost money. This unnecessary by-election will cost of the order of $70 000 to $80 000, and it will be totally wasted money. It should have been quite unnecessary. If Mr. McLeay had found through illness or after a period of time that some unexpected or unusual event had forced his resignation, I do not think people could complain about that. However, this was a cynical manoeuvre, sorted out and decided on prior to the election, and thrust down the throats of the electors of Boothby almost immediately afterwards.

It is true that the by-election decision was announced only a few weeks ago, and perhaps the Prime Minister would have allowed Mr. McLeay and Mr. Garland to languish on the back benches a little longer if the unfortunate death of Mr. Robinson had not precipitated a decision to hold a by-election, as the member for Mitcham explained. Nevertheless, it was clear from the time that Mr. McLeay was dropped from the Cabinet that there were manoeuvres in the offing that would fix him up with a consolation prize so that he would go quietly.

This is the fourth premature election in Boothby in the past seven years, and every one of those premature elections has been forced by the conservative groups in the Federal Parliament. In 1974 and 1975, the Senate precipitated an election, in 1975 with the aid of the Governor-General. In 1977, the Prime Minister called an election two years early, and now we have this by-election. I imagine that these electors are not too happy about the situation in Boothby. Not a word has been heard from the Premier about the waste that this by-election would cause. He, who campaigned so strenuously on Government waste and mismanagement, has made no protest or comment whatever; he has remained silent.

Why are we having the by-election? It is because Fraser had to reduce the size of his Cabinet to clear the way to put in some of his other back-benchers. He knew that there were certain people who obviously had not performed adequately in his Ministry and who would not go very willingly in the circumstances. He had a particular problem with Mr. McLeay because, unfortunately for hapless South Australia, he was the one Federal Minister in the Government—not in the Cabinet; we have not been able to achieve that distinction in a Fraser Ministry. However, he was in the Ministry and had been since 1975, and therefore could claim some seniority. The fact that he was the only one meant that considerable attention would be focused on the fact that McLeay was dropped from the Ministry. We were handed a consolation prize in the form of Senator Messner, who, most people were amazed to discover, was a Senator from South Australia, known as a fairly genial business man around the place, and who has been thrust into the Federal Ministry.

Waiting in the wings is the unfortunate member for Sturt, Mr. Wilson, who has had all sorts of little distinctions conferred upon him—the chairmanship of that, or the spokesmanship on this. Now, I understand, he is one of the people who sit and sign the Prime Minister's routine circular letters, one of the people who relieve the Prime Minister of that burden, and he has some little title attached to that. We are supposed to believe that, by that device, Mr. Ian Wilson is making a major impact, on behalf of South Australia, with the Prime Minister. I

suspect that his only contact with the Prime Minister is through the large bags of routine letters that get sent to his office every day for signature.

So, Fraser had that problem, and the problem was acute because it was the one Minister from South Australia who was involved, and he had to get rid of him. He knew that he was vulnerable in terms of his following in the Liberal Party. There was no factional group that would go to bat if John McLeay was dropped. There was no group in the community that would get upset because of the job that he had done as Minister. He had been invisible in the term of his office there. So, obviously he was someone who could be easily got rid of, except for this unfortunate South Australian aspect.

Another problem for the Prime Minister was that the Hon. Mr. McLeay was not exactly a willing victim in this instance. I suspect, and there is some evidence, that even the little prize of the Los Angeles consul-generalship was not to be offered to Mr. McLeay originally: that, in fact, there was no particular agreement for some sort of place for him when he was dropped from the Ministry and asked to stand down. The information that I have is that Mr. McLeay staged a sit-in protest for a short time in his Ministerial offices; he sat there and refused to resign or to sign documents, including important Ministerial documents. One of the effects of this was to hold up certain approvals that were needed to make arrangements for new Federal members' offices, because administrative services was one of his areas. The Department of Administrative Services work was obstructed by this display of petulance: the department's hands were tied. A number of public servants in the department, when questioned by people anxious to get approvals for some of the things in the pipeline, were told that they could only despair because the Minister had the files on his desk and, because he had just been told that he was getting the sack, he was not going to sign anything.

The Hon. M. M. Wilson: Did they tell you this?

Mr. BANNON: Yes, they did. That was eventually overcome by the Prime Minister's saying, "Well, John, if you are not going to go quietly, how about our fixing you up with a nice plum post? You can go to Los Angeles as a consul." It was not even a diplomatic post. Such was the status of the member for Boothby and his importance in the Federal Government that he could not even rate a diplomatic posting at the ambassadorial level. It was a Los Angeles posting that was formerly held by a former head of ASIO. Mr. Garland did slightly better with his outrageous appointment to the London High Commissionership. Poor old John McLeay has had the rough end of the stick, in one sense, but in another sense, looking at his abilities and his contribution, he has probably had a good time. Who else could lie low, say very little and still end up with a Ministerial pension, five or six years in the Ministry and then a nice, plum job in a United States city for a few years?

McLeay has gone, but the electors of Boothby are still faced with the fact that they must troop to the polls on the 21st of this month to elect a new member. I hope when they do that they will think fairly deeply about the way in which the Federal Government has treated South Australia. It would be very appropriate in the seat of Boothby, because in a way McLeay is the symbol of the paucity of talent and the shocking deal that we have had from the Liberal Party and its candidates and from the Federal Government in terms of influence or impact from South Australia. Boothby would be a very good place over which to make a protest. It is true that the Prime Minister and his full Cabinet turned up with a bit of blatant pork-barrelling yesterday, but most of his promises were recycled promises that were made before the last election. It will be interesting to hear whether the Minister who is in the House at present can say whether the Government will match promptly the aquatic centre funds that are being provided by the Federal Government. I assume that the funds will be spent, now that they have been made available, very promptly, either in this financial year or in the next. The Minister is silent, so even the pork barrel has strings attached to it. I will pursue that matter on another occasion.

So, we have had the pork barrel round: I hope that the electors of Boothby do not forget some of the things that have been done to them and to South Australia in the short time in which the Federal Government has been back. Did we hear anything before the last election about the increased interest on home loans? No, indeed: the lid was kept on that. This issue was held over blatantly by the Federal Government until after the Federal election. Mortgage interest rates were increased within days of the Queensland election, and the result was a $5 extra cost a week to home owners. We heard nothing about new taxes. On the contrary, we had a scurrilous campaign aimed against Labor's supposed advocacy of a capital gains and wealth tax that would ruin the simple householders throughout the land, a scurrilous advertising campaign that fortunately is being challenged by legal means. We heard nothing about taxes from the Federal Government until after Mr. Fraser's re-election, and suddenly there is talk of retail taxes, VAT, sales turn-over taxes, and a whole lot of other taxes that we did not know anything about.

Interestingly enough, the Federal Treasurer, Mr. Howard, has raised the issue on a number of occasions; Mr. Lynch, and Mr. Anthony with his flat-rate tax, are going a little quiet as we near the election day, because they do not want that to upset the sort of vote that the Prime Minister is hoping to obtain. Look at the health insurance mess! Nothing was proposed in this regard before the Federal election, but since the election we understand that even Medibank Private will come under attack. So one can go on. Nothing new was heard about unemployment. Youth unemployment is something that even those electors of Boothby, many of whom are in a higher socio-economic bracket, should consider very seriously, because that scourge is reaching into some of the suburbs in the Boothby district. In the Happy Valley, Aberfoyle Park and Flagstaff Hill areas, the number of persons aged up to 20 years receiving unemployment benefits rose 88 per cent between 1979 and 1980. That is a scandalous indictment of both the Federal and State Governments and their policies, and it is one at which the residents in Boothby should look closely.

Even those social problems that normally do not affect blue-ribbon Liberal seats are coming very close indeed to those seats. One has merely to talk to a few of the people in places like Unley, older people who are seeing their children, who have been well educated and well prepared for the work force, struggling to find jobs, to know how close this problem is getting to the upper socio-economic groups in our community. That is an indication of the extent of the problem. The Government is not at stake in this by-election; it is certainly an opportunity for those voters in the Boothby District, who naturally, by temperament, philosophy, or whatever, prefer a Liberal Government, to indicate to that Liberal Government, without risking its future, that they are not happy with the Government.

We have seen a very interesting struggle for the pre-selection in that district. I suppose there are so few openings in this State in blue-ribbon seats for the Liberals

that one had to anticipate a mad scramble for preselection. There were 17 candidates, including one who got the fastest ever secondment from the Commonwealth to the South Australian Public Service. Very conveniently, it allowed him to lobby for the preselection, but unfortunately he did not succeed. Perhaps he was the candidate that the Premier supported. Although part of the district lies in the Premier's area, we did not hear his views on that particular candidacy. We know a bit more about the choice of the Minister of Industrial Affairs. It was interesting that one of the preselection candidates even advertised in the press for an assistant at $10 an hour to help gather support. That was a rich plum indeed, and one that the member for Fisher sought vigorously, for whatever reason, perhaps seeking to better himself.

Mr. Evans: Do you mean the $10 an hour?

Mr. BANNON: I do not know whether the honourable member got that position. Looking at the votes that he got, I suspect that the honourable member would not have delivered the job for $10 an hour. So we saw a very interesting example of the Liberal Party at play as its members struggled to gain this blue-ribbon seat. It would be very useful and interesting if the electors of Boothby could reject the cynicism that is involved in this situation and say very firmly and in the best way possible by their vote that they would have nothing to do with it. Let them elect a Liberal candidate, Mr. Hall or whoever it might be, when the time comes at the next Federal election when the Government is at issue. However, it would be outrageous if we saw an acclaimed endorsement for Mr. Fraser after the way in which not only the electors of Boothby but also the people of South Australia have been handled by this Government.

The SPEAKER: Order! Call on the Orders of the Day.

SITTINGS AND BUSINESS

Mr. EVANS (Fisher): I move:

That "Orders of the Day: Other Business" be taken into consideration after "Notices of Motion: Other Business" have been disposed of.

The SPEAKER: Is leave granted?

Mr. Millhouse: No.

The SPEAKER: Leave is not granted.

Mr. EVANS: I move:

That Standing Orders be suspended as to enable "Notices of Motion: Other Business" to be dealt with before "Orders of the Day: Other Business".

Mr. MILLHOUSE: This is the first I knew of this little manoeuvre. Had I been consulted and had I known what was involved here I might have been prepared to support it, but no-one has paid me the courtesy of telling me this would happen. Perhaps it is noteworthy that I have the first—

Mr. McRae: It's only five minutes to get over—

Mr. MILLHOUSE: I am indebted to the member for Playford. At least, he has had the courtesy to tell me it is only to get over five minutes or so.

Members interjecting:

Mr. MILLHOUSE: More than that, is it? Well, how long will it be, because I want to get on with some of my business on the Notice Paper and you are cutting into my time with this motion? That is why I object to it.

Mr. Ashenden: Who brought the stupid motion up?

Mr. MILLHOUSE: The member for Todd asks, "Who brought the stupid motion up?" It is the right of any member to give notice of a motion, and this was a particularly pertinent motion which has been debated extremely well by the Leader of the Opposition. I notice that he and his colleagues stayed and listened to it—but that has nothing to do with this point. This is a deliberate manipulation, apparently by the Government, of the Notice Paper to its own end without consultation with others in the House who are concerned. If I had not been concerned, if I did not have the first few Orders of the Day on the Notice Paper, I might not have been worried about it, but I am most anxious to get them on and disposed of, if possible, and yet I am met with this. I oppose the motion.

The SPEAKER: The question before the Chair is "That the suspension of Standing Orders be agreed to." Those of that opinion say "Aye"; those against say "No". As I hear a dissentient voice, there must be a division.

The House divided on the motion:

The SPEAKER: There being only one member on the side of the Noes, I declare that the Ayes have it.

Motion carried.

BOOTHBY BY-ELECTION

Mr. EVANS (Fisher): I do not wish to refer to what has just happened but I think it is fair for us all to know that this is the last day for private members' business and some matters need to be debated. In relation to the motion by the member for Mitcham, I would have thought that if he and the Leader of the Opposition were sincere in what they said they would agree that it was right and proper that a member of the Government could also make a contribution. I would hope that the member for Mitcham and the Leader of the Opposition would agree that in any democracy that would be fair play. I thank the House for granting the suspension; I will make my speech as brief as possible.

The Leader of the Opposition made the point that in the Federal sphere the Parties in Government called an early election in 1975, 1977 and 1979, but he failed to admit that his own Party in this State did exactly the same thing in the same years and forced on the people of South Australia general elections, earlier than they should have been held. That cost a lot of money. In fact, instead of three elections in that time there should have been only two. I believe it is hypocrisy for the Leader of the Opposition to mention those dates when he knew that his own Party had done the same thing, and he did not condemn it for doing so.

The election held in 1974 was not called as a decision of the Liberal-Country Party coalition. The Sexton report on that election states:

> Whitlam, sensing that neither the economic climate nor sympathy for the Government on the issue of blocking Supply might be as favourable for some time, accepted the challenge and won narrowly.

In fact, the decision to force an election in 1974 was Whitlam's. There have been some precedents for holding an early election. On 28 August 1926 a Labor Premier of this State, Premier John Gunn, decided to appoint himself—

Mr. MILLHOUSE: I take a point of order, Mr. Speaker, that the honourable member is not speaking at all to the motion; he is simply stone-walling because, I presume, he does not want the Prostitution Bill to come on this afternoon. The point of order I take is that what the honourable member is saying is absolutely irrelevant to the motion before the House.

The SPEAKER: I do not uphold the point of order. It is not the place of the Chair to decide on the subject matter which is being presented other than to determine its relevancy to the debate which has ensued on the particular motion. I look on it as being relevant.

Mr. EVANS: The member for Mitcham is delaying himself. In fact, the honourable member talked about

Liberal Party preselection and matters that had no relationship whatsoever to his own motion. He used up time himself and he knows that. I make the point that Premier John Gunn, a Labor Premier, appointed himself to the Development and Migration Commission in 1928 and resigned so that he could get that appointment. I believe that he had to make that resignation because he was promised the job. In 1933, Hill resigned as Premier so that he could take up the appointment of Agent-General for South Australia in London.

The Hon. D. J. Hopgood; You are historically illiterate.

Mr. EVANS: If the honourable members wants to take me up on that, my source for that information was Combe on *Responsible Government in South Australia.*

Let us go back to the 1974 election. What happened to Gair? Was Gair not offered a job to go to Ireland to get rid of him so that the A.L.P. could get an extra Senator in Queensland? Did not Joh Bjelke-Petersen pull the mat out from under its feet by issuing writs earlier so that only five went to the poll and not six? By that method he beat the now Mr. Justice Murphy and Mr. Whitlam in their move to try to rig the system, by offering Gair an appointment in Ireland and taking him out of the Senate field. Yet, we have the hypocrisy of the A.L.P. supporting the motion that is now before the House.

Let us look at why the Prime Minister may have wanted to make sure that Australia has good representation overseas. Sir Robert Cotton was appointed to the East Coast, New York, as an Australian Consul. The Prime Minister knew that we had a great increase in commerce and investment directly as a result of Sir Robert Cotton's appointment.

The Prime Minister knew that John McLeay was a man interested in business and commercial activities, and had great experience in the area. Here was his opportunity to appoint a person to the West Coast of America, to Los Angeles, to achieve similar goals as Sir Robert Cotton had achieved on the East Coast. The Leader of the Opposition made the point, and the member for Mitcham made a similar statement, that John McLeay never sat in on Cabinet. That is not true. Where a Minister represents a State, he automatically sits in on discussions related to matters concerning that State. John McLeay as a Minister sat in on the Cabinet meetings at all times on matters relating to South Australia and had the opportunity to contribute to the benefit of his State.

Another point made was that he never said anything controversial. Yet, there are people in this Parliament now, and some who were here before, who criticised him because he attacked the left wing, and talked about communism coming into this country.

The member for Mitcham also criticised him for that sort of attack, because he was outspoken. Winning points for your State does not occur by making big public statements, making yourself a good fellow, and sometimes attacking your own colleagues, as was the practice of the member for Mitcham. Critical statements are made within the Party room. Members can be assured that John McLeay had that sort of approach within the Party room and at Ministerial discussions.

It was also stated that he put in his resignation before he went overseas. John McLeay was overseas when Mr. Robinson died. I am informed, and I believe that my information is more accurate than other information given here today, that John McLeay's resignation was not in the Prime Minister's hands at the time that Mr. Robinson died, or before Mr. McLeay went overseas. He had to be tracked down to get the resignation. The Prime Minister wanted the elections held early because he believed it was improper that electorates were not represented in Parliament while Parliament was sitting. It was his intention, as stated in the House and known by all, that the sitting of the Parliament would begin on 24 February. It was obvious that, if people were to be represented properly within the Australian Parliament, the by-elections had to be held before 24 February. That is exactly what he provided. I wanted to mention other matters in relation to John McLeay, but will not now do so.

Mr. Millhouse: Tell me Stan, didn't the Liberal Party—

The SPEAKER: Order! The honourable member for Mitcham well knows that he must refer to members of the House by their electorate name.

Mr. Millhouse: I apologise, Mr. Speaker.

Mr. EVANS: I can understand the member for Mitcham's disappointment. I suffered some of that recently, too, because I did not win preselection for Boothby. As a sitting member, I found it difficult to work in that field, as did the member for Mitcham. I do not carry the same bitterness towards John McLeay as he has through the years. I know that he is worried that Steele Hall, an effective member, will be working in the Mitcham electorate, and this will unseat him. I understand his concern in that area, also. John McLeay represented this country in the armed forces. He was loyal to his country, to his State, to the people he represented in Boothby, and to the Party that put him there. That is something of which he can be proud, and of which the Liberal Party can be proud.

The Labor Party and the Democrats say that because John McLeay resigned there will be a waste of money in having the by-election. They say they know that they cannot win. If they know they cannot win, why are they putting up the candidates? Who is really wasting money? Why do not they say it is a foregone conclusion, step aside, and see that Steele Hall goes as a good representative of South Australia, automatically? They know that the whole thing is a farce.

They are putting up candidates hoping to get political propaganda, knowing that they cannot win. They are wasting people's money. John McLeay is going overseas to work for Australia, increasing business and trade and investment. He will be supporting the country he was prepared to fight for, stand up for and believe in at all times. I reject the arguments of both groups on the other side in attempting to attack him unjustly for taking an appointment in another land. He has given great service in the public arena, as well as in the armed forces.

Mr. MILLHOUSE (Mitcham): I now know why the member for Fisher did not win the preselection. If that was the sort of twaddle he talked to the college of electors, it is no wonder he was put out well before the final ballot. We have heard from him this afternoon a series of points which were either irrelevant or childish and which had nothing whatever to do with the substance of the motion. The only reason why they were put up, so far as I can divine, was to waste time and to cut into the time for the Orders of the Day. As he knows, private members' business will finish at 6 p.m. today.

Mr. Trainer: He might want to show the Fisher electoral college something in *Hansard.*

Mr. MILLHOUSE: He will have to work hard in Fisher if he is to hold his seat, if that is the standard of debate that he is to exhibit. I have heard a bit about the preselection, about the member for Fisher and what he was saying, and what some of the others were saying. It is no wonder he did not win, and it is no wonder he is on the skids in Fisher as a result. All he did was get up and waste time. I thank the Leader of the Opposition for what he said: it was a

very worthwhile contribution in support of the motion. I now commend it to the House.

The House divided on the motion:

Ayes (21)—Messrs. Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, McRae, Millhouse (teller), O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (23)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Evans (teller), Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, and Wilson.

Pair—Aye—Mr. Langley. No—The Hon. D. C. Wotton.

Majority of 2 for the Noes.

Motion thus negatived.

BREAD PRICES

Mr. EVANS (Fisher): I move:

That the regulations under the Industries Development Act, 1941-1978, relating to bread pricing, made on 22 July 1980 and laid on the table of this House on 31 July 1980, be disallowed.

Because of the shortage of time, I wish to say briefly that the reason why the Joint Committee on Subordinate Legislation wishes this regulation to be disallowed is that it was introduced by the Government only in an attempt to protect the Minister of Industrial Affairs, the Minister of Consumer Affairs, the Bread Manufacturers Association and the trade union representatives from any challenge through the Trade Practices Act when those Ministers and organisations were attempting at that time to organise an arrangement regarding the bread industry. The Subordinate Legislation Committee was concerned about this aspect. It sought legal advice and, even though that advice suggested the regulation was lawful, there was still a doubt in people's minds whether it would withstand a challenge. Since the purpose for which the regulation was introduced has possibly now been served, it would be foolish to leave it there, so I formally move for its disallowance.

Mr. McRAE (Playford): I support the motion and the member for Fisher, as Chairman of the Committee, in his remarks.

Motion carried.

CAMPBELLTOWN TRAFFIC

Mr. EVANS (Fisher): I move:

That the regulations under the Road Traffic Act, 1961-1980, in respect of traffic prohibition (Campbelltown), made on 11 September 1980 and laid on the table of this House on 16 September 1980, be disallowed.

The Joint Committee on Subordinate Legislation has not taken all the evidence it needs in this matter. This highlights a problem we have with Standing Orders. Because business concerning the Subordinate Legislation Committee is considered as private members' business, when private members' business time elapses it leaves the committee in a difficult position in trying to get evidence it requires so that Parliament can make a proper decision on any matter before that committee. For that reason, our only alternative at this stage is to move for the disallowance of this regulation in relation to traffic prohibition at Campbelltown and to leave it until the last day of sitting of the Parliament before a vote is taken. For that to be achieved under the present arrangements, a member with an opposite point of view, or one who supports the same view, must speak; there must be two speakers. I do not wish to give any evidence now why the Parliament should disallow this regulation, except to say that we want to keep the matter alive and vote on it at the end of the session. I move the motion for disallowance of the regulation for no purpose other than keeping it before the Parliament.

Mr. McRAE (Playford): I support the remarks of the member for Fisher.

Mr. ASHENDEN secured the adjournment of the debate.

ADELAIDE BY-LAW: PEDESTRIANS

Mr. EVANS (Fisher): I move:

That by-law No. 9 of the Corporation of Adelaide, in respect of pedestrians, made on 11 September 1980 and laid on the table of this House on 16 September 1980, be disallowed.

This matter relates to by-laws of the Adelaide City Council, in particular a by-law in relation to pedestrians. I am conscious of the constraints on time which limit the amount of debate, but the Subordinate Legislation Committee was concerned about the triviality of these regulations. Even though they are a rewrite of old regulations and achieve the same goal, I want to refer briefly to two of the regulations. With regard to keeping to the left, the regulation states:

Every pedestrian shall—

(1) when on a footway keep to his left-hand side of such footway and shall when meeting or overtaking any other person pass on the right-hand side of such person.

The regulation in relation to queueing states:

(2) No pedestrian shall—

(a) push into any such queue formed at or near any such tram or bus stop or join the same except at the rear end thereof:

The Subordinate Legislation Committee was concerned about the triviality of this sort of regulation being on the Statute Book, and we asked the Senior Research Officer of the Deregulation Unit formed by the Government to have a look at the matter. I want to read to the House the letter the committee received from that officer. I point out that the Subordinate Legislation Committee has no power whatever except to make recommendations to the Government, and its members are grateful that officers have been made available to give evidence to the committee and express their views on any particular set of by-laws or regulations. The letter received by the committee from the Senior Research Officer is as follows:

As far as I am able to determine—and the point seems to be quite obscure—City Council inspectors have no greater powers when detecting a breach of the law, which they are not authorised in some specific way to enforce than has any other citizen. This would still permit such inspectors to report persons for breaching a provision of an Act and, in doing so, take their name and address (if they provide it).

They do not have the power to demand a person's name and address, but can obtain it only if a person wishes to provide it. The letter continues:

This power is no more than any policeman would exercise in a similar case with the exception that the latter is also specifically empowered by the Police Offences Act to arrest and to require proof of identity if necessary.

I should also add that the powers of council inspectors in enforcing their own by-laws is no more than the right to report the commission of an offence unless they are specifically authorised to do additional acts which does not appear to have been the case in the by-laws under consideration.

To conclude—I do not believe that a council inspector would be any the more disadvantaged by enforcing regulations which exist under the general law rather than as council by-laws. In either case, his powers are limited to reporting the commission of an offence.

The officer then makes the point that he hopes he has helped the committee clarify the position. Under the old Act of the Municipal Tramways Trust, similar provisions prevailed in relation to queueing, but there has never been any action by the Adelaide City Council against persons passing other pedestrians on the left hand side, and the by-law seems ridiculous, unless we intend enforcing it. The committee believes that it is an unnecessary regulation. The committee would like to see this matter held over until the last sitting day of the session, before the final vote is taken, but to keep it alive, so the committee can take further evidence. I move for its disallowance at this stage.

Mr. McRAE secured the adjournment of the debate.

ROAD TRAFFIC ACT REGULATIONS: TOW TRUCKS

Mr. EVANS (Fisher): I move:

That the regulations under the Road Traffic Act, 1961-1980, relating to tow trucks, made on 23 October 1980 and laid on the table of this House on 28 October 1980, be disallowed.

This regulation was brought in with the intention of having amendments made to the Road Traffic Act and the introduction of a new code in relation to tow trucks and other vehicles. I am confident that the Act has not been amended, and the Subordinate Legislation Committee can see no need for this regulation to remain.

Mr. McRAE (Playford): I support the motion.

Motion carried.

PROSTITUTION SELECT COMMITTEE

Mr. RANDALL (Henley Beach): I move:

That upon written request to the Clerk of the House of Assembly a member of this House shall be given access to the evidence taken by the Select Committee of Inquiry into Prostitution.

Because the Prostitution Bill will be discussed later this evening, I think that is a clear indication to this House that this motion should stand before the House. I think it should stand for two reasons: first, for the protection of those who are giving evidence, and secondly, because I changed my stance on this matter. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MOORE'S BUILDING

Adjourned debate on motion of **Mr. Millhouse:**

That this House is against the proposed use of the Moore's building in Victoria Square for law courts because—

(a) the site should be used for retailing purposes being within what has been a good shopping area but which is already being seriously affected by the proposal;

(b) it is inappropriate to use this site for law courts when the Government already owns other land next to the Supreme Court in Gouger Street bought for the very purpose; and

(c) the building itself is not suitable for renovation for purposes of law courts having been built for use as a shop,

and asks the Government not to go on with this proposal but to arrange for Moore's to be used again for retail purposes and to be returned to private ownership.

which the Hon. D. C. Brown had moved to amend by leaving out all words after "Victoria Square", and inserting in lieu thereof the words:

for anything other than law courts because—

(a) converson of the building into courts, together with the completion of the S.G.I.C. and Hilton Hotel buildings, will significantly enhance the potential for retail trading in the established shopping area around the Central Market;

(b) the site is appropriate for court use because of its close proximity to the Supreme Court and other court facilities; and

(c) the building is admirably suited for preservation and conversion to law courts, as an existing part of the Victoria Square architectural scene,

and congratulates the Government for its decision.

(Continued from 3 December. Page 2544.)

Mr. McRAE (Playford): I am aware of the time constraints and desire of other members to deal with other business. On behalf of the Opposition, I express support for this important motion and oppose the amendment. It may be that it is in vain in the sense that some of the work has already started. Nevertheless, it must be pointed out that it is still not too late for sanity to prevail. Certainly in the minds of the retail traders and those in the justice system, the issue is still a live one. The Opposition considers that it is absurd for the Minister to suggest that a law court complex, even taken together with the Hilton Hotel and the S.G.I.C. building, will enhance trade or in any way enhance justice. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PROSTITUTION BILL

In Committee.

(Continued from 3 December. Page 2551.)

Clauses 2 and 3 passed.

Clause 4—"Child prostitution and offences related to children."

Mr. LYNN ARNOLD: I wish to ask a question which I hope will be answered by those who were on the Select Committee that looked into the matter that has brought forward this legislation. In the Select Committee report it was stated that one of the reasons for altering the legislation with regard to prostitution was that the laws that presently applied seemed unworkable and that it was very difficult to prosecute real offenders with regard to the legislation we now have. It went on to say, in relation to recommendations regarding minors being involved in prostitution, that laws should be strengthened to make sure that they could be protected.

I strongly believe that anything we do should protect minors from any effects that might come from any legislation we introduce, but I would like to know how, on the one hand, the Select Committee could report the difficulty of enforcing the law for the general population and, on the other hand, demand that it be strengthened for minors. I think we should strengthen the law for minors, but how can it be done if there are these grave problems of

enforcing it for those who are not minors?

Mr. McRAE: I think there is a very clear answer. The difficulty that the Select Committee had was in relation to large-scale organisations which had set up brothels and which had, by the most sophisticated means, prevented police from gaining evidence. This was done, as I have explained previously, by a variety of devices, including television cameras, monitoring of known Vice Squad officers, and so on. In that area, it was agreed by all the witnesses, including the police, that there was an intractable problem of enforcement.

In relation to the offence of child molestation, an entirely different situation prevails. First, there was no evidence at all of children being involved in prostitution in the city of Adelaide. If it was occurring, it was not occurring as a result of intimidation or inducement from others, because certainly those involved in the trade were well aware of the difficulties which would confront them. So, it was the view of the Select Committee that, in respect of *(a)*, children should most assuredly be protected and that the full weight of the law should be put behind this, and *(b)*, that children could be protected in these situations and that there was a clear difference between this position and the other situations to which we have referred.

Mr. SCHMIDT: I am appalled at the explanation given by the member for Playford, because it indicates clearly that the Select Committee did not do enough work. He said that there was no evidence of children being used in this trade, and yet I have examples from my own area, where I have been approached by various welfare workers who have been more than disturbed by the fact that children of the age of 14 years or under are brought into this trade for the purpose of maintaining drug habits, and for other reasons. If the Select Committee was not given evidence to indicate that these children were being used in the prostitution trade, I would say that it needs to go back and do more homework.

Undoubtedly, anyone the Select Committee may have interviewed, if they were making use of under-age children, obviously would not refer to that, despite the fact that I presume they would have been covered by immunity in giving evidence at such a hearing. One hears comments, and one is referred to cases where under-age children are used in the prostitution trade. As such, I think the Select Committee report is inadequate and further inquiries should be undertaken to ensure that every avenue is investigated so that these children are protected.

The Hon. M. M. WILSON: I want to take up the comment of the member for Mawson that the Select Committee should do more homework. I hope the honourable member was not suggesting that the Select Committee did not address itself to this question in great depth, because I can assure the Committee that this is what happened. The Select Committee was not questioning simply witnesses in the prostitution trade; it questioned many witnesses, and obviously the evidentiary legislation passed in this Parliament prevents my mentioning names, but I can assure the Committee that questions on this matter were addressed to all witnesses by members of the Select Committee. In fact, none of the organisations questioned could give any substantial evidence that this was the case. I think I should make that plain.

Mr. MILLHOUSE: It is ironic that we have this complaint from the member for Mawson. I think, as far as he is concerned, that anything that the Select Committee did or any provision of the Bill must be bad, and he is determined to say so.

Mr. Schmidt: You're very presumptuous.

Mr. MILLHOUSE: The fact is that this is a strengthening of the law rather than otherwise; the law will be stronger than it is now. A child is defined under the Bill as someone under the age of 18 years. At present, because of the state of the law, although there are certain offences with both girls and boys, the age is lower than 18 years. I do not want to embark on that, because it is hardly relevant at this stage. This is a raising of the age, not a lowering of it. If there is one clause about which he should not complain, it is this one.

I support what has been said by my colleagues on the Select Committee, the member for Playford, and the Minister, who was the Chairman of the Committee and signed the report. I do not think it is necessary to be quite as circumspect as he was. We asked the police about this, the most obvious people to ask, and we were told that there was no evidence. I do not know whether the member for Mawson wants to complain about the police as well. If anything, from my discussion with them (not on the Select Committee but otherwise), they are on his side rather than the reverse.

We could not find from anyone who gave evidence —police, those who managed these places, those who worked in them, or customers who gave evidence—any evidence that young girls were being used in those places. Of course, we may be wrong. There are people who could have come along and given evidence if they wanted to, including those who have been to the member for Mawson, presumably, who did not. We could not do anything about that. We did the best we could to get all the evidence, we looked for it, and we just did not get any. We addressed our minds to the question. It is not as though we ignored it.

Mr. SCHMIDT: I take exception to some of the comments of the member for Mitcham. The member for Playford pre-empted the fact that why this evidence could not be found was that the well established houses have very sophisticated equipment, including television devices, monitoring, and so on, so that if members of the Vice Squad were to go to that parlour there would be no way in which they could gain evidence to indicate that children were being used on the premises, because the proprietors could get rid of the children before the Vice Squad could gain entry.

At the moment, the police have no power to break and enter premises if they believe that under-age children are being used for such purposes. They have such powers under the gaming legislation and the drug legislation. If they know that drugs or illegal gambling can be found on premises, they can break and enter if no-one responds to their call when they come to the door. If a police officer from the Vice Squad were to knock on the door and say that he was a member of the Vice Squad, there is no way in the world in which the people running the parlour must allow him then to enter.

By the time the police obtain a search warrant, the evidence has been removed, and no evidence is available to show that minors are being used in such premises. Members of the Select Committee will be quite aware that, since that inquiry (and I am not questioning the members' integrity), the Vice Squad has been somewhat revamped and is now a far more efficient unit than it was a few years ago. One would ask whether the Vice Squad has more up-to-date information in relation to minors being used for prostitution. We could not deny that there has been an increase in drug use, particularly in the past 12 to 18 months, and it is in that context that I made the comment that it has come to my notice that juniors from the Happy Valley area who are 14 years of age or less have been used in the prostitution trade to support their drug

habit.

The Hon. M. M. WILSON: I would like some clarification from the member for Mawson, because I hope that he will not oppose this clause. Obviously, the honourable member will oppose the third reading of the Bill: he has said so. However, I hope that he will not oppose this clause, because, if the Bill goes through without this clause, I will have some difficulty supporting it, because without this clause the Bill would be very dangerous.

Mr. KENEALLY: For the benefit of the member for Mawson, I point out that the Select Committee members were not so naive as to believe that there was no child prostitution in South Australia; what the committee is saying is that no evidence was given to it by all of the authorities concerned with prostitution in South Australia as to the extent of child prostitution. However, the committee believed that it was necessary, as did the honourable member who introduced the Bill, to insert clause 4 so that, in the event of child prostitution taking place, the law would provide for it.

The committee attempted on every occasion that was available to it to become informed of the acceptance or the extent of child prostitution. The members of the committee were very concerned about that matter, but we were given no evidence in this regard. As the member for Mitcham said, that might have been a disadvantage, but that is the truth of the matter, and I take the point that the Minister made. Further discussion on this clause is a waste of time, because we should all be in favour of it; anyone who votes against this clause will be voting against one of the strongest protections that children in South Australia can have in regard to prostitution.

Mr. MATHWIN: A series of questions has been sent to me by Dr. David Phillips, and I would like to put them to the architect of the Bill, the man of silk, the Hon. Robin Millhouse.

The CHAIRMAN: Order! The honourable member will refer to members by their district.

Mr. MATHWIN: I refer to the member for Mitcham. At present, I understand that the Bill is being protected by the Minister, the member for Stuart, the member for Playford, and we have not yet heard from the member for Mitcham.

Mr. Millhouse: I have already spoken on the explanation—

The CHAIRMAN: Order! I remind honourable members that I will not permit interjections.

Mr. MATHWIN: I understand that the member for Mitcham called me a clot.

The CHAIRMAN: Order! This is an important debate, and I intend to ensure that interjections cease. Honourable members who continue to interject will find themselves out of the Chamber.

Mr. MATHWIN: Thank you, Mr. Chairman, for your protection. I will cite some of the comments made by the people in this body, and I ask the learned member whether he would enlighten me with answers to some of the queries. In part, the document states:

> This section is largely window dressing. It appears to provide considerable protection for children. It does not, because it ignores the need for proof.
>
> Proof of an act of prostitution involves two components. First, carnal knowledge must be established—which is relatively easy (following a medical examination). Second, payment of money must be proved—which is often difficult.
>
> The present law protects all children under 17 years of age (subject to some qualifications) by making carnal knowledge (which is easy to prove) an offence (Criminal Law sections 50, 52, 54, 55). The present law further protects all children under 17 years of age by making it an offence for anyone to allow such a child to be carnally known (Criminal Law section 65).

I do not have to remind the honourable member of that, because he is a man of silk, and he would know it. It continues:

> The Bill changes the present law in several ways including the following:

Mr. Keneally: The Bill is a serious matter; stop being so facetious.

The CHAIRMAN: Order! The member for Glenelg has the call.

Mr. MATHWIN: The member for Stuart is upset. I can understand a man's becoming frustrated in regard to a Bill such as this. The document continues:

> *(a)* The Bill makes the child a criminal whereas the present law treats the child as the victim of exploiters.
>
> *(b)* The Bill purports to extend protection for children from 17 to 18 years of age but this is of doubtful benefit because it would be so difficult to prove.
>
> *(c)* The Bill could reduce the maximum penalty for prostituting a child under 12 years of age from life to seven years imprisonment (depending on the legal interpretation of section 2 of the Bill).
>
> *(d)* Section 11 (1) *(a)* of the Bill abolishes the present protection for children against exploiters who allow children to be carnally known. Because prostitution is so much more difficult to prove than carnal knowledge, the Bill greatly reduces the present protection for children.

I ask the member for Mitcham whether he would like to answer my queries.

Mr. MILLHOUSE: I do not propose to answer point by point the matters that the member for Glenelg has raised from the Festival of Light pamphlet, which we have all been sent, because, if the member for Glenelg had wanted to do other than stonewall the debate, he, having received this document, could have gone to the Parliamentary draughtsman Counsel and introduced the amendments that he or Dr. Phillips requires. I am not prepared to debate these matters one by one: the remedy was in the honourable member's hands, and has been in his hands for some days, if not longer. All I will say is that the Festival of Light, in its opposition to this Bill, has, in the public debate over the past few months, advanced many arguments that were never put by the festival or its spokesmen to the Select Committee.

Mr. GLAZBROOK: This clause refers to a person who causes or induces a child to commit an act of prostitution. I interpret that as being capable of being applied to a customer of a prostitute, a person about to commit an act of prostitution with another person. Let us look at a hypothetical situation: young people today often look older than they are, and if a person engaged a prostitute and went off to commit an act of prostitution, believing that person to be well and truly over the age of 18 years, as expressed in the Bill, indulging in acts of prostitution with such a person would be an offence and the person would be liable to imprisonment for a term not exceeding seven years. On whom does the onus of proof of a person's age fall? If the Bill is accepted, we then begin to think that prostitution is not immoral: it is accepted within our community. We must then ask ourselves questions about the occurrence that I have cited.

If a person was apprehended after committing an act of prostitution with a person he believed to be well and truly over the age of 18 but who, on being questioned by the police, said she was not, would he be liable for penalty under the provisions of this clause? I would assume that to be the case.

Taking the argument further, let us suppose that a person who owned premises let a room to be used for acts of prostitution to a person he believed to be well in advance of 18 years. Would he also be committing an offence if it were determined that the prostitute was under the age of 18? How does this clause cover these situations?

Mr. MILLHOUSE: It seems to me that there are two answers, one of which would be a practical answer and the other would depend on the law. The legal position is that it is necessary to prove any offence to prove a guilty mind, *mens rea,* as we call it. Certainly my intention was not to make this an absolute offence, but the prosecution must prove every element in the offence and one of the elements to be proved is to have had sexual relations with someone under the age. If that could not be proved, then in my view the offence would not be made out and so the onus would be on the prosecution. The second point is that anyone who is charged with this offence will be tried by a jury, and the jury would have to be satisfied that it was a fair thing to convict in all the circumstances, presumably having seen the young person involved, and so on. Those two safeguards are in nearly all criminal offences except where something is made absolute, where it does not matter whether the person knew or not, but that is not the intention of this particular clause.

Mr. GLAZBROOK: What the honourable member has just explained indicates to me the futility of the impact of this clause. The honourable member has just said that, unless anyone sees the act actually take place, there is not likely to be a prosecution.

Mr. Millhouse: I did not say that.

Mr. GLAZBROOK: The honourable member said that the evidence necessary for a judge to consider—

Mr. Millhouse: It is not a judge. I said a jury.

Mr. GLAZBROOK: —or a jury to consider is evidence that someone was caught in the act of doing it.

Mr. Millhouse: I did not say that.

Mr. MATHWIN: To say I am disappointed by the reactions of the member for Mitcham would be putting it rather mildly. The honourable member did not answer one of the questions I asked him. It appears that, because he did not see fit to answer my questions, the assumptions in them were correct. Certainly, the honourable member did not deny them. Because he is the architect of this great piece of legislation, the person who knows all about it and who knows the Bill inside out and has even drafted his own legislation to a certain extent, I asked him certain questions. I would like him to answer at least some of my questions. Any member or Minister who introduces a Bill into this place is obliged to answer questions during the Committee stage from any member who wishes to have any part of it explained further. Would the member for Mitcham answer some of the questions I asked him, when I initially spoke on this clause?

Mr. LYNN ARNOLD: I very much support the recommendations made by the Select Committee; also, I support, in large part, the spirit of the Bill before us. However, I labour under a couple of difficulties regarding certain parts of it, and I would like these matters answered to determine my final position. It is unfair to say that any discussion on this matter implies a vote against this clause; it is rather to affect the entire Bill. It has been said that there does not appear to have been a widespread use of children in prostitution, up until now. I can accept that, but I would like to know, with this Bill becoming an Act, and thereby with protection naturally passing on to those who take part in the prostitution trade, which has been denied them for a very long time, and which in large part they need and I support, whether that will tend to lead to an increase in the number of children who, either by inducement, coercion or their own free will, take part in the prostitution act.

Will this clause be strong enough to ensure that there is no increase in the child prostitution level currently faced in South Australia? Or, is it merely words on a piece of paper, which will not have any effect? I would like to know in what way Select Committee members are satisfied in their own minds. I respect their judgment on this matter, because they have heard the evidence, and studied it in great depth, which many members have not. How do they feel that this clause will ensure that there will not be an increase in child prostitution in this State?

Mr. McRAE: I think I am correct in saying that, because this is now an indictable offence. This gives power to the police, on reasonable suspicion, to break and enter premises. That is one of the problems to which the member for Mawson referred earlier. The police do not currently have that power, and this is on police evidence. At the moment, these are summary offences, but this Bill makes them indictable. In these circumstances, I think that the member for Mawson's worry is removed. I feel 95 per cent confident that that is right. Let us assume that that is not so. Then, there is adequate time, because everybody knows the intentions of this clause, between the passing of this measure in this House and its reaching another place, for exactly such a provision to be written in or for any other stronger provision that members might want written in.

I do not want to see happen what is being suggested in some quarters of the community, and I do not suggest it of any particular member, and that is that, rather than squarely face the issue and vote one way or the other, there is a deliberate tactic being touted about by some persons, members of this House, whereby by some means such as defeating a clause like this, and making the legislation unworkable, in that hypocritical way, those members would dodge their responsibilities. I am not suggesting that any honourable member who has spoken this afternoon or any honourable member here is involved in such a thing, but it is something that is a current belief in the community. It is very wrong.

In relation to clause 4, I support what the Minister said. It would be a disgrace if it were removed. If it needs to be strengthened I, for one, and I am sure all committee members, would give an assurance to do everything in our power to see it further strengthened in another place.

For my part, that would include a complete clarification of the power of the police to break, in relation to a reasonable belief of a brothel keeper causing or allowing a child to commit an act of prostitution.

Dr. BILLARD: I wish to make two points on this matter. I share the concern that the member for Salisbury expressed that this clause, although it is a strengthening one, may not be sufficient in the circumstances. On the other hand, I do not share his faith in the ability of the Committee to get all the facts. In fact, the member for Stuart admitted that, although the committee had made the utmost efforts to get all the evidence available, child prostitution went on. It is just that the committee could not find the evidence. I suggest that that is perhaps the nub of the matter. The committee, with the best of wills, could not hope to get all of the evidence relating to prostitution by the very nature of the way in which it was set up as a Parliamentary committee to look into the trade. It would attract people giving evidence of a certain kind; people who wanted something from the committee and who wanted to see certain changes would make it their business to give evidence to that committee and would make sure that the committee saw things in such a way that it would do what they wanted it to do. We cannot escape that.

Mr. Keneally: What about the people who spoke very strenuously against prostitution?

Dr. BILLARD: True, but the very nature of the committee and the fact that it was set up to consider possible changes influenced the sort of people who would give evidence to that committee on both sides and the type of evidence that they would give. I am not surprised that there were certain areas where the committee simply could not get evidence. That does not mean that things like child prostitution do not flourish.

Members interjecting:

Dr. BILLARD: I am saying that the committee could not expect, on the basis of such an investigation, to find all the evidence. We must accept that it is not possible for it to achieve that. We have to bear that in mind, and we must have that guard in accepting the results.

Although this clause does apparently strengthen the protection of children, to my mind one of the big dangers as far as children are concerned is not the protection in law, as it seems that there are question marks about its effectiveness in operation. The member for Salisbury made a good point that, if the law regarding adults at present is not effective, in operation (as the member for Mitcham has asserted), then is the law regarding children going to be effective? That is a valid point. The reality is that, regardless of the law on one side, children are drawn into prostitution by demand and opportunity. Although the law may operate to mitigate that to a certain extent (for example, if the law is severe enough people will take it into account and may be deterred) it is only one factor in the equation. Although the law regarding children may be strengthened, if the Bill by its operation greatly enhances the opportunity for children to become involved in prostitution through association and through an increase in prostitution, that could overwhelm any strengthening of the law relating to children. We also have to bear in mind that, if the Bill, as I see it, passes, children through association will have great opportunity to become involved in prostitution. I believe that there is evidence at the moment to show that there is a trend towards kinky sex and therefore there will be a demand for child prostitution. These two factors will far outweigh the strengthening that is inherent in the clause.

Mr. MILLHOUSE: I will answer briefly the point made by the member for Salisbury and will say something about the member for Newland's comments as well. As I understand it, the query of the member for Salisbury is that, if the Bill is passed, the committee was afraid that it might tend to increase the number of children interested in prostitution. Does that sum it up?

Mr. Lynn Arnold: It could lead to that. Will this clause prevent that?

Mr. MILLHOUSE: As far as I can remember, it did not occur to the members of the Select Committee when we were discussing it that, if the Bill passed, automatically more children would become involved. It was not for that reason that we suggested this clause. We believed that it was quite undesirable that people under the age of 18 who are protected (if that is the right word) in regard to pornography and so on should also be protected from prostitution until the law regards them as an adult. That is why we decided that it would be a good idea as a matter of caution (for no other reason—we did not think that there would be an explosion of child prostitution) to raise the age and have it uniform for males and females to 18. It was, as we say in law *ex abundante cautela,* an abundance of caution, and nothing else. There was no hidden problem that we wanted to hide or push under the section. We believed it to be a wise precaution to take, although there was no evidence given to us of widespread or any child prostitution. I hope that that is an explanation for the member for Salisbury; it is the best one I can give.

I now come to the comments of the member for Newland. I had never heard it suggested before that a Select Committee (and I presume that, if it is true of the Select Committee on Prostitution, it would be true of any Select Committee) is an ineffectual body. That is what the honourable member was saying. He believes that, because of the trappings of the committee and the way that it goes about its task, it could never get to the truth of the matter. From my experience I cannot accept that that is so. That seemed to be the thrust of a good deal of what the member for Newland was saying.

I said before the Select Committee was set up and I became a member of it that my own son had been into one of these places doing a job in the course of his employment. He went in to install a burglar alarm. He told me that he thought that one of those working in the place was under age. He came home and said, "Dad, she didn't look more than 14 to me." That particular brothel proprietor wrote to me the most indignant letter after reading the report in the paper and absolutely refuted it. Whilst I have not a particularly high regard for the gentleman in question, on what he told me I had to accept what he said. I was satisfied that the girl was certainly older than my son had said and was probably 17 or so , which is of course the age now. I do not say that it does not go on and neither does the Select Committee say that. It is surely of some significance that none of those opposed to the Bill who came along to tell us of the evils of prostitution suggested to us that child prostitution was widespread.

Those people who have complained to members who have spoken in this place, such as the member for Mawson and others, did not come and tell us that it was widespread. They could have done this. I should have thought that, if it were the danger, the threat that it is now being said to be, someone (and I do not know how many dozen witnesses came) would have come and said so, but no-one did. That is the best indication that any Select Committee, any group of us working together, could have that it is not widespread.

Dr. BILLARD: Could I respond briefly to what the member for Mitcham has said about one of my comments? Perhaps I should explain it further. The difficulty is that, in a court case, for example, the principals, the people involved, are quite well known and well defined normally and, whether or not they are willing to give eivdence, it is easy to force them to give evidence in a court. In a judicial inquiry or Select Committee inquiry that is considering a less well defined subject, the people who have the evidence that we would really want the committee to hear are not necessarily known and, therefore, the committee is dependent upon those people either reading an advertisement in the newspaper or hearing about the matter in the media and being motivated themselves, or having someone else motivating them to come and give evidence.

That process is not perfect. People are motivated for other reasons and I am suggesting that, in this case, there may be good reason why some sections of the prostitution trade just ignored that committee and did not give evidence. It may be that they were not in an organised group: they may have been operating on their own. I do not know, but there are good reasons for believing that some sections would not give evidence.

For that reason, I understand and endorse the comments made by the member for Stuart, who said that the committee tried to gather evidence from as wide a range as possible (and I do not doubt those efforts). Nevertheless, I accept that it would be impossible for the

committee to expect to achieve that aim completely. I think that that is the problem. For example, if a committee was set up to consider a scientific question that had not been solved, no judicial committee could solve that sort of problem. Research would be needed, and I think it quite presumptuous of us in recent years to have assumed that, if we set up a judicial inquiry of some sort, it would automatically come up with the answer. It is not always possible.

The Hon. M. M. WILSON: I think it important that we clarify where we are going at the moment, and I certainly will be corrected by the member for Playford or the member for Mitcham if I am wrong. It seems to me that there are two questions here. The first is whether this particular clause, which strengthens the law, is strong enough in itself, and I take the point that the member for Playford has made, namely, that if members would wish the law strengthened further the mechanism lies in this Parliament for that to happen, and I would be happy with that.

The second question is whether the Bill itself, in the opinion of members (the member for Newland was one and the member for Salisbury another), may increase the amount of child prostitution. I respectfully suggest to the Committee that the only way to resolve that question is by the Committee passing this clause and, if members are worried that the Bill itself will increase child prostitution, perhaps they should address themselves to the final clause in the Bill, which I know I am not allowed to discuss now. I think I would be right in saying that that is the clause that should be opposed, if members wish so to do. Otherwise, we are going to keep going around in circles as we are doing now, because there are clauses other than this that strengthen the law in certain respects. I respectfully suggest to the Committee that it should consider that matter very carefully.

Mr. MATHWIN: I am very concerned about the provision for a term of imprisonment not exceeding seven years and about why the member for Mitcham picked on seven years, because he would know that a person imprisoned by the court for that period could well be out at large within three years. That is possible and occurs often, as the member knows. In that situation, how did the member for Mitcham and his advisers, under this clause, which states that a person who causes or induces a child to commit an act of prostitution, have sexual relationships with a prostitute, and so on, arrive at the period "not exceeding seven years"? In the present situation, it could be life imprisonment, and I realise that that does not mean life imprisonment, but it certainly means seven years at least if life imprisonment is imposed. Although this Bill provides for a period not exceeding seven years, it is more than possible that the period would be three years.

Mr. LEWIS: There have been comments about the clause that interest me, although none relates to the matter that concerns me. I do not hold the view that the member for Newland has expressed, namely, that Select Committees are a waste of time. This Parliament has to attempt to get sufficient evidence to support a proposition one way or another. On all things that are scientifically valid, decisions are already made. The proof is there. Politics relates to the questions that are left which cannot be resolved on scientific evidence but about which human behaviour relationships between people and institutions have to be determined in law. The best way to get such information in institutions such as Parliament (and that is what I presume we all, as members of such an institution, believe in) is by using the mechanism of Select Committees.

Mr. Trainer: The experts should be on tap, not on top.

Mr. LEWIS: That is about it, as long as they are not all drips. The first provision is that a child shall not commit an act of prostitution. Then we see a penalty of $500 or detention for not more than three months. I presume, and I may be mistaken in this regard, that that refers to the child. If it does, is it competent for a court to fine a child? Secondly, in which court would such a case be heard? Thirdly, in what institution would the child be detained?

Fourthly, I express an opinion that the penalty provision or some other provision in the Bill ought to include a complete confiscation of all the assets of the child, to be held at the pleasure of the Public Trustee, because, regarding detention for three months and a fine of $500, on my experience in other countries some of those gay blades (call them that if you like, in any which way) can score more than $500 a night, and, if the practice of child prostitution comes into this country, we could expect the same earning rate in the market place to prevail in some instances.

Clearly, the penalty and provisions are not adequate. Although that type of information was not available to the members of the Select Committee conducting the inquiry, nonetheless it does not mean that the Select Committee in this instance was not able to obtain all the evidence available from all sources, and in that sense I support what the member for Newland said. That was an inadequacy not of the Select Committee but of the terms of reference and the ambit of the committee's inquiry. Having expressed my reservations about that point and asked what I regard as pertinent questions, I am concerned that in the present circumstances no such laws exist and that child prostitution and people engaged in or promoting it can go largely unpunished. At least the difficulty in prescribing an appropriate penalty does not exist, as the difficulty is so great.

Mr. KENEALLY: I think I should clarify a comment that I made earlier, because it has been used by some members as a basis for their discussions on this clause. When I said that the Select Committee had no evidence given to it on child prostitution, that does not mean that the committee did not discuss child prostitution with those people who had contact with organised prostitution in South Australia. No evidence was given to the committee by those who either supported or opposed prostitution that would have led it to believe that this was a real problem in South Australia. Nevertheless, the committee believed that outside of organised prostitution in South Australia there may well be areas in which children are involved in prostitution. Young people in South Australia, through economic circumstances or because of other reasons, could be involved in child prostitution. We had no evidence that those people who were organising prostitution in South Australia were employing persons under the legal age.

To those members who might believe that the committee received no evidence about that matter at all, I say that the committee received evidence indicating that it was not a significant problem within the prostitution area. That evidence was given to us from the very best source. Despite that, the committee was aware that a strong possibility existed that outside the organised prostitution area child prostitution could take place or that the possibility of its taking place in the future always existed. For example, there is no doubt that prostitution in South Australia has occurred in the back of panel vans (a more topical description of panel vans was given by some people). We were told that prostitution could take place in those circumstances, but no-one came in and gave evidence of it taking place. However, it was accepted by the committee that it did take place.

The Hon. M. M. Wilson: It certainly did interstate.

Mr. KENEALLY: Yes, it certainly did take place interstate. I rose to clarify this point because it is obvious that this matter will not get much past clause 4; it might get to clause 5, and then private members' time will run out. I did not want people who were going to question this clause or who had an alternative view to believe that I said that no evidence was given to the Select Committee about child prostitution. In fact, we asked those concerned with organised prostitution about that subject, but no-one was able to give evidence about it. However, the committee was assured by all the authorities that it was not a significant problem.

It is up to the individual to believe or disbelieve the people who run brothels. Those people say that South Australian police are the most difficult and stringent in Australia in relation to prostitution. Further, they were not prepared in the main to take the risk of employing under-aged people, because they felt that there was no need to do so when they could get people of age to work for them. Even so, there are instances where people under age would, even in those places, be involved in prostitution. We accepted that that was a negligible problem in the overall problem of prostitution. I hope that I have clarified that point for those members who want to use my comments as a basis for their opposition to clause 4.

Clause passed.

Clause 5—"Intimidation, etc., in relation to prostitution."

Mr. CRAFTER: I move:

Page 2—

Line 26—Leave out ", by intimidation or deception".

Lines 29 to 39—Leave out all words in these lines and insert—

(2) A person who—

(a) by intimidation or deception obtains from a prostitute any proceeds of prostitution;.

Lines 36 to 41—Leave out all words in these lines and insert—

(3) In any proceedings for an offence against subsection (2) *(a)* in which it is established that the defendant has received any proceeds of prostitution, it shall be presumed, in the absence of proof to the contrary, that he obtained those proceeds by intimidation or deception.

Page 3, lines 1 to 3—Leave out all words in these lines.

Mr. McRAE: I support the amendments moved by the member for Norwood. They do no harm to the Bill, and in fact may clarify the intent of those who support it.

Mr. GLAZBROOK: I raise with the member for Mitcham the possibility of people being employed by a company or group which is involved in prostitution in this State and which had interests interstate.

They could hire a person in that other State to come to South Australia and use stand-over tactics to coerce people into prostitution. Such persons would not be receiving any proceeds from the actual act of prostitution, and would not be involved in the act of prostitution. They could merely be employed by some nebulous company interstate to come to South Australia and use stand-over tactics.

Does the member for Mitcham feel that under this clause people who had been coerced or forced into prostitution would of their own volition stand up in court and, being fearful of the consequences of that act should they be part of a larger syndicate, give evidence that they had been coerced or intimidated into prostitution, which might mean that they could be found face down in the Port River? That act in itself might be sufficient to frighten off people involved in prostitution from standing up and saying that they have been intimidated, coerced or forced into prostitution. Does the member for Mitcham believe that the penalties and the description of offences cover that type of operation by a group involved in prostitution which could bring an interstate person to South Australia to put the fear of God into people?

Mr. MILLHOUSE: I cannot see the member for Brighton's problem. It does not matter who sends a person over here: it would not matter who did it. Whether it involves a natural person, a corporation, or whatever, the offence is committed in South Australia by the person who is guilty of intimidation or deception. Whether he is employed by others or is doing it for himself does not matter two hoots. I cannot see the honourable member's point; perhaps I missed it. I think that he is conjuring something out of the air.

Regarding the question of proof, I agree that it is extremely difficult in a case of coercion or intimidation to prove it. If the subject of the intimidation or coercion is still under the influence of or in fear of the person who has committed it, that is a problem which is common to other areas of the law as well. We do our best, but it is impossible to get over that all together. The member for Norwood, with his amendment, which I am prepared to accept, does his best. He does something which normally I do not like.

I suppose technically that we are discussing the first amendment, but I do not like the reversal of the onus of proof. However, it may be that in this case it is something that we have to put up with, because the evil of not having it is worse than the evil of having it. It is a real problem in the law now, and we, as members of Parliament, will do our best. However, I do not guarantee to the honourable member (nor could anyone) that it will be 100 per cent effective, and that is simply because of human nature.

Mr. CRAFTER: I have been concerned, as I explained in the second reading debate, particularly about two areas of prostitution. The first concerns the association of prostitution with organised crime or criminal elements in the community, and the second concern relates to the matter about which all members have doubtless received much representation, that is, trafficking in persons. My amendment attempts to eliminate both those elements from prostitution. I intend to provide that the practice of prostitution, like the practice of the law, is carried out by sole practitioners who are beholden to no other person: they are not providing services at the direction of another person, or another person will not share in the profits of those services; nor is the provider of those services beholden to another person. I do not think that it is sufficient only to bring about the elimination of a practice where there is intimidation or deception. Those influences must be eliminated altogether, and my amendment goes a long way towards achieving that.

I concur in what the member for Mitcham has said about the difficulty in relation to proof: that is acknowledged. In one instance the onus of proof has been reversed for that reason. However, it provides that a prostitute has that protection, and that is afforded by this amendment in the law. Hopefully this amendment will overcome those undesirable elements, the evidence of which I referred to in my second reading speech. I note that the Minister of Transport pointed in the second reading debate to a number of aspects that are of great concern to people who have made representations. One concern involved the protection of prostitutes themselves, the great inequalities in the enforcement of the law in this area, and generally that the present law was not working.

I refer also to a press statement that the Premier made in 1977, when he adverted as well to the influence of crime

in prostitution in this State. He came out strongly in favour of a much stronger legislative Act than this Bill proposes, namely, that of licensing prostitutes. I would oppose that measure. Although I am disappointed that the Premier has not spoken in this debate to explain his position more clearly, we must accept the fact that prostitution does exist in the community. Whatever this Parliament does will not stop prostitution and, if we are to be responsible members of this Parliament, we must try in some way to act in accordance with the best interests of the community. That is why I believe that it is in the interests of the community to eliminate as best as we possibly can the ability of a prostitute to be employed by another person, to be beholden to or have her services sold for the profit of another person.

This amendment will not interfere with the ability of a prostitute, for example, to support her husband, spouse, aged mother or her children. She can most certainly do that as I understand the amendment. She could also enter into arrangements, perhaps with other prostitutes practising in their own right, to employ, for example, a receptionist or some form of security personnel. However, it would not be possible for a landlord to extract exorbitant rents in order to achieve a share or to benefit from the proceeds of prostitution. I commend these amendments to members as one way of overcoming some of the more obvious evils that occur where prostitution is practised.

Amendments carried.

Mr. LEWIS: I hope on this occasion that the inquiries I make meet with a more effective and constructive response than my inquiries to the previous clause. The questions I asked were not addressed by any members of the committee in relation to the intention of that clause if the Bill became law. Regarding this clause, I ask any member of the committee why they did not consider making it impossible for anyone other than the spouse and the immediate family of the prostitute to live off the proceeds of prostitution. In regard to the term "spouse" I refer to both male and female prostitutes. That could be done in some other clause by outlawing the practice of running a bawdy house or brothel, and simply making it necessary for the prostitutes and/or their spouse to own the premises in which they conduct the prostitution.

By that means it would not be necessary to make this unsavoury clause part of our law, where we reverse the onus of proof. We could completely eliminate it, because then the proposition would be simply, in determining whether or not a crime had been committed, for one to answer a question, namely, whether prostitution had been conducted on the premises and, if it was, whether the person engaged in that prostitution was an owner of the premises or married to the owner of those premises? Then no reversal of the onus of proof, as a fundamental tenet of our system of justice, would have to be made.

Mr. McRAE: I should have thought that the amendments that the Committee has just carried achieved the very objective that the honourable gentleman is seeking. In other words, in the case of a spouse, mother or children, the amendments of the member for Norwood have eliminated the evil that the honourable gentleman sees.

Clause as amended passed.

Clauses 6 and 7 passed.

Clause 8—"Advertisements."

Mr. CRAFTER: I move:

Page 3, after line 41 insert—

(ba) in any publication specified by regulation under this section.

Page 4, after line 5 insert—

(4) The Governor may, by regulation, prohibit the presentation of advertisements relating to prostitution in specified publications.

Amendments carried; clause as amended passed.

Clauses 9 and 10 passed.

Clause 11—"Amendment of Criminal Law Consolidation Act and Police Offences Act."

Mr. RUSSACK: There are in this Bill certain points with which we agree concerning child protection, intimidation, etc., soliciting, and the consideration of premises in residential areas. This Bill repeals everything on the Statute Book relating to prostitution, and for that reason I am definitely opposed to this clause.

Clause passed.

Title passed.

Mr. MILLHOUSE (Mitcham): I move:

That this Bill be now read a third time.

The House divided on the third reading:

Ayes (22)—Messrs. Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, McRae, Millhouse (teller), O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, Wilson, and Wright.

Noes (22)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Evans, Glazbrook, Goldsworthy (teller), Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, and Tonkin.

Pair—Aye—Mr. Langley. No—Mr. Wotton.

The SPEAKER: There are 22 Ayes and 22 Noes. There being an equality of votes, I am required to give a casting vote. I rest on the decision given by Speaker Denison in 1867, as follows:

. . . that, where no further discussion is possible, decisions should not be taken except by a majority.

I therefore give my casting vote in favour of the Noes, and the Bill passes in the negative.

Third reading thus negatived.

PROPORTIONAL REPRESENTATION

Adjourned debate on motion of **Mr. Millhouse:**

That in the opinion of this House a system of proportional representation should be introduced for the election of its members, as contemplated in the Constitution.

(Continued from 22 October. Page 1306.)

Mr. EVANS (Fisher): The member for Mitcham has moved this motion that, in the opinion of this House, we should move to a system of proportional representation because that is his Party's policy. He has used the argument that has been used in this State, and this country, before; in particular, a system of proportional representation is used in Tasmania. There are with proportional representation some inbuilt problems which I believe the member for Mitcham has not accepted, namely, that individual politicians do not have as much direct responsibility to their electors, because they can pass the buck to another member of Parliament or ignore the difficult tasks that may come before them. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

PERSONAL EXPLANATION: *NATIONAL TIMES* INTERVIEW

The Hon. W. E. CHAPMAN (Minister of Agriculture): I seek leave to make a personal explanation.

Leave granted.

The Hon. W. E. CHAPMAN: During Question Time this afternoon the Deputy Leader of the Opposition, when directing a question to the Premier, alleged that, when speaking to a *National Times* reporter, Carol Treloar, on 25 January 1981, I recorded the conversation with special telephone recording equipment. I have forgotten what the Deputy Leader called the special equipment. However, what he said was almost true: I did, in fact, record with a portable recorder what I said, and on the following day the recording was transcribed. Since that time copies of that transcript have been circulated to certain people. Indeed, a copy of that transcript is readily available for the Deputy Leader. The interesting thing is that certain evidence is now available to me which indicates that—

The SPEAKER: Order! I would draw the honourable Minister's attention to the fact that, in making a personal explanation, he is required to stick precisely to a personal explanation and must not develop a debate.

The Hon. W. E. CHAPMAN: I appreciate the direction, Mr. Speaker. What I am about to say is positively associated with the allegations that were made this afternoon by the Deputy Leader. That evidence does indicate that Carol Treloar, by some method, may have recorded my conversation, also. Yesterday, when discussing with the Editor of the *National Times* the subject raised by the Deputy Leader, he put to me that I was in possession of a recording and/or a transcript of my conversation, and I said, "Yes, indeed I am in possession of that material" and, just in case he did not have access to a copy, I informed him that he could have one also. I posted a copy to him this morning. The other remarks that I might have been able to make and associate with the Deputy Leader's comments can wait until tomorrow, when I shall proceed with this serial in an effort to relate to the House the full situation surrounding the Deputy Leader's multiple allegations today and at other times.

PETROLEUM ACT AMENDMENT BILL

The Hon. E. R. GOLDSWORTHY (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Petroleum Act, 1940-1978. Read a first time.

The Hon. E. R. GOLDSWORTHY: I move:

That this Bill be now read a second time.

This Bill is concerned very largely with the obligations of licensees under the Petroleum Act to keep records, and to keep the Minister and the department informed about the progress of operations, the extent of petroleum reserves and their long-term plans for development. It reflects primarily the present reliance of the State on natural gas from the Cooper Basin, not only for direct use in domestic, commercial and industrial situations but also for electricity generation. Indeed, approximately 70 per cent of the State's electricity is derived from the burning of natural gas. The State's entitlement to this resource does not presently extend beyond 1987 and for this reason the State is directing exploration funds for use by the South Australian Oil and Gas Corporation to augment the producers' own exploration programme. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation of Bill

It is also pointed out that the State is seeking alternative sources of supply and has entered into discussions, to date, with the Northern Territory Government, the Queensland Government and the Federal Government with regard to access to natural gas reserves located interstate, in particular the relatively unexplored Queensland portion of the Cooper Basin and the yet to be defined reserves at Palm Valley and Mereenie in the Northern Territory. In these circumstances, the correct assessment of hydrocarbon reserves within this State and the planning of field development programmes that will maximise gas recoveries and resources is seen as vital to State energy planning. New section 35a requires a licensee, within six months of the grant of the licence, to submit a development plan for the approval of the Minister. The plan will provide the Minister with information as to the licensee's intentions during the term of the licence and will be important for the purpose of planning and assessment by the Government.

By establishing the principle of long-term approvals of outline development plans the Cooper Basin producers' requirements for the obtaining of long-term finance are satisfied. Similar situations could be expected to arise in other petroleum developments outside the Cooper Basin. The Bill provides for the submission of annual development programmes by the holders of production licences. Amendments to section 37 of the principal Act will invest the Minister with slightly expanded powers to obtain the kind of information that is now required by Government for forward planning in relation to the management and use of energy resources. The provisions of the principal Act requiring a licensee to keep records of technical data, observations and opinions will be covered by regulation. The kind of records required depends largely upon the nature of petroleum technology as its exists from time to time. The amendment will make possible a more rapid response to technological change. It would be expected that regulations to be made under these amendments would be discussed with parties likely to be affected by them before they were introduced.

Clauses 1 and 2 of the Bill are formal. Clause 3 makes a minor amendment to the definition of "petroleum". The purpose of the amendment is to make it quite clear that oil shale does not come within the definition of "petroleum" in this Act. The recovery of oil shale is to be dealt with under the provisions of the Mining Act, and not in pursuance of the Petroleum Act. Clause 4 enacts new section 35a of the principal Act. As well as requiring the submission of development plans the new section provides for amendment of plans by the Minister to reflect changed circumstances.

Clause 5 amends section 36 of the principal Act. The effect of the amendment is to provide for a submission of annual developmental programmes and schedules setting forth estimated rates of petroleum production to enable detailed consideration of development operations to be made by officers of the department on a continuing basis. The first schedule is to be submitted by the licensee within six months of the grant of the licence or such longer period as the Minister may allow and at least one month before the commencement of developmental works within the area comprised in the licence. Any further programme is to be submitted within one month before the commencement of the period to which the programme relates. New subsection (1d) requires the Minister, when considering a programme and schedule, to have regard to the relevant approved outline development plan. Clause 6 amends section 37 of the principal Act. The content of the

information that may be required under new paragraph (b) of subsection (2) is somewhat expanded. Clause 7 repeals section 55 of the principal Act which has become outmoded and replaces it by a new provision which enables regulations to stipulate the kind of records that are to be kept by licensees in future. This will enable a more rapid response to be made by the law to technological change.

The Hon. R. G. PAYNE secured the adjournment of the debate.

PRIMARY PRODUCERS EMERGENCY ASSISTANCE ACT AMENDMENT BILL

The Hon. W. E. CHAPMAN (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Primary Producers Emergency Assistance Act, 1967. Read a first time.

The Hon. W. E. CHAPMAN: I move:

That this Bill be now read a second time.

The amendments made by this Bill are necessary because of the Natural Disasters Agreement made between the State and the Commonwealth in 1977. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation of Bill

The principal Act was enacted in 1967 and the proposed amendments will tie it in to the structure created by the Natural Disasters Agreement.

The agreement provides that the Commonwealth will assist in the funding of disaster relief programmes on a $3 for $1 basis after the State has contributed the first $3 000 000. The moneys provided must be repaid. The Farmers Assistance Fund has adequate resources to repay these loans but at the moment there is no power under the principal Act to make repayments from the fund. The first repayment due under the agreement became due on 30 June 1980, and was paid from the State's General Revenue Account. The amendments proposed to section 4 of the principal Act will allow money to be paid from the Fund directly to the Commonwealth in repayment of a loan or to the Treasurer to reimburse him for payments made by him in repayment of a loan.

Section 5 of the principal Act provides for the making of advances from the fund to primary producers. Subsection (2) *(a)* requires the advance to carry interest at the State Bank overdraft rate. However, after the first $3 000 000, which the State provides, Commonwealth moneys become involved and the agreement requires that moneys advanced carry an interest rate of 4 per cent. This creates an anomalous situation and to resolve it the Bill replaces subsection (2) *(a)* with a provision that enables the Minister having the administration of the principal Act to determine the appropriate interest rate.

Clause 1 of the Bill is formal. Clause 2 amends section 3 of the principal Act. Paragraph *(a)* ensures that both grants and advances by the Commonwealth are included. Paragraph *(b)* makes a consequential change and paragraph *(c)* inserts a new subsection that allows the Treasurer to advance moneys to the Farmers Assistance Fund from moneys available for that purpose. This subsection justifies the payment made from General Revenue Account to repay moneys due to the Commonwealth under the agreement on 30 June 1980. Subclause (2) gives the provision retrospective operation.

Clause 3 amends section 4 of the principal Act. Paragraph *(b)* removes a reference to the Minister of Lands from section 4 *(b)*. From now on paragraph *(b)* will refer to "the Minister" which, by reason of the Acts Interpretation Act, 1915-1975, means the Minister for the time being administering the principal Act. Paragraph *(c)* adds two new paragraphs to section 4 which will allow moneys in the fund to be repaid either directly to the lender concerned or be used to reimburse the Treasurer in respect of moneys paid by him, on behalf of the fund, in repayment of moneys lent to the fund. Clause 4 amends section 5 of the principal Act. New subsection (2) *(a)*, inserted by paragraph *(b)*, will allow the Minister to determine the interest rate to be paid by a person receiving assistance from the fund. This will allow flexibility which will ensure that the arrangements tie in with the terms on which Commonwealth moneys are advanced. Clause 5 makes a consequential amendment to section 8 of the principal Act.

Mr. McRAE secured the adjournment of the debate.

SOCCER FOOTBALL POOLS BILL

The Hon. M. M. WILSON (Minister of Recreation and Sport) obtained leave and introduced a Bill for an Act to provide for the promotion, conduct and operation of soccer football pools; and for other purposes. Read a first time.

The Hon. M. M. WILSON: I move:

That this Bill be now read a second time.

The purpose of this Bill is to provide a source of funds, which is estimated at $1 000 000 annually, for urgently needed recreation and sport projects. One immediate effect of this would be to redirect an estimated $30 000 a week or $1 500 000 a year, which leaves this State for investment in either the pools in the United Kingdom or the Australian soccer pools in the Eastern States. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation of Bill

The Government's decision to provide for the introduction of soccer pools into South Australia was taken only after much thought and careful consideration. It was apparent that such a scheme would have to be operated by either the South Australian Lotteries Commission or Australian Soccer Pools Pty. Ltd. In all schemes of this type, there are dangers relating to abuse or fraud and the Vernons organisation, with its effective security measures, has a proven record in this field. It has a highly automated operation handling millions of coupons each week. Participants in soccer pools are required to pick eight "score-draw" matches out of the 55 matches on each week's coupon. Points are allotted for results with three points for a "score-draw", two points for a "no-score draw", 1½ points for an "away win" and one point for a "home win". Prizes will be offered for scores totalling 24, 23, 22½, 22 and 21 points; that is the maximum points possible are for eight "score draws" totalling 24 points.

The Lotteries Commission was asked whether it wished to become involved as an agent of Australian Soccer Pools in South Australia, with lottery agents to be used as selling outlets. The commission subsequently advised that it was not prepared to become involved in Australian Soccer Pools. It has been suggested that the Lotteries Commission should be allowed to run a soccer pools

scheme instead of the one presently proposed. However, this is not a practical proposition. Any such soccer pools scheme would be confined to one State and would therefore produce a prize level which would not be as competitive and attractive as the proposed scheme.

Successful pools are those which offer the potential to win very large prizes for a small outlay. Australian Soccer Pools Pty. Ltd. is able to provide such a large pool of funds to enable very large prizes to be paid. Typical winners sometimes receive as much as $400 000 and scoop prizes made up of jackpots can bring wins of over $500 000. This level of funding would, I venture to say, be impossible to achieve in a State-run soccer pools scheme. I believe there have been some misconceptions in previous comments made about the effect of soccer pools on established forms of gambling. The important thing to bear in mind about soccer pools is that it is a relatively minor form of gambling, and in fact experience in other States is that the introduction of pools has not affected any of the established forms of gambling since the introduction of Pools in Victoria in 1974, Lotto turnover has grown from $1 200 000 per week to approximately $6 000 000 per week.

In relation to T.A.B. other forms of gambling have sometimes shown an effect on T.A.B. turnover, such as Tasslotto, which affected T.A.B. growth in Victoria. However, I am advised that pools are unlikely to affect the T.A.B. turnover in South Australia and I have been assured by representatives of racing that they do not believe they have anything to fear from this quarter.

As far as South Australian Cross Lotto and other lotteries are concerned, all the evidence is that turnover will not be affected to any significant degree. The N.S.W. experience has been that certain other kinds of lotteries have boomed, particularly the million dollar lottery and Lotto. I do not anticipate that the Hospitals Fund will suffer any reverses because of the introduction of soccer pools. Nor do I expect that small lotteries run by local clubs will suffer.

With regard to the introduction of another form of gambling, I would point out that when the Council of Churches made its submission to the last Royal Commission Into Gambling in the U.K., it agreed that playing pools could not be classified as serious gambling, but rather as a minor form of family or group activity. I have been advised by my colleague, the Minister of Community Welfare, that he and his department can foresee no serious impact on families through the introduction of such a scheme. It is sometimes suggested that there is a gambling dollar and that the introduction of any new scheme of gambling simply redistributes that dollar amongst the competing forms of gambling. I am advised that in South Australia, where the gambling figure per capita is very much lower than that of N.S.W. and Victoria, there is room for a small new gambling form of this comparatively harmless kind, without the likelihood of the major effect of some other forms of gambling, for example, poker machines.

I do know that this proposal was being considered by the former State Government and I would not have been surprised to have seen an agreement between Australian Soccer Pools and that Government if in fact they had stayed in office. That organisation has pools operating in all other States except Western Australia, where it is expected to be introduced shortly. None of these States run their own pools through State Lotteries, and I have seen no evidence to convince me South Australia should be the odd one out. It is my hope that the Parliament will take this scheme for what it is—a genuine attempt by the Government to provide additional funds for the development of sporting and recreational projects. With regard to the question of why we should have a scheme which is based on U.K. soccer results as well as Australian, I point out that it is logical to use U.K. soccer matches when they are played in the Northern Hemisphere winter supplemented by Australian soccer matches in the Australian winter.

Although it is not the prime purpose of this proposal to create employment, nevertheless, the introduction of the scheme will certainly mean extra employment by the pools organisations in South Australia, as well as some spin-off in the form of work related to printing, distributing, collecting, collating, selling, advertising and marketing. There have been some comparisons made about the level of prizemoney paid out as a percentage of turnover. I should point out that a valid comparison cannot be made between the respective prize percentages paid by the Australian Soccer Pools and the Lotteries Commission of South Australia, as the Australian Soccer Pools' prize percentage is calculated on a total investment pool, which provides for a 12½ per cent agent's commission, whereas the percentage nominated by the Lotteries Commission relates to an investment pool which makes no such provision for agent's commission. This commission is paid by the consumers in the form of an additional levy applied to all lottery coupons purchased through the various agencies. If this commission were to be added to the Lotteries Commission's expenditure, the prize percentage would be reduced considerably to a level more comparable with the current approximate 40 per cent being paid by the Australian Soccer Pools.

In summary, the proposal has the full support of Treasury and the Department for Community Welfare and certainly will have the support of the many sporting and recreational groups throughout South Australia. It is this Government's determination to upgrade facilities available for leisure activities in South Australia, and also to undertake a number of key projects which will assist both mass participation and top level sport. It is important that this simple means of providing such assistance be provided for the benefit of South Australians, not only for their enjoyment, but more importantly for their health, and also, of course, to assist in building up the top level of our sport in South Australia to compete successfully in the national and international arena.

Clause 1 of the Bill is formal. Clause 2 sets out definitions of terms used in the Bill. Clause 3 provides that it shall be an offence to promote, conduct or operate a soccer football pool without a licence or in contravention of the provisions of the measure or the conditions of a licence granted under the measure.

Clause 4 provides that no person shall be guilty of any offence by reason only that he does anything in connection with the promotion, conduct or operation of a soccer football pool if what he does is authorised by this measure. Clause 5 prohibits participation in soccer football pools by minors.

Clause 6 provides for application to the Minister for and the grant by the Minister of a licence to conduct soccer football pools. The clause at subclause (3) requires a successful applicant to lodge a bond with the Minister binding an insurer to pay any unpaid duty and a penalty up to a total of fifty thousand dollars. Subclause (5) provides that only one licence to conduct soccer football pools may be in force at any one time. Subclause (6) provides that a licensee shall be liable to a penalty not exceeding ten thousand dollars if he fails to ensure that there is a bond of the kind referred to in force at all times during the currency of the licence.

Clause 7 provides for variation by the Minister of licence

conditions. Clause 8 sets out the kinds of licence conditions that may be imposed by the Minister. Clause 9 provides for revocation by the Minister of a licence if the licensee contravenes any provision of the measure, any rule made under the measure, or any licence condition or if the licensee applies for revocation of the licence. Clause 10 provides for the appointment by a licensee, with the approval of the Minister, of agents to receive subscriptions to the licensee's soccer football pools. Subclause (4) authorises the South Australian Totalizator Agency Board to be appointed an agent of a licensee.

Clause 11 empowers a licensee to make rules regulating soccer football pools, subject to the approval of the Minister. Clause 12 provides for appointment of inspectors and their powers. Clause 13 authorises an audit of a licensee's accounts by the Auditor-General at the request of the Minister. Clause 14 provides that a specified percentage of subscriptions to a licensee's soccer football pools is to be paid into a prize fund and that 30 per cent of such subscriptions is to be paid to the Minister as duty. The specified percentage is to be 37 per cent or such greater percentage as may be prescribed by regulation. Subclauses (3) and (4) provide that where a licensee also conducts the soccer football pools in another State pursuant to a measure similar to this measure, the Minister and the corresponding authority in that other State may enter into an arrangement under which the duty payable is divided between the States.

Clause 15 provides that the prize fund is to be a bank account approved by the Minister, being a bank account kept in this State or in any other State in which the licensee conducts soccer football pools pursuant to a corresponding law. Subclause (2) provides that moneys kept in a prize fund maintained in this State may be invested in a manner approved by the Minister and any earnings from the investment are to be paid into the prize fund. Subclause (3) requires the licensee to use the prize fund only for payment of prizes or, in accordance with the conditions of his licence, to reimburse himself for any payment that he made to make the prize fund up to an amount sufficient to pay the prizes.

Clause 16 regulates the payment of duty by a licensee. Under the clause a licensee is to pay the duty within seven days after the close of entries to each pool and to lodge a return at the same time. Subclause (3) provides for payment of a penalty for late payment of duty equal to 10 per cent a month of the amount of the unpaid duty. Under subclause (4) the Minister may remit any penalty or allow further time for payment. Clause 17 provides for the establishment at the Treasury of a fund to be called the "Recreation and Sport Fund" and for the payment of the duty into this fund. The fund is, under the clause, to be used to support and develop recreational and sporting facilities approved by the Minister.

Clause 18 provides for the service of notices. Clause 19 provides for recovery of any amount payable under this measure to the Minister. Such amounts may be recovered by the Minister as debts due to the Crown. Clause 20 imposes liability upon the members of the governing body and the manager of a corporation where the corporation is convicted of an offence against the measure and upon a licensee or approved representative where an employee of the licensee or approved representative commits an offence against the measure in the course of his employment.

Clause 21 provides that proceedings for offences against the measure are to be disposed of summarily. Under subclause (3) a maximum penalty of $2 000 is fixed for any offence by a licensee for which no other penalty is fixed and a maximum penalty of $500 is fixed for any offence by a person other than a licensee for which no other penalty is fixed. Clause 22 provides for the making of regulations.

Mr. SLATER secured the adjournment of the debate.

RECREATION GROUNDS RATES AND TAXES EXEMPTION BILL

The Hon. P. B. ARNOLD (Minister of Water Resources) obtained leave and introduced a Bill for an Act to exempt certain land used for sport or recreation from rates and taxes; and to repeal the Recreation Grounds Taxation Exemption Act, 1910. Read a first time.

The Hon. P. B. ARNOLD: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill repeals the Recreation Grounds Taxation Exemption Act, 1910, and replaces it with a new Act that reflects more exactly the Government's policy on tax exemption for land used for sport and recreation. The existing Act is not clearly drafted and suffers from the use of outdated terminology. As a result uncertainties have arisen in the interpretation and application of the Act.

One of the uncertainties arises where parts of recreational grounds, such as the city park lands, are used for business or residential purposes. It is doubtful whether rates and taxes can be charged in respect of these premises. There are three restaurants situated in the city park lands and the Adelaide City Council has claimed that they are exempt. The Government, however, can see no justification for exempting either a business or a residence situated on such land. There is no reason why such a business should not pay its way as its competitors must nor why the occupier of a residence should not contribute to State and local government finances to the same extent as others contribute. Such a business or residence will not receive protection under the new Act.

The fact that certain land will be exempt from water and sewerage rates under this legislation will not mean that the occupier will be free of liability for water actually used and sewerage services provided. The Statutes Amendment (Water and Sewerage Rating) Bill, 1980, now before Parliament, makes amendments to the Waterworks Act, 1923-1978, and the Sewerage Act, 1929-1977, to ensure that charges may be made for water used and sewerage services supplied. The amendments will not lead to any new or additional charges being made against occupiers because charges for water used and services provided have always been made in the past. The reason for introducing the amendments is that recently doubt has arisen as to the legal basis for these charges and it is desired to put the matter beyond doubt.

Clause 1 is formal. Clause 2 repeals the existing Act. Clause 3 defines "rates and taxes". It will be noticed that charges for water supplied are excluded. The Government believes that owners of recreational grounds should pay for water actually supplied. Clause 4 provides for exemption from rates and taxes. Broadly exempt land falls into two categories. It is either land owned or controlled by a local council or land owned privately but intended for use by the public for sport and recreation. The first category is dealt with in clause 4 (1) *(a)* and (1) *(c)*, the second in clause 4 (1) *(b)*. Clause 4 (1) *(c)* is aimed at sporting clubs that operate on council land but to which

only members of the club or members of the public who have paid an entrance fee, have access. Clause 4 (1) *(b)* brings land held by trustees and progress associations (where the public right of access to the land is guaranteed) within the ambit of the legislation. Subclause (2) preserves a requirement of the present Act that income derived from exempt land must be used for the maintenance, repair or improvement of the land if the exemption is to be retained.

The Hon. R. G. PAYNE secured the adjournment of the debate.

PORT PIRIE RACECOURSE LAND REVESTMENT BILL

The Hon. P. B. ARNOLD (Minister of Lands) obtained leave and introduced a Bill for an Act to revest in the Crown certain portions of the land vested in the Port Pirie Trotting and Racing Club Incorporated; and for other purposes. Read a first time.

The Hon. P. B. ARNOLD: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

In 1946, certain land was vested by the Port Pirie Racecourse Site Act in the Port Pirie Trotting and Racing Club Incorporated for the purpose of establishing a racecourse. In 1960 and 1965, certain parcels of land were excised from the land vested in the club to provide for extensions to the Port Pirie High School sports ground. Following approaches by the Department of Further Education (on behalf of the Port Pirie Community College) and the Corporation of the City of Port Pirie, the club has agreed to relinquish certain other parcels of land. These are as follows:

(a) an area of 8 907 square metres (section 1282) for an extension to the Port Pirie Community College site;

(b) an area of 3·614 hectares (section 1283) for development as a tennis complex in conjunction with the Port Pirie and District Tennis Association;

(c) an area of 8 048 square metres (section 1284) for development in conjunction with the Risdon Tigers Baseball Club as a baseball park.

The purpose of the present Bill is to revest the relevant parcels of land in the Crown so that they can then be dedicated for the abovementioned purposes under the Crown Lands Act. The Government wishes to place on record its appreciation of the co-operative attitude of the Port Pirie Trotting and Racing Club in making the land available for purposes which will obviously be of great benefit to the people of Port Pirie.

Clause 1 is formal. Clause 2 contains definitions required for the purposes of the new Act. Clause 3 is the principal provision of the Bill. Subclause (1) provides that sections 1282, 1283 and 1284 hundred of Pirie shall revert to the Crown. Subclause (2) provides that the principal Act (that is, the Port Pirie Racecourse Site Act of 1946) shall continue to apply to the remainder of the land. Subclause (3) empowers the Registrar-General to issue a new certificate of title for the remainder of the land.

Mr. SLATER secured the adjournment of the debate.

STATUTES AMENDMENT (VALUATION OF LAND) BILL

The Hon. P. B. ARNOLD (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Valuation of Land Act, 1971-1976, and to make consequential amendments to the Land Tax Act, 1936-1979, the Local Government Act, 1934-1980, the Waterworks Act, 1932-1978, and the Sewerage Act, 1929-1977. Read a first time.

The Hon. P. B. ARNOLD: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill gives effect to the Government's election promise to introduce legislation providing that valuation for rating and taxing purposes is, in certain cases, to be made on the basis of the actual use of the land rather than its potential use, and providing more realistic and understandable bases for valuation.

On 3 December 1979, Cabinet established a working party comprising the Valuer-General and representatives of the Ministers responsible for the rating and taxing Acts to advise it upon implementation of these election promises. The working party recommended that a Bill be prepared to amend the Valuation of Land Act and the rating and taxing Acts to establish site, capital and notional values as the basis for calculating property rates and taxes imposed by the Government, thus eliminating the concept of "unimproved value" and substantially reducing the use of "annual value" as a basis of rating.

In South Australia today there are virtually no sales of truly unimproved land which could serve as a guide to unimproved values and most ratable properties are owner-occupied so there is little or no rental evidence available on which to base proper assessments of annual value. In fact since 1977 the Valuer-General has not used rental values in making new general valuations but has assessed capital or market values of all ratable properties and converted them to annual values, a procedure that is permitted by the present statutory definition of "annual value". The value determined by this calculation bears no real relationship to the rental value of the property and causes confusion to the ratepayers. Its calculation and use also create unnecessary administrative complications.

The change from annual to capital values will not affect the amount of rates payable on any given property since the rate in the dollar will be adjusted to reflect the new basis of valuation, e.g. a rate of 10 cents in the dollar on annual value would change to 0·5 cents in the dollar on capital value.

Although Government valuations will no longer be based on annual value under this amending legislation, it is not intended to prevent local government authorities from continuing to use annual values for rating if they so desire. If they choose to do so, however, they will have to make their own assessments of annual value by using the services of their own valuers or of private licensed valuers. The present Bill incidentally makes an amendment to the definition of "annual value" designed to ensure that where a council chooses to rate on the basis of annual value, but is unable to obtain adequate evidence of rental value in a particular case, the valuation may, without risk of challenge, be based upon capital value.

The Local Government Association, United Farmers and Stockowners Association, the Australian Institute of Valuers and the Real Estate Institute have all been consulted in relation to the measures in this Bill. Support

for abandoning unimproved values and substituting site values as basis of rating and taxing has also come from the Law Department. Unimproved values today, when few areas of truly unimproved land exist and such unimproved land as does exist is in many instances purchased at prices unrelated to the productive capacity of the lands, are archaic and meaningless. Rural land for decades has not been purchased on the basis of its worth as virgin scrub but on the basis of its productive worth as developed land. The Government agrees with the rural councils that unimproved values are outmoded, that they cannot, in many cases, be properly determined, and should be replaced with a more realistic basis of valuation. Unimproved values as a rating value base were abandoned in Victoria in 1975, Tasmania in 1976, New Zealand in 1976 and New South Wales in 1979.

For council rating in rural areas where rates are levied on the basis of land value, the change to site values will result in greater equity between landholders. Water rates are no longer levied on unimproved values in rural area but are based upon areas of ratable land. The Bill therefore proposes amendments to the Waterworks Act to delete all references to unimproved values in relation to country lands water rating.

In the proposals to amend the bases of valuation a new concept of value is introduced. This new concept of "notional value" operates in two cases:

1. In relation to an owner's principal place of residence where the value of the land on which it is situated is inflated by its potentiality for use otherwise than as the site of a single dwelling.
2. In relation to land used for the business of primary production with a potential for other more valuable uses.

The Government has been concerned for some time that inequities in rating and taxing have arisen between genuine home owners unaffected by a potential use for their properties for commercial or industrial purposes and those whose principal place of residence is situated in a commercially or industrially zoned area. Similar inequities arise between farmers when some, whose land is perhaps situated on the fringe of an urban area, suffer the consequences of valuations out of all proportion to the value of the land as a farming unit. It is hoped that the use of notional values in these instances will be a significant step towards ending the present inequities. Under the new system, where land is used as the principal place of residence of the taxpayer, or where it is used for the business of primary production, the valuing authority is required to make its valuation on the assumption that the potentiality of the land for more lucrative forms of exploitation did not exist.

Clauses 1, 2, 3 and 4 are formal. Clause 5 contains transitional provisions preserving existing unimproved values and annual values until superseded under the provisions of the present Bill and providing for the conversion of existing determinations of annual value into determinations of capital value. Clause 6 inserts a new definition of "business of primary production" which is similar to that contained in the Land Tax Act. The definition of "site value" has been simplified to reflect more directly a value related to the productive capacity and use of land. New paragraph *(d)* has been inserted in the definition of "annual value" to ensure that the calculation of annual value on the basis of capital value, where a gross rental value cannot be determined, is not open to challenge.

Clause 7 inserts a new section 22a to enable notional valuations to be made in the case of land used for primary production and residential land (where the land constitutes the taxpayer's principal place of residence). Such a valuation is made by disregarding the potential of the land for use for purposes other than those for which it is actually being used. Clause 8 is formal. Clause 9 inserts a definition of "site value" in the Land Tax Act and makes other consequential amendments to the definitions. Clauses 10, 11 and 12 amend the Land Tax Act by substituting references to "site value" for references to "unimproved value". Clause 13 repeals most of section 12c which is no longer required since land used for primary production is exempt from land tax. Clause 14 repeals section 56 (1a) and (1b) which are now obsolete. Clause 15 is formal. Clause 16 makes consequential amendments to the Local Government Act relating to the use of the "site" and "capital" values for rating purposes and deletes the present "urban farmland" rating provisions. These provisions are no longer necessary because under the present Bill such land would be eligible for a concessional "notional" valuation.

Clause 17 makes consequential amendments to the Local Government Act. Capital value is introduced as an additional basis upon which local government rates may be levied. Clause 18 is formal. Clause 19 amends section 66 of the Waterworks Act to formalise the country lands rating procedure which is now based on land area, and to provide for water rating in urban areas to be based on capital value rather than annual value. Clause 20 is formal. Clause 21 makes the necessary amendments to the Sewerage Act to change the basis of rating from annual values to capital values.

The Hon. R. G. PAYNE secured the adjournment of the debate.

POLICE REGULATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 November. Page 1 873.)

Mr. McRAE (Playford): The Opposition supports this measure, on the basis clearly that any action which can lead to greater stability and efficiency in the Police Force deserves such support. The Bill contains a number of disparate and quite diverse measures which relate to the Police Force in this State. The Police Regulation Act, the principal Act, is concerned with the organisation of the Police Force at a number of different levels: first, in its total operation, in its structure from Commissioner down to constables; secondly, the discipline of the various officers and men involved in that Police Force.

In so far as all of the measures of this amending Bill deal with what one might call mainly disciplinary matters or industrial matters inside the Police Force, the Opposition sees no particular reason to go further than the discussions that have taken place between the Chief Secretary and the Police Commissioner, on the one hand, and the Police Association on the other. I find from correspondence between my colleague in another place, Mr. Sumner, who is the Opposition spokesman on these matters, and the Police Association that it now has no objection to the proposed legislation subject to amendments which at this point I am not entitled to mention.

Of course, as soon as we talk about police regulations, we enter into a wider aspect, and I propose to devote a few moments to that wider aspect. The Police Force is an integral part of maintaining what the Government so often and so definitely calls its law and order policy. In fact, "law" and "order" are two very different words indeed. As I see it, in this instance the criminal law lays down

minimum standards of behaviour in the community, and "order" is a word which looks to the concept of the Executive maintaining the law inside the community—in particular, the criminal law.

This Government came to power, as I see it, basically on two promises, neither of which has been fulfilled. The first was a promise relating to unemployment, a very definite promise that no fewer than 10 000 and possibly 17 000 persons would be found employment. Obviously they have not been found employment. South Australia is now, regrettably, the State with the second worst employment record in Australia.

The second promise which appeared to have attraction to the South Australian community was that in some way this Government would promote law and order in a way that the previous Government had not done, and I am afraid that I cannot excise from my mind those advertisements in the daily press of some 18 months ago which had pictures of hooded bandits, and other such things, with which I know the Minister would not have been involved. He is not a person who would be involved with that sort of thing. But, certainly, some members of the Liberal Party were involved with advertisements of that kind, to their everlasting disgrace.

It has been the consistent position of the Opposition to say that there is no Government in Australia which can in any honest sense offer the reduction of criminal violence and the promotion of order in the true sense of the word, without there being quite fundamental changes in the way that society is run. Coincidentally with the debate on this Bill, we had the production in Parliament yesterday of the report of the Commissioner of Police.

I shall refer to one or two comments that the Commissioner made, and in so doing I indicate that the comments that he made in that report are quite consistent with the answers that he gave to certain questions that I put during the Estimates Committee consideration. It was recorded in this morning's *Advertiser* as a neat summary that recorded offences against the person in the last year referred to in the report rose by 40 per cent, which is a dismal figure indeed and not a figure over which I would gloat. Again and again, the Opposition has stressed to the Government of the day and the Chief Secretary the fact that, if they were prepared to enter into a two-sided consideration of the whole of what may be loosely termed the law and order issue, the criminal justice issue, and the compensation for victims issue, every help and consideration would be forthcoming from the Opposition. However, while the Government follows the line of recording promises to the people through advertisements in the daily press going back to September 1979 (and we have on record a failure of the Government every time the Opposition offers such a realistic and objective appraisal of the true situation), and while there is a failure of the Government to come to grips with the situation, we have no alternative but to draw people's attention to the reality.

Just as this Government promised 10 000 jobs and produced none, so it was bold enough to promise law and order and yet produce a 40 per cent increase in assaults against the person, a 90 per cent increase in assaults against the police (these are the Police Commissioner's figures), increases in arson and malicious or wilful damage by fire of 60 per cent and an increase of 121 per cent in drug offences. Much of the increase in relation to drug offences, can be put down to systematic and good work on the part of the Police Force, that I applaud. In relation to assaults against the person, arson, malicious damage, and so on, the figures relating to which were quite consistent with the answers given by the Police Commissioner to my questions in the Estimates Committee, I believe that there must be a relationship between that record and the way society stands. If one looks at the figures given in answer to my question, one finds that cases of homicide, for example (and again I quote the Police Commissioner's answers that were given through the Chief Secretary), in the years in question, increased by a staggering 30 per cent; serious assaults increased by over 30 per cent; robberies increased by 50 per cent; breaking and entering cases increased by 17 per cent; motor vehicle thefts increased by 17 per cent; and rape offences dropped slightly, the figure being minus 4 per cent.

I know that the Chief Secretary is concerned about these matters. The reality of the situation is that he is caught between two positions. He can look at the New South Wales situation, where there is what I consider to be a deplorable situation, in which the Government and the Opposition have wrangled over the past decade, one against the other, each being prepared to call the other in league with thieves, and far worse.

The Hon. Peter Duncan: There may be some truth in it.

Mr. McRAE: I am not prepared to go that far. We have seen a not very happy situation in the public eyes. The Government and the Opposition, whichever the Party in power, have accused each other of being involved with major crime. There is a monotonous series of allegations going one way and the other. That is one way of looking at the situation: one sees crime, the criminal justice system, the prison system and the whole law system as being a wrangle between two political Parties.

The other way in which to look at the situation is to consider that all of those matters, matters which my Party believes to be totally basic to the existence of a decent, civilised society, should not be the subject of political footballing and wrangle between two political Parties. If allegations can be proved, so be it, but in the broad, if one is considering the situation of crime statistics, how prisoners should be treated, how the best results can be obtained in any of those areas, surely the best way to do it is in a bipartisan way, because in the long run neither side in the political arena stands to gain and the community stands to gain least of all from political wrangling. In a sense, the community becomes the football, rather than the topic.

I want it clearly on record yet again that the Opposition supports this measure because it regards this Bill as implementing reasonable provisions for the structuring and disciplining of the South Australian Police Force, but it takes a wider perspective, and again it serves up to the Chief Secretary the offer: "Why can we not have between the two political Parties in this State a dissolution of this wrangling that has gone on in the past?" There is no need for wrangling. There should be set up either a Standing Committee of this Parliament or various Select Committees of this Parliament that can look objectively at such matters as the crime rate, manning scales in the Police Force, and compensation for crime victims.

In the Police Commissioner's report, reference is made to manning scales, and that concerns me. The area represented by the member for Elizabeth and I unfortunately, but by no means coincidentally, has the record of being one of the worst youth unemployment areas and also one of the worst crime areas in the State. There can be no doubt that in the Salisbury-Elizabeth area there is a desperate need for an increase in police manpower. I do not say that an increase in police manpower will solve everyone's problems automatically: of course, it will not, because the root cause of many of these problems is unemployment and the fact that some people, because of their economic background, have not had an adequate or sufficient education, or a combination

of the two.

All sorts of things can be thrown into the argument, but there can be no doubt that, when only a few weeks or months ago there was a co-ordinated campaign against vandalism in my district and in the district of the member for Salisbury, there was a spectacular result, which was all to the credit of the South Australian Police Force, which was able, in a very short period, because of an increase in the allocation of manpower in the Salisbury region, to crack down on a number of gangs or individuals who had been involved in vandalism of the worst sort, to such an extent that one school (and I will not mention it by name) had almost every single window broken, and that involved hundreds of windows.

It was vandalism of such a scale that a community project, dearly loved by everyone in a certain part of my electorate (which again I will not mention), was broken into, destroyed and desecrated. The same applied in the member for Salisbury's district. It so happened that because of the availability of manpower at that time, the superintendent for the district, in co-operation with the Commissioner of Police, was able to secure the necessary service of STAR Force members and like experts in the area, in combination with local police officers, and the results were quite spectacular. Most of the offences were cleared up within three or four weeks, and that was a very creditable result indeed.

The problem was that, having cleared up these offences, the superintendent was in a position to say, "We can take another forward step. Having cleared up most of the offences, we are in a position where we not only have background knowledge but also a lot of the local constabulary have now gained added experience from being with and learning from the STAR Force members. Therefore, if we were able to extend it for a month further, we could again cut into the problem but, because of manpower, difficulties, this is simply not possible". I honestly believe this Government is really confronted with this choice. If it is going to go it alone and go back to the days of branding the A.L.P. with the image of the hooded bandit, it also has to wear on its own behalf the statistics of its own Commissioner of Police. If it wants to run its policies in a totally partisan way, it must wear the results. I can see no other logical conclusion for what I am putting. The results are very bad in every area that we look at, with increases of 30 to 50 per cent. Alternatively, it has the opportunity of adopting a new and objective scale of values, and it can do so at the request of and with the full consent of the Opposition. That is really the choice that lies before us.

The Bill before us, while on the face of it being minor and being largely an agreement between the Police Association, the Commissioner of Police and the Chief Secretary, really highlights one of the most important problems that face our community. I hope that the Chief Secretary, in replying, will confront the situation that I have now put to him at least five times. I think he will acknowledge that on two occasions relating to compensation for victims of crime I have put this duality—the two attitudes that the Government can adopt—to him and asked for an answer. On other occasions related either to measures of criminal justice or to the Police Department, I have put that problem to him. Tonight, on behalf of the Opposition I invite him to answer as to which path he believes his Government ought to tread and what answer he is prepared to give to a rational and objective proposal put up by the Opposition. I support the measure.

The Hon. PETER DUNCAN (Elizabeth): I anticipated that the great supporter of law and order—the member for Glenelg—would have leapt to his feet at this stage to enter the fray, but apparently he has lost his tongue or his principles since his Party has come into Government. In those circumstances, he does not want to participate in this debate as he did previously with his rantings on McNally and the like.

I want to speak on this Bill, although not so much because of the contents of the Bill itself, as nobody could reasonably argue about its contents. I have looked through the Bill carefully, and when one considers its contents, it is a pity that the Minister's priorities are such that this Parliament's time has been taken up with this measure. As my colleague has said, it deals with a whole range of matters which one might basically describe as industrial matters within the Police Force—for example, resigning without leave, some minor internal disciplinary matters involving the police, and so on. It certainly does not deal with any of the fundamental matters confronting the Police Force, the Government and the people of this State in the area of so-called law and order.

I would have hoped this Government, once elected to power, would start talking about justice rather than law and order, but its rhetoric has not changed with its assumption of power.

Mr. Mathwin: What about social justice?

The Hon. PETER DUNCAN: I will get to social justice in a moment, because that is tied in with the whole question. I want to put this Bill into a wider context tonight, as it is a Bill for an amendment to the Police Regulation Act. That Act is basically the Statute that sets up the Police Force of South Australia. It is not the Statute that created it, but it is certainly the Statute that now largely governs the operations of the Police Force in this State. In that context, it is certainly within the ambit of this debate tonight to discuss matters such as the continuing deterioration of so-called law and order in this State and in this nation. It is also within the ambit of the debate to give consideration to what should be done about that.

In the glory of our surrounds tonight we can afford the luxury of waxing on at length about the issues. However, to get some real understanding of what is happening out in the community, one has to start looking at individual cases of hardship being caused today in our society as a result of the breakdown of economic relationships and the problems that that is causing. If one starts to look at the statistics for my electorate, one sees that approximately 4 000 people are unemployed, approximately 7 000 are on invalid pensions or sickness and other similar benefits, leaving less than half of the people in Elizabeth as wage earners. If anyone wants to challenge those statistics, I point out that they come from the Parliamentary Library, and I shall be pleased to supply them to any honourable member or interested person. The situation is very serious. Of slightly less than half of the adult population in my electorate that appears to be in employment, there would be a component for married women or spouses who are not working.

With 4 000 unemployed, and 7 000 on invalid pensions or receiving sickness or other Government benefits, is it any wonder that the day-to-day economic grind of life drives people, who in other circumstances would not be associated with lives of crime, into criminal acts. We will never get a resolution of the problems that confront this community in the area of so-called law and order until such time as we resolve the economic problems. As a member of this Parliament who represents a working class area, I was fascinated to read in the *Advertiser* of the complaints of the good genteel people of Springfield who are worried about the high rate of burglaries and of breaking and entering which are occurring in their suburb.

I, like everyone else, have some sympathy for them individually. It is a very traumatic experience to have your house burgled, to live in fear that that may happen, and to live with the concern that robberies may take place at any time, but the thinking behind their plea that their suburb should be sealed off and in some way treated as an exclusive enclave, that there should be an armed guard or some guard on the roadway entrance to their suburb, shows a complete lack of understanding on their part of the issues and causes of the breakdown of so-called law and order in our society at present.

The reason why there is so much crime, whether it be crime of violence or property related crime, is that more and more and more this society is becoming economically polarised. More and more, the wealthy are getting wealthier and the poor are getting poorer, and the more that that situation develops and continues the more we will end up in a situation of class warfare and siege. Siege is exactly it, because a siege mentality is what those people in Springfield were expressing when they suggested that their suburb should be surrounded.

If it is good enough for them, it is surely good for everyone else to have roads cut off and guards put on the entrances but it will not stop crime and breakings and enterings in their area. I understand from friends in the Police Force that, as a result of that suggestion, temporarily anyway, the amount of patrolling of the area was increased somewhat, and I suppose that is a reasonable reaction by the Commissioner of Police or the Minister to ensure that that occurs for some time. However, I suspect that all that the people of Springfield have done by bringing to public attention the plight as they see it is put into the minds of people of criminal intent the idea (the correct idea, I suppose) that the people of Springfield are generally very wealthy and that their houses are well stacked with goods of considerable worth and value. I would not be surprised to see an increase in criminals in that area over the next few months as a result of the publicity that has now been received.

As for the idea of throwing up some sort of fence around Springfield, the Chief Secretary cannot keep convicted criminals in Yatala very effectively, so I doubt very much that he could effectively keep criminals out of Springfield simply by putting a fence or some other mechanism around that area. It just would not work. As another friend of mine in the Police Force scoffingly suggested to me, in any event stopping cars going in there will not be of any use—that a good deal of the burglaries taking place these days are undertaken by unemployed people who are on foot because they cannot afford a motor car.

Mr. Whitten: Or the petrol.

The Hon. PETER DUNCAN: Or petrol, after it has increased in price by 10c a litre since November, as a result of the Government's policies. That is the situation.

Mr. Mathwin: How much were you paying for your petrol in Israel, George?

The Hon. PETER DUNCAN: I do not see anything about Israel in the Bill, so I will ignore that interjection. I have explained the sort of situation with which we are confronted. People are becoming frightened. The people who have the money and wealth in society are becoming very frightened, and the poor are becoming very frightened. The poor are becoming frightened of violence, and the wealthy of violence and property crime against them. Something must be done to try to arrest this situation. The sorry tale is that, wherever in the world attempts have been made to stop this sort of lawlessness simply by increasing the number of police, increasing the number of police patrols, increasing penalties for crimes, and increasing the sentences applied by courts, it just does not work.

Mr. Mathwin: That's not true. I have been behind the Iron Curtain, and it works very well there.

The Hon. PETER DUNCAN: If the honourable member thinks that that is why it works behind the Iron Curtain, he ought to do more reading.

Mr. Mathwin: I've been there. I don't have to read.

The Hon. PETER DUNCAN: The basic reason why the honourable member has been so misled is that, in his perception of the world, he sees things in such black and white terms that he would not be able to understand the complexities of these issues anyway. The principal reason why there is less crime behind the Iron Curtain is that the sorts of economic inequality that occur in our society do not exist there. Further, the people in those countries, in their education systems, are not taught competitive values like they are here. They are taught values that the honourable member probably would describe as Christian values, such as how to love thy neighbour and get on peacefully with each other, not like here, where kids of five and six years are sent out to play competitive sport and parents stand on the sideline cheering them on and demanding to know why if their team did not win. That is not the sort of value that we want inculcated in our children.

Mr. Mathwin interjecting:

The SPEAKER: Order! The honourable member for Glenelg has not been given the call by the Chair.

The Hon. PETER DUNCAN: The sorts of values we should be endeavouring to inculcate in our children are the sorts of Christian values that I would have thought the member for Glenelg would subscribe to, namely, values of love thy neighbour, the values of every man being equal before the law, and the like, not the sort of competitive dog eat dog law of the jungle that is encouraged by so much of our society. I think what is happening rapidly in our society is that the social contract that has existed basically in this country since the Second World War and the great reforms of the Chifley Government are being broken down. Members opposite must know that the statistics being presented to us quarterly in this country indicate quite clearly that about 30 per cent of our society is getting poorer and the top 60 per cent is getting much wealthier.

It is all very well for us in this House. We are in the top 60 per cent and can afford to sit back and hypothesise on what is happening out in society. However, make no mistake about it: there is a very dramatic correlation between the increase in unemployment, the increase in the number of poor in society, and the increase in the number of crimes of violence and of crimes against property. Of that there is no question and no doubt. I am sorry that I did not receive an interjection then. I was looking forward to taking a member opposite through the delights of the criminal statistic reports that are presented by the Attorney-General's department, because—

The SPEAKER: Order! I ask the honourable member not to incite illegal acts.

The Hon. PETER DUNCAN: I doubt that it would be possible, given the likely responses, but nonetheless I will heed your warning, Mr. Speaker, and refrain in any event. I have mentioned the situation of the people of Springfield. We have all seen the situation developing over the past few years. My friend the member for Playford has suggested that what is needed is a bipartisan approach on this. I dearly wish that that were possible but, after the rantings of the then Opposition on law and order, I doubt that it is possible, because I fear that the situation has developed to the stage where some members opposite believe the rhetoric and pap that they have been uttering

for the past few years. It may be that the member for Eyre is having second thoughts about this: I hope he is.

We will certainly not resolve the issues and the problems that confront our society in this area simply by increasing the number of police, simply by increasing the penalties applied, or simply by increasing the sentences handed out by the courts. I will have more to say about that on another matter a little later. What worries me about this issue is that I rather fear that in his simple rustic way the Chief Secretary does in fact believe that those sorts of solutions will go a long way towards resolving the problems. I fear that that is the sort of thought process that is going on in his mind. All I can say to him is that a great deal more research on his part ought to indicate to him that where such exercises have been tried in the past they have not worked, and America is a very good example of that.

In New York State in the late 1960's a dramatic increase in the Police Force took place (I think it was increased by a third) in an attempt to cut the level of crime. They went through the whole exercise of having more police on the beat, kicking many police officers out of so-called desk-bound jobs back onto the streets in an attempt to cut the amount of crime. Initially, in the first three-month period after that had occurred, and after having an impact on the public, there was a drop in crime. However, it then continued on its merry way, because the basic fallacy of such a theory (the siege mentality as I call it) is that the only way to police society effectively would be to have a police officer outside every house. Even then, one would probably not succeed in cutting crime very significantly if the same sort of social injustices prevailed as we have in our society at the present time.

That exercise in New York State simply led to this position: the Police Department increased by a third; the price of paying those police officers was fantastic; and the State of New York soon found that it was in financial difficulty. That was only one aspect of it, but it was certainly a contributing factor, because once they had increased the number of police by that number they could not reduce them again, for obvious reasons, and the result was that they spent a great deal of additional money for little return.

I am not saying that in our society we would not like to have more police officers on the beat, on the force, or available for policing activities. I think that is desirable as far as it goes, but it is not the panacea and it is not the solution to the problem. The only solution to the problem is to reduce unemployment, to regenerate the enthusiasm of youth in this society for this society, and to try to encourage a better system of values than we have at the present time. I suspect that the only way to do that is probably at Federal level. It is long overdue that the thinking of this Parliament changed to recognise that sort of thing.

I was the Attorney-General of this State for four years, and in the whole of that time I was acutely aware that the problems of law and order could not simply be resolved within the boundaries and borders of this State. We made some attempts at keeping Mr. Saffron and a few of his friends out, but that is not the issue at all. The problem is the economic impact of the Federal policies, which is the basic thing that determines how much lawlessness and disorder we have in South Australia. We can proceed to fill the courts with people charged with minor offences; we can fill the courts up to some extent with people charged with relatively major offences; we can put them in gaol longer; and we can take a whole range of steps to try to cut back the amount of crime at the end of the spectrum (in other words, after the crime has occurred), but basically we are not going to resolve the problem unless we overcome the problems of unemployment and the maldistribution of wealth in our society.

If I was a particularly poor person I would have been thoroughly incited by the suggestions from the wealthy of Springfield (the dress circle suburb of Adelaide) that they should have special protection over and above the rest of society. As I said earlier, whilst I understand the sort of gut reaction that might well have led to the outburst and the comments they made, it was almost an insult to the poor, because many of the people who live in Springfield are the very people who are responsible for the maldistribution of wealth in our society. They are mainly those who have the best jobs, own the productive resources, and have the shares, bonds, stocks and so on. They are the capitalists of this society. Unless these problems are dealt with we will not resolve the problem of unemployment, we will not resolve the problem of lawlessness, and we will not resolve the problem of disorder. As I have said, I have no complaint with this Bill as far as it goes, but the real question is how far it goes.

I want to make it clear, in case the Minister in his stupid fashion comes back and says that this lawlessness and disorder has not started since his Government came to power, that I accept that it is not a problem that arose in the last five minutes. It was a problem that the previous Government was coming to grips with. It is an increasing problem, and it is becoming of greater concern to the people of this State. This sort of legislation does nothing to resolve it, and it is about time that the Government came up with some suggestions on how it is going to deal with this problem. As I have said, I would be happy with a bi-partisan approach, and perhaps we could have a Select Committee look into the whole question. I think that would be a worthwhile suggestion which should be looked at, because it is a reasonable proposition. In that way members of this House, regardless of Party politics, could get together to look at this problem and really try to come to grips with it and identify the underlying causes. Such an exercise might be surprisingly productive, but it is basically for the Government to determine, because it has the numbers and it can determine such things.

In conclusion, if we are to survive as a society, we will not survive as a repressive society. The tendencies so far indicated by this Government seem to suggest that it is opting for repression as the method of trying to come to grips with the problems of crime and disorder in our society. That method will not work, because more repression will lead to more reaction, which will lead to a breakdown of our society. I hope that does not happen.

Mr. GUNN (Eyre): I wish to make a fairly brief contribution to this debate. It has been rather interesting listening to the two Opposition spokesmen on this Bill, because we have had a spokesman for the right and a spokesman for the left. The speech just delivered by the member for Elizabeth is probably similar to the sorts of expression we have learnt to hear from Mr. Anthony Wedgwood-Benn. The sort of explanation the member for Elizabeth has put to the House reminds one of the statements that that particular gentleman has been making. It is rather interesting to note the competition which is taking place on the Opposition benches. We realise that the Opposition has had some sort of an in-service conference at Raywood—

The SPEAKER: Order! I draw the member for Eyre's attention to the clauses of the Bill.

Mr. GUNN: Thank you for your guidance, Mr. Speaker. I will not pursue that matter, because everyone is aware of

what took place, with blood on the floor.

I wanted to make one or two comments in relation to the remarks of the member for Elizabeth, because he went to some lengths to explain the areas of his concern when he was the Attorney-General of this State. One of the matters that always concerned me during the time that that particular gentleman was Her Majesty's chief law officer was the type of people who were appointed to the bench. If we want to deal with this problem of law and order, we have to be fairly firm when dealing with people who consistently break the law or have no regard for the welfare of other citizens. I believe that, if people are not free to live in their own homes, wherever they may be, or to walk the streets without being accosted by villains, there is something wrong. It is no good members opposite laughing. It appears to me that the existing methods that we have been employing to show these people that society will not tolerate that sort of behaviour have failed. Either the courts have not been doing their job or the penalties are not sufficient to deter such people.

Members interjecting:

Mr. GUNN: I merely want to put to the House that, if one talks to people in the community, no matter where one goes this matter is raised. I agree that people are concerned about crimes of violence, as well they should be about all forms of violence. I have advocated previously courses of action that I believe would have some effect on these people.

Members interjecting:

Mr. GUNN: The birch.

The Hon. Peter Duncan: Bring back the lash!

Mr. GUNN: I did not say that: those are the words of the honourable member. I said that we should bring back the birch, which is quite different. I want to point out to the member for Elizabeth, who dealt at length with the problem of unemployment, that every member in this House is concerned about unemployment. I refer to the sort of remedies that he and his colleagues, both in this State and elsewhere, have advanced to rectify the problem of unemployment. Those remedies would be disastrous. The Australian Labor Party in South Australia appears to have a policy of not wanting to see any development. It does not want to see anything built, yet it is concerned about unemployment. The Labor Party cannot have it both ways.

The member for Elizabeth has complained about unemployment. His Leader does not want anything done at Redcliff, and the Labor Party does not want Roxby Downs to proceed. They do not want other industries to develop. Whenever any development takes place they want to stop it. The member for Stuart and his colleagues tried to stop development at Port Pirie; when the city council there wanted to spend money to create jobs they wanted to stop that, yet they say they are concerned about unemployment.

The SPEAKER: Order! The honourable member for Eyre does not need assistance from members on the left side of the House, and I ask the honourable member to come back to the clauses in the Bill.

Mr. GUNN: I have only a brief contribution to make to this debate because I have a high regard for the South Australian Police Force, and I am prepared to say that I think it is probably the best Police Force in Australia. I am one who repeatedly has approached my colleagues in relation to having extra police officers stationed in my district.

Mr. Keneally: How are you getting on?

Mr. GUNN: I have had some successes and some failures, but I am prepared to continue my representations on a very regular basis, because I have a very large electorate which has many sparsely populated areas and a number of small centres that are entitled to the services of the police. I realise that it is not possible to put police in every centre, but there is a need for extra police officers in a number of areas in my district and there is also a need to have available on certain occasions police officers who can be moved into areas.

In recent times there have been rather unfortunate activities in certain parts of my electorate, and I believe that next year when these groups again congregate in one particular area it will be necessary to bring in considerable numbers of police officers.

Mr. Keneally: Is that at Mintabie and places like that?

Mr. GUNN: The honourable member seems to have a fixation with Mintabie, but there are not any police officers stationed at Mintabie.

The Hon. Peter Duncan: What about at various race meetings?

Mr. GUNN: I have been to a number of race meetings in my electorate and normally I have a rather enjoyable time. My memory is clear. I wish to make the point that I realise that the cost of providing police officers is great. I know that that matter is causing concern to the Government and senior police officers, but I believe it will be necessary to increase the number of police officers in South Australia, although by what number I am not in a position to say, but I believe that our Police Force should have the best equipment available and that we should have sufficient numbers of police to give people protection.

The member for Elizabeth has some obvious dislike for the people who live at Springfield. It is obvious that he seized upon a group of people; he thought there were few people there who would give his Party any support. He therefore used them as an example. The speech he has just made is obviously a speech made in trying to gain the maximum support from his colleagues on South Terrace, in readiness for his eventual move against the existing Leader.

The SPEAKER: Order! I ask the honourable member to come back to the Bill.

Mr. GUNN: In conclusion, I want to say that I sincerely hope that this measure assists the Police Force in carrying out its difficult duties, and I am pleased that the Chief Secretary and the Government have been taking some positive steps to assist in maintaining law and order in this State.

The Hon. W. A. RODDA (Chief Secretary): I thank the member for Playford and the member for Elizabeth for their approaches to this matter. I also thank the member for Eyre for his contribution. It was refreshing to hear the proffering of the olive branch from the member for Playford, especially his bi-partisan approach—

An honourable member: For the fifth time.

The Hon. W. A. RODDA:—because, during the progress of the fifth time I have had my share of walloping across Australia. When I go to Brisbane I am told, "You are the bloke who let Tognolini out." Notwithstanding all that build-up, we have some problems that have been highlighted by the three members who have spoken in this debate. The member for Playford spoke about the need for manpower and the Police Commissioner's Report which was laid on the table yesterday. That report properly draws attention to the needs of the Commissioner's force, and the Government takes notice of that.

The member for Playford spoke about the increases in assault and arson but I do not think he mentioned drug abuse, which is a real problem in the community today and which is something that has to be tackled. I am pleased to say that it will be tackled on an Australia-wide front. The

Police Commissioners of the various States are joining with the Commonwealth and the Police Minister in the Northern Territory to look at this problem on a national basis. I hope that information gives some comfort to the member for Elizabeth, because he did say that there has got to be a Commonwealth approach to this matter, coupled with the offer from the member for Playford that there is going to be happiness in the home with the bi-partisan approach.

Sometimes that wears a bit thin when one looks at the experiences we have had in recent times. Both members spoke about the victims of crime. Whilst this Bill does not touch on that area, I must say that the Government is mindful of that. It is also mindful of unemployment. The Deputy Premier, who is here with me on the front bench, has a vigorous and far-reaching programme that will get this State moving again. The point was raised about the problems at Elizabeth, and there are problems at Elizabeth. I have received representations about this from the member for Elizabeth, the member for Playford, and other members in that area. I have also received representations from the member for Ascot Park, who has had problems in his area. As the member for Elizabeth pointed out, if there was a policeman on every corner it would not wipe out these problems. It is the broad spectrum of economic development and better education and understanding that is needed, but we are still going to be plagued by recidivists, who have to be put in these places. With the best will in the world, we must still put up with those problems.

Mr. Keneally: You were saying this 18 months ago.

The Hon. W. A. RODDA: People have been saying it for 18 years, and they will probably be saying it for the next 18 years. The Government is mindful of the need for manpower increases in the Police Department. There is also need for legislative reform. We are trying to do this on inadequate legislation, but this small Bill does offer the framework for industrial measures and straightening up the Police Force. There is increased emphasis on crime prevention. I want to refer particularly to the campaign of crime alert, which has had the beneficial effect of involving the community in the problems we have in the city (not only in the city, but in my own district, where we have the problem of robberies, but not to the same extent as in the city). Only last week I learned of a place that was pilfered and a lot of valuables taken which are thought to have gone across the border. Colour television sets, for instance, are liquid assets, as are the goods stolen in larcenies, such as jewellery, light fittings, and the like.

Mr. Hamilton: Do you dissociate yourself from those ads the Liberal Party ran?

The Hon. W. A. RODDA: That is history. When there is an election both sides get into the argument. This matter is very dear to the heart of the member for Playford. I am afraid that that, too, is something people have to live with. I thank honourable members for their contributions to this debate. I hope that this Bill accomplishes what its authors set out to do. I commend it to the House.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—"Regulations."

The Hon. W. A. RODDA: I move:

Page 4, lines 8 and 9—Leave out "without pay any member of the police force" and insert "with or without pay any member of the police force or police cadet".

This amendment was the subject of discussion and negotiation with the Commissioner and the Police Association and was canvassed fully. I had discussions with the member for Playford in this House about this matter prior to the Christmas break. The matter went back to the Police Association and Police Force and was agreed upon. The effect of it is that, if the need arises where there is a misdemeanour, the Commissioner is empowered to do certain things.

Mr. McRAE: I would place on record that the Opposition supports the amendment on the basis that it is advised by the Police Association that it has an assurance that, where it is intended that one of its members will be suspended without pay, that member will have the right to appear before the Police Commissioner and state his case as to why he feels he should not be suspended without pay, and, further, that the association may send a representative to appear before the Commissioner to help plead the member's case.

The Hon. W. A. RODDA: I can give that assurance, because that is provided for in a subsequent clause of the Bill.

Amendment carried; clause as amended passed.

Remaining clauses (12 to 20) and title passed.

Bill read a third time and passed.

PRISONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 December. Page 2631.)

Mr. McRAE (Playford): There are some very basic principles embodied in this measure. I think it is fair to indicate to the Minister that there are critical parts of this Bill which may pre-empt the recommendations of the Royal Commission currently sitting. I can assure you, Mr. Deputy Speaker, that I will not be canvassing any part of those proceedings which would go against formal rulings of the Chair. I must point out that there is a particular portion of this Bill which deals with a new concept of conditional release of prisoners in certain circumstances as distinct from remissions which apply at the moment.

The Opposition believes that these portions of the Bill are so critical that they, in effect, may very well pre-empt a legitimate decision of the Royal Commissioner in carrying out his task. I say that, because notwithstanding the way in which the terms of reference of the Royal Commissioner were drafted in a limited way, there is on record a clear statement from the Royal Commissioner and his counsel appointed that he is prepared, or may be prepared in certain circumstances, to deal with general circumstances of security and order in prisons as distinct from some of the specific things which have been put before him. I think the Chief Secretary will agree with that and if he is in any doubt I invite him to consult with his officers that the Royal Commmissioner has made such a statement.

There can be no doubt in the minds of Opposition members that the substitution of conditional release for remissions must bear upon security and order in prisons. Quite clearly it has been one of the underlying philosophies of prison officials in this State and throughout the Commonwealth for half a century or more that automatic remissions, subject to loss of that remission, can be one of the best means of ensuring a good response on the part of individual prisoners in their behaviour in prisons. What is now being proposed is not an automatic right which can be lost only where a prisoner badly behaves. What is now being proposed is something far more complex than that. As the law now stands, as I understand it, if the prisoner is sentenced to three years imprisonment he has an automatic remission of one year subject to good behaviour. Therefore, he has every good reason to be of good behaviour in order to gain that

remission. Under the proposed system, it is by no means as clear as that. In fact, on the contrary, it becomes quite complex, because under the proposed system the three-year sentence will become split into a non-parole period, a parole period and a conditional release period.

The Opposition is not opposed to the concept of a non-parole period—in fact, the Opposition supports it. Nor is the Opposition, and I want to make this quite clear, opposed to the concept of parole—indeed, the Opposition supports it. However, the Opposition is opposed to the replacement of remission by conditional release. That is putting it at its broadest.

Returning to the basic point, the Government and, in particular, the Chief Secretary is on record again and again as saying that nothing should be done in this Parliament which would pre-empt or restrict the options available to the Royal Commissioner in the study which he is now carrying out. What the Opposition is putting, and what we are bound to put, is that if the Parliament passes the proposed measure as it stands then it must pre-empt one of the options available to the Royal Commissioner. At this point, having given that background, I move that the debate be adjourned, and I propose to divide on that issue.

The DEPUTY SPEAKER: Order! I must point out to the honourable member that he can only seek leave to continue his remarks.

Mr. McRAE: If that is the situation I can only put the Opposition's point by doing just that: I seek leave to continue my remarks.

The DEPUTY SPEAKER: Is leave granted?

The Hon. W. A. Rodda: No.

The DEPUTY SPEAKER: Leave is not granted.

Mr. McRAE: Perhaps I could ask for your assistance in this matter. I recall that during the pre-Christmas session we had difficulties with this whole situation. What I want to do is in some way gain a vote of the Parliament in relation to this matter. If that is not possible at this point then I simply accept your ruling. By no means am I pleased by the attitude of the Government, particularly when the Government itself has been so strict in its limitations of the Parliament as to the dealings of the Royal Commission, and in particular having regard to the fact that some of the various measures before the House impinge upon the activities of the Royal Commission.

The Hon. W. A. Rodda: The advice the Government has is that that is not so.

Mr. McRAE: The Chief Secretary advises that he has been told by the Royal Commissioner that the Bill will in no way impinge upon the activities of the Royal Commissioner. I do not doubt the honourable gentlemen's word; if he says he has been told that, no doubt he has been told. I find it difficult to understand how the Royal Commissioner could logically conclude that.

The Hon. W. A. Rodda: I am not saying the Royal Commissioner said that.

Mr. McRAE: Is the honourable gentleman saying that his officers have advised him of that?

The Hon. W. A. Rodda: That is my advice.

Mr. McRAE: I have no doubt that the Minister's officers have given him advice in good faith, but the reality of the situation is that it cannot be denied that the Royal Commissioner has said that in certain circumstances the whole question of security as distinct from particular instances may form part of his advice to the Government. If that is the case it seems to me that that portion of the measure that deals with conditional releases must impinge upon the Royal Commission. It seems to me that the Government is being either very obdurate or otherwise quite foolish in refusing to accept the reality of that situation. For instance, what if the Royal Commissioner was at this very moment considering the wisdom or otherwise of remissions as against conditional releases? Would he not be human if he was constrained because the Parliament decided that remissions should be done away with and conditional releases provided? I think that that is not an unrealistic proposition for me to put.

The Hon. W. A. Rodda: This is part of the Mitchell Report, which Opposition members had for years.

Mr. McRAE: I must make it clear that I am not referring to the Mitchell Committee's first report. I am referring to the deliberations of the Royal Commissioner at the moment. What I am saying is that portion of the Bill now before the House, if passed in its existing form, must surely restrict the options that are available to the Royal Commissioner. It seems to me that, by logic, that must be so because he can no longer say, as one option, "I recommend the continuation of remission or remissions in a revised form," or some other option. He is now constrained by the Parliament of the day, if numbers are going to count, saying "No, your option is now one only, that is, conditional releases." On the Government's own reasoning on various matters before the House that is, and should be, abhorrent. However, at this stage, in accordance with your ruling, Mr. Deputy Speaker, I am not able to test that matter.

If the Government is not of a mind to adjourn this matter pending the receipt of the Royal Commissioner's report, the Opposition will most assuredly argue for a Select Committee, because many of the proposals contained in the Bill are of such a complex nature that they deserve and require, in all justice to the prison officers, to the Department of Correctional Services, to the prisoners, not to mention the community, a better and deeper and more searching inquiry than they have had up to date.

Turning to the Bill, we find that the draftsman has had particular regard to the first part of the Criminal Law and Penal Methods Reform Committee of South Australia Report, which I shall call the Mitchell Committee Report, and it has chosen such of those parts as might suit the draftsman and has ignored other parts that did not suit the draftsman. By "draftsman" I mean not the Parliamentary Counsel but the Government of the day.

The Bill ignores totally numerous of the most important recommendations of the Mitchell Report. In saying that, I adopt the logic of the previous measure, the logic which I and my colleague from Elizabeth adopted in relation to the previous measure. In no way do we say that any Government can be exonerated in relation to the criminal justice system. It is simply no good to say that, because the Corcoran Government, the Dunstan Government, the Hall Government, or the Walsh Government did not do it, there is no reason why we should do it now. That is pitiful logic, and it will not work. The reality of the matter as we know it is that the prison system in this State and throughout the country is an absolute disgrace. What goes on in Adelaide gaols is enough to make one vomit.

The Hon. W. A. Rodda: Don't you think that they are trying to do something about it?

Mr. McRAE: I do not doubt that the former Government and the present Government have tried to do something about it, but anyone visiting the Adelaide Gaol will find that conditions, in this day and age, are absolutely appalling. In fact, they would have been appalling 30 or 40 years ago. Prisoners are crowded two to a cell, and there is no proper toilet provision. The disgusting ritual of emptying the slops bucket, as they call it, the excrement and urine of the previous night, still goes on. A clergyman who works there, a very honest and reputable person, told me that it was so revolting that it could only bring him to

vomit. This is a disgraceful state of affairs in our society, and I am not blaming this Government alone. Every Government for the past 50 years has to bear the blame for the disgraceful state of prisons in South Australia and indeed throughout the Commonwealth.

I want to point out how discriminating the draftsman has been. We have before us some of the recommendations of the Mitchell Report, but apparently only those that suit the Government for the moment. Let me give some instances of this. The Mitchell Committee made 178 recommendations. I agree with the logic that says that, merely because the Mitchell Committee made these recommendations, it does not follow that they are right or that we should follow them. That is correct.

The Hon. W. A. Rodda: Or all at once.

Mr. McRAE: Of course; I agree with that logic. But it must cut both ways and therefore, if the whole foundation of the Bill is to say that the Mitchell Committee Report is so adamant about certain matters that we must pursue them now (as, for instance, in the case of conditional release), it logically follows that the same standards must be adopted in relation to various other matters. Recommendations 63, 64 and 65 deal with prison work. As far as I can see, those recommendations have not been adopted, nor has any realistic attempt been made to adopt them.

I refer to recommendations 70 and 71 in relation to prison education. Those recommendations are not being adopted or even suggested. Most important of all in terms of ordinary people in the community, let me refer to recommendations 79, 80 and 81, dealing with semi-custodial and non-custodial sentences. If there is one thing that all judges, all lawyers, all prison officers, and anyone connected with visiting prisons knows, it is this: there are a great number of prisoners who should not be in the prison system at all and who are not and cannot be helped by the existing prison system. There must be options other than prisons for them. Justice Mitchell was thinking about these persons when she said, in recommendation 79:

> We recommend that as a general policy the whole range of semi- and non-custodial sentences be available to courts exercising criminal jurisdiction to be used either singly or in such combinations as the courts see fit for any type of offence.

Recommendation 80 states:

> We recommend that the proliferation of semi- and non-custodial alternatives to imprisonment be not carried to the point of over-refinement.

Recommendation 81 states:

> We recommend that detailed evaluative studies be instituted of the actual working of each form of sentence.

We know that there are in the prison system people who simply should not be there, who are not being helped in any way whatever. I take the example of people in prison for a driving offence. No matter how serious the offence may be, that person is not a criminal in the normal sense of the word.

The Hon. W. A. Rodda: Those matters will be the subject of further legislation that we hope to introduce before this four-week session ends.

Mr. McRAE: I am very pleased to hear the Chief Secretary say that.

The Hon. W. A. Rodda: This is a relatively small Bill, because of the Royal Commission. It is to give effect to some of the things that, according to my advice, we are able to do. This is not the be all and end all.

Mr. McRAE: I am pleased to hear that, because I think that this reform, in relation to semi-custodial and non-custodial sentences, is certainly long overdue. The other recommendations to which I draw attention are 111 and 112, which deal with periodic detention; that is most important, too. Perhaps the Chief Secretary will be able to tell us whether that option will be available also to the courts. I think that is an important thing. I am not saying that people charged with serious driving offences should get off scot free—far from it. I am saying that their families, especially their children, should not be destroyed because of it. They can be punished by weekend terms and various forms of community work. There are ways in which this can be done.

The all important question of compensation for victims of crime, a matter which we have talked about for the past five years at least, still has not been touched upon. We have seen no legislation in respect of that. The Opposition was effectively excluded. In fact, the Chief Secretary was insulted by his own Government, when the Attorney-General was handed the job of dealing with the matter of compensation for victims of crime, something obviously with which the Chief Secretary should have been dealing. I am sorry, in a way, because I think that they would have got much more generous treatment from the present Chief Secretary than they might get from another person.

Mr. Mathwin interjecting:

Mr. McRAE: For the benefit of the member for Glenelg, let me make clear again that I do not exonerate any previous Government, going back 50 years, from fault in this field. The mess that now faces us is a disgrace.

The whole Opposition is angry about its exclusion from a bipartisan approach. We offered, in all good faith, to participate in the inquiry into compensation for victims of crime, which was instigated after I put a motion before this Parliament 18 months ago, shortly after our defeat in 1979. The Opposition was effectively excluded from that inquiry because the Attorney-General would not let us look at anyone else's recommendations. In other words, we were in a position where, if we put a recommendation, the Attorney had complete discretion to show it to anyone else, but we had no right, and in fact we were told that we would not get access, to what other people had said. That situation was quite intolerable to us.

There are many other matters to which I could refer in this report, upon which the Government is relying in the current exercise to justify its position, which have not been followed through. In particular, I refer to the question of research, which is basic to this whole area. No Government in the Western world has even attempted research into these areas. I know that some basic beginnings have been made in the Attorney-General's Office in relation to crime statistics, and I am also aware that there is a basic research division, or part of a section, of the Department of Correctional Services. However, no significant effort has been made by any Government, at least in Australia, into the whole area of research. That was a critical recommendation of the Mitchell Report.

Mr. Mathwin: Surely, you're not suggesting that it is not happening anywhere in the Western world?

Mr. McRAE: Yes, that is what I am saying. I challenge the honourable member to say where, in the Western world, significant research is being done into the causes of crime.

Mr. Keneally: It is being done elsewhere, but not in the Western world.

Mr. Mathwin: It is being done in the Western world.

Mr. McRAE: I challenge the honourable member to tell me where. He is not able to do so at present. I refer now to the Bill, which provides major amendments to the Prisons Act. This Bill is like the curate's egg—good in parts. First, the main change is the establishment of a Correctional Services Advisory Council, which will be answerable to the Minister and will consist of six persons. The Chairman

is to be a person experienced in criminology or related sciences, and to that we have no objection. The Deputy Chairman is to be a person with experience in business management, medicine, social welfare or education, and to that the Opposition takes exception. We can find no basis or pattern in those diverse qualifications.

What underlying pattern is there between those persons engaged in business management, medicine, social welfare, or education? For instance, why are not lawyers, psychologists, trade unionists, or any number of other people included? If there are to be people experienced in business management, why are not their counterparts in the trade unions to be involved? We believe that our only response can be, at the appropriate time, to strike out all of those qualifications and leave the Minister with an open slate as to whom he appoints. Otherwise it appears to the Opposition that a fiasco will occur.

Also, one person will be nominated by the Attorney-General and three persons will be nominated by the Minister. We can see from the outset that such an advisory council was recommended by the Mitchell Committee in recommendation 123 and is desirable. However, we foreshadow that we will propose certain steps in relation to the Deputy Chairman on the grounds that I have given, and we will most certainly seek from this Parliament an assurance that at least one of the members be an employee of the Department of Correctional Services duly elected by one of the industrial associations to which that person belongs. At the same time, we will seek that one of those persons be an Aborigine, on the basis that, as a high percentage of prisoners in relation to population are Aboriginal persons, common sense and logic dictate that an Aboriginal person should be on the advisory council.

Mr. Mathwin: What is the percentage?

Mr. McRAE: I cannot give the percentage offhand.

The Hon. Peter Duncan: Thirty per cent.

Mr. McRAE: The member for Elizabeth suggests that it is 30 per cent.

Mr. Keneally: Of the people in prisons—less than 3 per cent of the prison population.

Mr. McRAE: Certainly, the Hon. Justice Mitchell had no hesitation in saying that there was a need inside the Department of Correctional Services for much greater representation of women and Aboriginal persons, and I believe that that is a logical and sensible approach by the Opposition.

The Hon. Peter Duncan: The problem for women is they can't get the information.

Mr. McRAE: If I may say so in the current climate, one of the problems for women is that for every one woman prisoner there are 50 male prisoners, so if one looks at it in straight percentage terms, there could be—

Mr. Mathwin: I thought it would be greater than that.

Mr. McRAE: It may be; the member for Glenelg may be correct.

The Hon. W. A. Rodda: According to my statistics, there are 16 per cent of Aborigines, not 30 per cent, as someone said.

Mr. McRAE: That figure is higher than I would have anticipated. Bearing in mind that one can confidently say that 50 per cent of the total population is female, there should be at least one woman representative on this advisory council, and because there is a higher percentage of the total prison population—

The Hon. W. A. Rodda: We have stated in the Bill that one must be a woman.

Mr. McRAE: Yes, we are supporting that. Bearing in mind that a very high percentage of persons in prisons are Aboriginal, it logically follows that an Aboriginal person should be on the advisory council. The functions of the advisory council are set out in the Bill, and although we agree with those functions, we want another function spelt out. I refer to research into all aspects of crime and correctional services, because that was one of the major thrusts of the Mitchell Committee Report. There is no reason why the Government should not accede to that request.

Mr. Mathwin: By the board?

Mr. McRAE: We are requesting that one of the functions of the advisory council be research into crime, its causes, and correctional services, as was one of the thrusts of the Mitchell Committee Report.

I now refer to the Parole Board and its restructuring. The fact is that each major political Party is in a cleft stick. The Mitchell Committee Report recommended the abolition of the Parole Board and the provision that the judicial officer who first imposed the sentence, with various exceptions, be the person to determine parole. Both the Labor Party and the Liberal Party have ignored that recommendation.

Generally speaking, the Opposition maintains the position that it had when in Government, namely, that the Parole Board should continue. So, in this instance we join with the Government in agreeing that the Parole Board, rather than a judicial officer, should determine parole. We also say that there should be some changes to the Government's approach in relation to the Parole Board. We agree with an increase in the number: the Government suggests an increase from five to six, but we believe that it should be from five to seven.

The Opposition believes that there should be a Chairman and a Deputy Chairman, and that each of these persons should be a judge. We are not particularly concerned whether that judge comes from the Supreme Court or the District Court. We believe also that at least one of the members should be a woman and that at least one member should be an Aboriginal person. We believe, too, that inside the structure there should be two panels with a quorum of three to provide a capacity to deal with the realistic work load. So, basically, the Opposition is agreeing with what the Government has put forward, except that we suggest what we consider to be a realistic restructuring of both the people who make it up and the way in which they work. We believe that that should be at no greater public expense than is desirable or necessary.

The Opposition next says, in relation to the provision of the Bill which deals with the Parole Board and the capacity of the Director of Correctional Services and the Commissioner of Police to make submissions either in person or in writing before the Parole Board, that, as a matter of elementary justice, if those rights are going to be given, the prisoner should have the same rights. How on earth can one justify a situation in which the Director of Correctional Services and the Commissioner of Police, through his or her nominee, can make submissions either personally or in writing, and then not give the prisoner the same right? That means that the Director or the Commissioner can have a Queen's Counsel before the Parole Board on a particular matter and the prisoner not be heard. That is disgraceful.

Mr. Mathwin: He has the right of appeal.

Mr. McRAE: There is no right of appeal. Exactly this was pointed out by the Mitchell Committee. If by "appeal" the honourable member means a rehearing at some subsequent stage, that is correct, but that is not a realistic approach.

The Hon. W. A. Rodda: I do not think it is the intention of the Government that they should be represented.

Mr. McRAE: If that is the case, the Government should spell it out. My friend, the member for Elizabeth, points

out that accurate figures relating to Aboriginal persons in custody and under supervision in the quarter ended 31 March 1980 was 29.6 per cent. Therefore, his estimate of 30 per cent was alarmingly accurate.

The Hon. R. G. Payne: They are Government statistical figures by the way.

Mr. McRAE: Indeed. To the Opposition, elementary justice is involved. If the prisoner is to be confronted by an array of representations from the Director or Commissioner, he should have equal rights. The Opposition is not denying that the Director should be able to make those submissions—not in the slightest. We believe that is logical. We are not denying that the Commissioner of Police should be able to make those submissions, as that is eminently logical. However, if we are going to do that, any elementary sense of justice demands that the prisoner have equal rights. We say that that should be his nominee and that that nominee need not necessarily be a legal practitioner, as we are not aiming to create a new monopoly for legal practitioners. The nominee may be his wife, a close relative, a clergyman, or any variety of people.

Next, the Bill provides for a mandatory fixing of non-parole periods of imprisonment by the court. The Opposition accepts this and believes that it is realistic. For far too long there has been a fictional kind of sentencing in which the judge, having made a tally of what the end result is going to be after remission, good behaviour, parole and the like, then works out a figure, so that nobody knows what the real sentencing is or what the judge has intended. We support that concept. We do not support, and in fact vigorously oppose, the provision that the Parole Board may grant parole to anyone except those persons under life imprisonment but that suddenly, in the case of those persons under life imprisonment, Executive Council must also confirm the issue.

The Opposition says that that opens the way to every kind of evil. I refer to political evil, if the Government of the day does not like the prisoner, and to emotional evil, if the Government of the day, which is far more responsive to community pressure, is swayed by one group or another. All kinds of evil could be involved, and in due course the Opposition will spell them out. The Opposition is totally opposed to the concept of two kinds of prisoner: one who has access to the Parole Board and, one would hope, to a fair and unprejudiced decision, and the other whose only recourse in the eventual result is to a political result. That we do not accept and, in fact, strongly oppose it.

The fact that the Government can say that such a policy or system operates in all other States does not influence us in the slightest because, we are not in the slightest concerned with what has happened in the past 30 years in this State or what is happening around Australia now. We are concerned about what is right and what is wrong, not precedents or commons.

Next, the Bill provides the substitution of conditional release for remission. The Opposition does not agree with this. We see remission as being a guarantee to the prisoner at the point where he enters into the system that if he is of good behaviour, he will gain a certain benefit. Surely, departmental officers, and in particular the officers on duty in the prison, must see this as being beneficial. Surely, it is only logical that the prisoners too will see it that way.

Why is there any need, having departed from the Mitchell Committee Report on the whole system of parole, suddenly to pick up one element and justify it as coming from the Mitchell Committee? It seems that the only justification that this proposal can have is its inherent merit or otherwise. To throw out the Mitchell Committee Report on parole overall and then appeal to it in regard to conditional release is of no advantage at all. At the moment, the prisoner has a credit which he can lose. If this Bill is introduced, the credit is postponed and, in the Opposition's opinion, it loses its force. Certainly, we agree that if a prisoner is paroled and subsequently imprisoned for some offence, he should serve only that part of the sentence that was still to be served at the point of release.

Finally, the Bill encourages the use of volunteers, and the Opposition agrees with that. This is in line with one of the objectives of the Mitchell Committee Report. However, we believe there should be strong constraints on that. It should be clearly indicated what the functions of those volunteers will be. If it is a question of visiting prisoners, or of helping prisoners in one way or another after their release, that should be spelt out. Most important of all, it should be spelt out that the use of volunteers should not be to the detriment of paid staff of the prisons. The Opposition believes that that provision should be included in the Act.

We have tried to prepare amendments in line with what I have put, and I shall not deal further with that. At this point, the Opposition supports the second reading of the Bill, subject to all that I have said. As you, Sir, will no doubt have noticed, it is basically the curate's egg—some good and some bad, if you accept our logic. I move:

That the debate be now adjourned.

An honourable member: Seconded.

The Hon. W. A. RODDA (Chief Secretary): No.

The DEPUTY SPEAKER: Order! I do not think it is in order for the member for Playford to move that the debate be adjourned. However, it is quite in order for the next person, before he commences his remarks, to move for the adjournment of the debate.

Mr. McRAE: I therefore conclude my remarks.

The Hon. PETER DUNCAN (Elizabeth): I move:

That the debate be now adjourned.

The Hon. W. A. RODDA: No, Sir. I raise objection to that.

The House divided on the motion:

Ayes (18)—Messrs. Abbott, L. M. F. Arnold, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae (teller), O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, and Whitten.

Noes (21)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Chapman, Evans, Glazbrook, Goldsworthy (teller), Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, and Wilson.

Pairs—Ayes—Messrs. Bannon, Corcoran, and Wright. Noes—Messrs. Blacker, D. C. Brown, and Wotton.

Majority of 3 for the Noes.

Motion thus negatived.

The Hon. PETER DUNCAN (Elizabeth): I am very pleased that the Government has indicated how willing and anxious it is to hear my lucid and erudite comments in this debate tonight, and I shall be only too pleased to accommodate Government members in dealing with this matter. It is, as the member for Playford has said, very unfortunate that the Government has decided to introduce this legislation at this time, particularly as a Royal Commission is sitting and dealing with some of the matters that are dealt with in this legislation.

It is no good Government members shaking their heads and indicating that that is not so. It is a fact that one question refers to security and, if there is a matter that dramatically relates to security regarding the prisons in

this State and the Department of Correctional Services, as the departmental officers will know, it is the question of remissions within the prison system. When I was Minister, we never heard the end of the complaints about fears of the department that the remission system might be abolished and replaced by conditional release.

Mr. Gard was very concerned about this matter, because he feared, with some justification, that the control within the prisons would be weakened if the remission system was abolished. Of course, the Minister, having a fairly limited grasp of this matter, will no doubt say that it does not really matter one way or the other, that conditional release or remission will not matter, but let me clear the air for the Minister and bring him up to date on the subject.

The way the mind of some prisoners works is that they subscribe to an ethos that they would prefer to be released from gaol completely free of the system. As the Minister may or may not know (the head of his department probably would know), many prisoners choose not to put in for parole at all, not because they suspect that they would not get it but simply because, when they leave the gaol, they want to be free of the system, and they will not be free of the system under conditional release. Therefore, conditional release will not be the same deterrent to bad behaviour in gaol as the remission system has been.

That is a vital matter that should concern all members opposite. I see that the member for Glenelg has picked up his pen. I hope that he understands the point quite well. This matter will affect security in the prisons: let there be no doubt about that. The situation will be that some prisoners will consider that there is no purpose at all in behaving themselves while in prison, because they see no benefit in conditional release.

If the Minister chooses to speak to some of the officers of his department who work within the prisons and mix with the prisoners on a daily basis, he will find that that is the case, but there is no reference to that matter in this Bill and certainly no indication of how this measure will quite dramatically affect security. I hope the Minister seeks advice on that matter before trying to reply to this debate. I doubt that the advice will be of much use to him, but I ask him earnestly to attempt to understand the important point involved in this. This matter was one of the reasons why the Labor Government did not finally get around to introducing legislation dealing with this aspect.

The Hon. W. A. Rodda: What are the other reasons?

The Hon. PETER DUNCAN: That was one of the reasons. I could go through the reasons, and there were many of them. There was a great debate at one stage between various officers about the question of censorship of prisoners' mail, for example. Off the cuff, I cannot remember all the issues, but certainly there were many. No doubt Mr. Stewart can remember many of them. This was one of the reasons. At that stage the Department of Correctional Services was very concerned to ensure that remissions stayed. Apparently it has now changed its mind. That is as it may be, but the time to change its mind is not in the present climate when the Royal Commission is sitting. In his second reading explanation the Minister said:

> The proposals in this measure do not impinge upon the terms of reference of the Royal Commission.

I say very clearly that they do in that quite vital aspect that I have mentioned. The Minister also said that he was intending to introduce a new Correctional Services Bill when the Royal Commission had completed its findings. It will be very interesting to see how long that Bill takes to reach Parliament. No doubt when that Bill is introduced these measures will either be incorporated in that legislation or will be made redundant by the implementation of further and other measures. In his second reading explanation, the Minister also said:

> The Bill now before us deals only with those matters that the Government regards of immediate importance.

I have looked through this Bill very carefully, and I really cannot see any measure that could not have waited until the latter half of this year to be introduced to Parliament. My suspicion is that this Bill was simply brought before Parliament because by and large it was already in draft form before the Labor Government went out of office. With very few minor drafting amendments and a few additions the Bill was then able to be brought before Parliament. I suspect that in line with the stories we hear about the Government that this Bill was trundled up to Parliament simply because this Government is short of legislation.

The Hon. W. A. Rodda: There was no Bill in the Chief Secretary's office when I became Minister. It had been cleared out.

The Hon. PETER DUNCAN: Is the Minister suggesting that the Bill on which this is based was not with the Government at that time? No, he is not.

The Hon. W. A. Rodda: You didn't leave it there.

The Hon. PETER DUNCAN: I was not the Chief Secretary at that time, so the Minister cannot pin that on me. We left the Bill on which this Bill is most certainly based, and there can be no denial of that. This Bill, in part, is based on the Bill drawn up by the previous Government. It seems to me that the principal reason this measure is before us tonight is simply that the Government is short on legislation. No doubt the Deputy Premier sent the word around Cabinet to wheel in anything quickly, and we now have this Bill before us.

There is not one part of this legislation which could not have waited until later in the year when the Royal Commission had reported. However, the measure is now before us, and we will be dealing with this Bill over the next few weeks during February. I make the point that this Bill contains no provisions that could not have waited until the latter part of the year—even those provisions with which the Opposition agrees such as minimum parole periods. Whether or not that makes any real difference to the sentencing undertaken by the courts is, as the Minister ought to know, open to considerable doubt. If a court is given the opportunity of setting a minimum parole period, and the period the judge specifically wants a defendant to serve is, say two years, then under the new provision he would set a minimum parole period of two years and a sentence of say, four years.

Under the circumstances at the moment, the courts know that the parole period for an offender who is of good conduct whilst in prison is about one-third. After one-third of a prisoner's sentence has been served, he might reasonably expect to be able to be paroled, so the judges tailor sentences to take that into account. As I have said, the Opposition is prepared to accept that a better way of achieving that object is to have a minimum parole period. However, it certainly does not make much difference in practical terms, and it is simply a ruse and a method of deluding the public to suggest otherwise. There is no reason why that measure could not have waited until later in the year. The position is similar in relation to the question of conditional release. It will not make all that much difference replacing the remission system with conditional release over that short period of time. As I have said, if anything, there is likely to be a deterioration of security within the prisons as a result.

In relation to the appointment of the advisory council, that could have been achieved relatively simply by the

Minister doing it administratively for the present, because there is no urgent panic for it. I do not disagree with the Minister's desire to have such a council, because I think it is basically a good idea and a good principle, but there was no need to introduce that legislatively before it was created. Such a council could have been created within the Chief Secretary's office, just as many other advisory committees are created administratively within Government departments, from time to time, by the Minister or the head of the department. I believe that the measure is not urgent.

The only other measure in this legislation of any consequence concerns the question of volunteers. The department already uses volunteers. I suspect, and I am not claiming this, that the provision in the legislation only has the effect of regularising the position that already exists. In light of that there seems no reason why the legislation could not have waited until the session later in the year when we would have had the results of the Royal Commission and when the Government would have had the opportunity of assessing not only the Royal Commission report but also the report of the consultants that have been appointed. The Government would also have had the opportunity of reviewing the Public Service Board report that is in the pipeline, and it would have had the opportunity of reviewing Mr. Stewart's report on both of those reports and all of the reports, hopefully, which the Minister has promised us in this House over the past 12 months or so and which we are still awaiting. When all of those reports are in I have no doubt we will need a very thorough and effective committee to review them, because there will be such a volume of reports snowing down on the department that I do not think the department will have the capacity to handle it. We will wait a little before we hedge our bets on that, and just see what happens later in the year.

There is no doubt that this measure has been introduced hastily, simply to fill up the legislative programme. In his second reading explanation, the Minister said that he intends, after the Royal Commission's report, to introduce a new Correctional Services Bill, and there can be no argument that this will include all of the matters, or at least some of the matters, contained in this Bill and it will certainly have the effect of repealing this Bill.

In those circumstances there can be no justification or reason for introducing this Bill at this time. It would have been far better to leave the matter until all of the volumes of reports that the Chief Secretary has ordered have come to fruition, and until the new Bill that he promises us is ready and available for the Parliament. I regret that this Bill is before the House at the present time, because I do not think it goes anywhere near far enough. It does not tackle the basic fundamental underlying problems that confront the Department of Correctional Services. It does not give any indication in depth of how the Government or the department propose to deal with these problems. It fiddles a little on the surface, and that is about the best that can be said for it. There is nothing in this legislation that will provide such a fundamental change as to effect the system dramatically for the better. The Bill tinkers here and tinkers there, and that is about all that this Chief Secretary has been able to promise us in this debate.

I oppose the Bill simply on the basis that it should not have been brought before Parliament while the Royal Commission is sitting. In fact, I would like to see an opinion from the Crown Solicitor touching on the question whether or not this legislation does impinge on the terms of reference of the Royal Commission. I believe it does, and I believe that the Crown Solicitor's opinion would show that too. The Chief Secretary should obtain such an opinion to ensure that he is not acting in breach of the Royal Commission by introducing this legislation to Parliament. The opinion of the Crown Solicitor would clear that up; such an opinion would clear up the matter to the satisfaction of Parliament.

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

> That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr. MATHWIN (Glenelg): I support the Bill, which I believe is a good Bill. It contains many good points, and there is much need for these measures to be put into operation as soon as possible. Indeed, that is the reason for the introduction of this Bill by the Government, as distinct from the reason suggested by the member for Elizabeth, that the Bill was some of the legislation left over from the time of the former Government. The member for Elizabeth said that he would like some assurance in relation to the terms of reference of the Royal Commission, yet the honourable member referred to the Minister's explanation of the Bill and the Minister's assurance. Obviously the Minister would give that assurance only after having obtained an assurance from his advisers. In his second reading explanation the Minister stated:

> I should point out at the outset that the proposals of this measure do not impinge upon the terms of reference of the Royal Commission.

That assurance is good enough for me and I would have thought it would be good enough for a former Minister, the member for Elizabeth. As members know, the Bill creates a Correctional Services Advisory Council which will be comprised of six members. I have no argument at all with the definition laid down about the credentials of the members to be appointed to the council. I understand it opens the field for more influence by the ordinary people in this State to be represented on such a board, because one person is to be nominated by the Attorney-General and three persons are to be nominated by the Minister. The Minister has seen fit to indicate that at least one of the members of the advisory council must be a woman.

Mr. Keneally: You never used to agree with Ministerial appointment.

Mr. MATHWIN: Yes, I did. Members know that presently the Chairman of the Parole Board is a woman, and another lady member of that board represents the Trades and Labor Council. From information I have gleaned, I understand that that person is a good member of the board and has done a good job. I can see no reason why the Minister would not accept her as a nominee and appoint her to the new council. I would be surprised if there was any distinct opposition to that person.

Another good feature of the Bill, as far as I am concerned, is that the advisory council will make a report that will be laid on the table of Parliament, and the board itself will be able to monitor and evaluate the operation and management of the Act. It will be able to review this whole area of its activities. The fact that the Minister will lay the report on the table of the House means that every member will receive a copy of the report and will be able to criticise or congratulate those involved, whatever the case may be. Indeed, this keeps the situation wide open for the public because such reports will be available and, as I understand it, that is not the situation presently in regard to the Parole Board. The Director of Correctional

Services and the Commissioner of Police will have the right to make submissions to the Parole Board, and this will provide a wider viewpoint and, I am sure, be of great assistance to that board.

Under clause 6, the council will be able to monitor and evaluate the administration and operation of the Act. I am sure that no honourable member would argue about that provision. The report will be tabled by the Minister in each House of Parliament. I hope it will not be a long delayed report, as are many of the reports that are tabled in this House. Indeed, I am perturbed about the lengthy time that it takes for annual reports to arrive in this House and be tabled. In fact, some of them are nearly eight or 10 months stale before we get them, and I hope that that will not occur in the case of this report.

The question of volunteers has caused some concern to members of the Opposition. Although the member for Playford and the member for Elizabeth say that they agree with the use of volunteers in principle, they expressed concern (and I could not argue with this) that volunteers might impinge on the normal duties of people working in the department. I am sure that this will not happen. I am sure there will be no mass sackings because of this situation.

In fact, they will use volunteers to help these people in their own areas. Members of the Opposition know full well that a number of volunteers work now in a similar field in the Community Welfare Department. Those people have been of great assistance. I am sure that volunteers will be of great assistance to members working with the parolees and to those people released early. The work load on parole officers and probation officers throughout the world (with a couple of exceptions) is, so far as I know, greater than they should have. The greater the case load, the less able people are to carry out their jobs properly. I know that, in countries using volunteers, those volunteers have been a great advantage to all the workers in doing that sort of work. These volunteers obviously have to have some training. I am quite sure that volunteers will not affect the number of workers working in that area now. In fact, they will assist those working in that area greatly.

I visited Canada recently and, in the juvenile area there, a great number of people are looked after by volunteers, who are a great help to the parole officers. In parts of British Columbia the ratio of parole officers looking after young children who are released is one to two. Anyone who knows the difficulties in these areas would be very envious of that ratio. It makes that work more successful. The more people we have working and assisting people who are released, the better the results will be and the more chance there is of success in this area. It is difficult to determine what success is in relation to people who break the law. However, the fact that we are using volunteers and giving more assistance to these people suggests to me that we will have a better record if we use volunteers in this area. I am glad that a number of Opposition members believe that there is some merit in using volunteers in this area.

Mr. Keneally: They should have a volunteer member of Parliament at Glenelg.

The ACTING SPEAKER: Order! The honourable member for Glenelg has the floor.

Mr. MATHWIN: Clause 11, which has caused some concern to some members, provides that the court shall fix or extend non-parole periods. I believe that that will be an advantage. I also believe that it is a step in the right direction and one which members of the Opposition ought to support. Turning to clause 12, I refer particularly to new section, 42m (2) which relates to release on parole and which states:

> (2) The board may, upon consideration of the matters referred to in section 42i, recommend to the Governor that a prisoner who is serving a sentence of life imprisonment be released from prison on parole.

I refer, also, to new section 42 m (3), which states, in part:

> (3) The Governor may, upon receiving a recommendation under subsection (2), order that the prisoner be released from prison on parole . . .

That brings us into line with other States. I remember many occasions in this House, when I was sitting on the other side, that the Bills brought in here were brought in with the intention of bringing us into line with other States. As this will bring us into line with the other States, obviously the members who were in Government then will support this measure hands down as a great move and a great advancement, because it fits in with their philosophy. This means that the Governor will check before the release of prisoners who are serving life imprisonment. These would generally be people in prison for a capital offence.

One case in which I was involved as a member of the Opposition and which caused great concern was that of Bartholomew, who was released the day after this Government took office. That man's record was ghastly. The public feeling about that release astounded me. I believe that never again should the situation arise where a person who is put away for murdering 10 people is released in less than seven years, particularly after the way this person dealt with his victims, two women (his wife and her sister, I think from memory) and eight children, whom he shot with a single-barrel rifle, which means the crime would have had to be premeditated. I will never understand why that person was let out after having served less than one year for each of the persons he murdered. That situation should have been reviewed. I support this clause wholeheartedly with the remembrance of the Bartholomew case fresh in my mind and the horror with which that parole was accepted by the people of this State, members of different organisations, the Police Force, the people who try to keep law and order in this State, or the other persons concerned with it. That should never occur again. I believe that this clause should certainly be in the Bill, because, whatever happens, the public deserves the right to protection. The people who obey the law have the right to protection and we, as a Government, should realise they deserve something. I turn now to clause 14, which relates to conditional releases. The two members of the other side who spoke about this matter opposed conditional releases. I believe that there is a situation at the moment where, if a sentence is given, one-third will be automatically taken off.

That means that, if a prisoner is sentenced to six years imprisonment, he knows that he will be eligible for release in four years. However, the provisions regarding conditional release will give the prisoner incentive, and those people who do the right thing will have nothing to fear. Discretion will be left to the court, which does not require this situation in relation to releases. If a prisoner behaves he will have nothing to worry about. As I said earlier, the public has the right to protection. The member for Elizabeth made some mention of that matter; even the member for Playford expressed worries about this area. The member for Elizabeth spoke about clause 14 and said that this would be a concern in relation to security and in relation to the conditions of release. I wonder whether the honourable member has read clause 14, so I will read part of it for his benefit. It states:

> . . . The superintendent of a prison shall, at the end of each month served in the prison by a prisoner, credit the

prisoner with an entitlement to 10 days of conditional release.

Where the superintendent is of the opinion that the conduct of a prisoner has been unsatisfactory at any time during a month he can also deal with that situation. If that is not incentive I would like to know what is. The member for Elizabeth said that this would upset the security of prisons. If giving prisoners incentive to get out by behaving themselves and doing the right thing while they are in detention, I do not know what is incentive. The Bill provides that the superintendent can allow the prisoner time off his sentence, provided that he does the right thing. I also remind the member for Elizabeth, because he expressed concern for this, and indeed it was mentioned also by the member for Playford, that there is a provision here for appeal. New section 42rb (4) states:

A prisoner in respect of whom the superintendent has exercised his powers under subsection (2)—

that is, where he has determined that the prisoner has been unsatisfactory—

may appeal to a visiting justice in the prescribed manner against the decision of the superintendent.

Therefore, a prisoner has the right to take an appeal to the visiting justice if he feels that he has been misused or has had some victimisation. The member for Playford mentioned his concern about the situation at the Adelaide Gaol and the conditions there, and with that I heartily agree. I also agree with his concern about some of the conditions at Yatala. Let me again remind the honourable member (although he admitted, of course, that it was not the present Government's fault, because we have only just taken office) that that situation has existed for a long time, and his Government was in office for 10 long weary years and did nothing about it at all. The member for Elizabeth, the former Attorney-General, the great law-maker of this State, never saw fit to put his foot inside Yatala in the whole time he was Attorney-General.

The member for Playford also made some mention about the different types of criminals and, indeed, tried to put them into some sort of categories. I wonder how the honourable member would deal with a drunken driver driving a lethal weapon which is just as deadly as a loaded rifle if it is a fast car driven in a dangerous manner, and just as many people or more could be killed by such a car as by a rifle. Who is the worst—the man with a rifle or a drunk person driving a car? So, I would be quite interested to see how the honourable member would allot people to categories.

I agree with the member for Playford's remarks about women being placed in gaols. Some time ago I visited Yatala, which was crammed to the door, and then with a number of my colleagues I went up to the women's prison, just up the road, and there were only 19 women in gaol. It was quite obvious to me (and this also was noticeable during some of my studies overseas) that the courts are far too lenient with the females of this State. This would apply to most countries in the world. Certainly, it applied in Israel and also in parts of America, where women are reluctantly put into custody by the courts: they are dealt with very easily by the courts. In many cases this has been admitted by the people to whom I was talking. It is not a good situation, and in fact does these people no good at all, because many of them need some protection.

Mr. Whitten: Did you also notice that prostitution was openly practised in Tel Aviv?

Mr. MATHWIN: Yes, I believe so.

The ACTING SPEAKER: Order! The member for Glenelg has the floor.

Mr. MATHWIN: Thank you, Sir. I stress that the Bill is a good measure. I believe that it is needed now, and that it should not have to wait too long to pass through this House. It should not be laid aside, as members opposite wish to do. I support the Bill in its present state and I would be most disappointed if in its zeal the Opposition finds something wrong with it, and does not support it when it comes to the vote.

The Hon. W. A. RODDA (Chief Secretary): I do not want to say a lot about the Bill at this stage. As the member for Playford stated, it is a Committee Bill. I was interested to hear him heralding some amendments. I was somewhat surprised to hear some of the comments from members opposite, especially from the member for Elizabeth, namely, that this should be laid aside, that it impinges on the Royal Commission, and does many other things. He has been chiding me and the Government for lack of action in this important area of correctional services.

This matter has been looked at by my Party, a Royal Commission with a specific charter is looking at the prisons, and there is also a consultancy: Touche Ross are looking at the security of the prisons. The matter is receiving the full attention of the Government. The Bill is short, making certain amendments which the Government regards as essential to the prison system. What is being done is in line with the policy announced last year by the present Premier. At that time, it was said that our policies had a three-fold aim: to protect the community, to deter the potential law breaker, and to reform the convicted offender.

Much has been said by Opposition speakers, and I am grateful, too, for the comments of the member for Glenelg. The Government has followed this course to accommodate the Opposition. It was intended that this Bill should proceed yesterday, but Opposition members wanted some amendments to be drawn. We have reached the second reading stage, and we will take the Bill into Committee tonight. I was surprised that the debate went on for so long, because the Government had intended that the Bill would go through yesterday. We have had offers of partisan approaches to these matters, and we have had attempts to withdraw the Bill, to defer the debate, and so on. It shakes one's confidence in partisan offers made on important matters. I commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

STATUTES AMENDMENT (WATER AND SEWERAGE RATING) BILL

Adjourned debate on second reading.

(Continued from 28 October. Page 1491.)

The Hon. R. G. PAYNE (Mitchell): In introducing this Bill in October, the Minister said that the Waterworks and Sewerage Acts contained provisions exempting from water and sewerage rates land used exclusively for charitable purposes, for the purpose of public worship, or for various other stipulated purposes. That is the key to the Bill. The stipulation he made was for exemption from water and sewerage rates for lands in that category. The problem that has arisen, as I understand it, is that, in some cases where the department, through the Minister, has been levying charges on certain bodies occupying land such as I have described, it has run into some difficulty and has had advocated to it by certain bodies that the charge which the department is endeavouring to levy could be construed as

a rate and that therefore they should be exempt from making the payments required by the department through the Minister. The amendments in the Bill appear to correct that situation.

Some history in relation to this measure needs to be recounted to the House. The Bill was first laid on the table in the House on 28 October last, but it was not proceeded with. There was a reason for this. I understand that the Minister had brought the Bill into the House and, subsequently, I raised with the former Minister, the member for Hartley, the question contained within the Bill. It was his approach to the department, I understand, which triggered a reaction that showed that certain of the bodies which would be affected by the passage of this measure, if it should pass, had not been fully consulted on the matter; therefore, there was some doubt whether they were in agreement with it.

I refer specifically to the Local Government Association, which would be involved, to the West Beach Trust, which is specifically mentioned in the Bill, and also to the Adelaide City Council. I have made inquiries of those three bodies and each has indicated to me that, subsequent to the Bill's being placed in the House, consultation has occurred, and they are in general agreement with the provisions of the Bill now before us.

For this reason, the Opposition is generally in support of the measure. Clearly, it is not a good scene when legislation is such that some people who are required to pay charges are able, because of inadequate wording or because of the inadequate nature of the legislation as it stands, to take exception to meeting their obligation, and this perhaps leads to an ambiguous situation when some people are paying and others are objecting.

Some points within the Bill disturb me and the Opposition generally. I refer to the provisions of clauses 3 and 4. Clause 3 inserts new subsections in section 88 of the Act. Under new subsection (6) *(c)*, the Minister is enabled, in the exercise of his powers under subsection (4), to impose a charge determined on any other basis that he thinks fit. Words similar to that appear on occasions in legislation, and there may be a very good reason for their appearance in this Bill, because the Minister can make a charge determined according to the volume of water supplied, a fixed charge, a fixed minimum charge, or he can make a combination of two or more of the foregoing charges. Notwithstanding that, we are asked to approve that the Minister can make a charge determined on any other basis that he thinks fit. There may be good reason for this, and I trust the Minister will give some explanaton for the inclusion of this provision in those two clauses.

Clause 5 provides that the West Beach Recreation Reserve Act, 1954-1975, is to be amended by striking out from section 27 *(d)* the passage "or charges". There has been a problem, where exemptions have been granted statutorily under the Act, as to what is a rate and what is a charge. To make that clear, the Bill proposes to delete the words "or charges", and so the exemption then contained in the West Beach Recreation Reserve Act will be only from rates; therefore the position, it is argued, will be much clearer.

I agree with the proposition. I have checked the Act, and it seems to make the position much clearer. I have already indicated to the Minister privately that the Opposition will seek, during the Committee stage, to amend clause 2, which relates to the day on which the Act is proposed to come into being. I simply indicate at this stage that the Opposition does not support the proposal to apply a retrospective charge, but that argument will be developed further during the Committee stage. The second reading explanation contained one or two curious remarks, as I suppose is likely to happen during a second reading explanation. I mentioned earlier that the Minister referred to lands used exclusively for charitable purposes, for the purposes of public worship, or for various other stipulated purposes, and I tried to find references to those various other stipulated purposes. If one looks at either of the Acts, one finds a reference in the relevant sections to the first two categories, but only one other category appears to be listed in section 65 of the Sewerage Act, which refers to the first two categories already mentioned, charitable and worship purposes, and the other is "occupied and used by any municipal corporation within a drainage area exclusively for municipal purposes." There is other wording, but not sublet or "other than municipal purposes". I do not know whether that could be described as various other purposes, but there seems to be only one category. The Minister may be able to clear up that matter.

There is another curious anomaly in regard to the Sewerage Act. We are considering the question of rates and charges. Section 68 of the Act states that fees in accordance with the scale for the time being enforced prescribed by regulation made under the Act be paid for the drainage of and the removal of sewerage from land that is excempt from rating under this Act shall be payable on demand. One would have thought that something that was not a rate could already be collected under the provisions of that clause, but no doubt certain legal opinions were provided to the department and the Minister in regard to spelling out these matters in the Bill.

As I have indicated, the Opposition supports this measure with the qualifications that I have brought to the Minister's attention, and we will raise further matters in the Committee stage.

The Hon. P. B. ARNOLD (Minister of Water Resources): As indicated by the member for Mitchell, this problem has been with the Engineering and Water Supply Department for some considerable period. The problem arose because of a Crown Law opinion. Principally, when the West Beach Trust approached the Crown Law Department and the Crown Solicitor as to whether or not a charge is a rate, the opinion was brought down that a charge was a rate and, as such, the West Beach Trust and other bodies claimed that, since a charge was a rate, they were totally exempt from any costs of water supply and sewage disposal. Obviously, in the case of the West Beach Trust, where the Engineering and Water Supply Department and the State Government provide a water supply and sewerage facilities, it would be totally unreasonable that the ratepayers and taxpayers in South Australia should provide water and sewerage facilities to that organisation totally free.

I do not believe that that was the intent of Parliament or of the West Beach Trust in the early stages, but the Crown Law opinion was in the terms I have outlined. The Engineering and Water Supply Department needs to collect revenue for the water used and the sewerage facilities provided on a closet basis and a volume basis so that the organisation meets its fair share of the cost of providing that facility. The honourable member said that he had checked with the Adelaide City Council, the Local Government Association and the Local Government Department, which bodies have been concerned that the Government might have some ulterior motive in bringing in this legislation. However, the previous Government had, and this Government has, no other objective in regard to this legislation other than to formalise what has been a practice over a long period and what we believe to be the rightful and proper charges that should legally be

collected. The honourable member referred to clause 3 (6) *(c)*, which provides for a charge determined on any other basis that the Minister thinks fit. Clause 3 (5) stipulates that charges imposed on the owner or occupier of land under subsection (4) must not exceed, in a financial year, the total amount of rates and charges that would be payable in respect of the land for that financial year if the land were not exempt.

The Hon. R. G. Payne: They would not be getting an exemption.

The Hon. P. B. ARNOLD: That is right, but no matter whether the Minister sees fit, or whether it be under subclause (6) *(c)* or *(d)*, a combination of the two, or more, there is a provision that in no way can the dues exceed what would be the normal total dues if this Act did not exist, so I believe that protection is provided. The other matters raised by the honourable member can best be dealt with in the Committee stage.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

The Hon. R. G. PAYNE: I move:

Page 1—

Line 11—Strike out "be deemed to have".

Line 12—Strike out "1980" and insert "1981".

The reason for this amendment is that "be deemed to have" relates to the retrospective nature of the Bill as it stands. If those words are struck out, we must also change "1980" to "1981" to make sense of that clause. This clause provides that the Act shall be deemed to have come into operation on the first day of July 1980 (that is, last year) and in effect it means that the application of the Act in relation to the collection of any charges that may have been in contest because of the nature of the Bill (that is, the reference to rates and charges) means that they will be collected on a retrospective basis to the beginning of this financial year.

There may well have been some very small logic in the proposition in the Bill if the measure had progressed last October. At that time it was but a few months removed from the proposed date of deeming to have been in operation. It is now well into February—clearly well over seven months have elapsed. The proposition the Committee is asked to approve is that a retrospective charge of that nature be applied with more than half a year having elapsed. I would not need to remind you, Sir, in your position as Deputy Chairman, of the generally expressed philosophical view of your Party on these matters when not in Government.

To my remembrance from 10 years in this House, there was an expressed horror and repugnance by very many members presently on the Government side and formerly on the Opposition side, including you, Sir, in respect to any legislation which had any retrospective provision whatsoever. One could cite direct instances of statements by the members concerned along these lines. However, I have no need to do more than remind members that this is the case. When in Opposition the Government had a great feeling that retrospective legislation was seldom if ever justified and even then only under great duress and in the most extreme circumstances. I do not believe that either the duress or the extreme circumstances applies in this case. It may well be that only a few bodies are concerned.

However, I put to the Minister the following logic and hope he will see fit to support the amendment on that basis alone. If there has been a circumstance where money has either been collected or attempted to be collected from bodies in the community on the basis of a possible non-statutorily supported law, then that money could be argued to have been collected illegally. If we have the need for a Bill in effect to strengthen and legalise what has been going on (and that is what we are talking about in some cases) there is certainly a moral obligation on the part of the Government in this Bill to not apply it retrospectively unless it is prepared to return the moneys collected during the period in which the doubt in the legislation existed.

The Minister has made clear that there was that doubt and we have not opposed that proposition by the Minister. It is necessary to clear up that doubtful area. It is my understanding that one of the bodies concerned is the West Beach Trust. It would have the view that if this needs to be done (and I stated earlier that on my approach to them they were generally in agreement with the measure) a degree of fairness could enter into this matter and they would be able to budget properly for this by commencing on 1 July 1981. I would think that the Government in its claims of careful and acute financial management, which we are constantly hearing about and in fact were reminded of today, would not be in such a position that the amount due from the West Beach Trust is going to make it or break it in this current financial year. I believe that this presents a unique opportunity for the Government to put its money where it mouth often is. If it is so totally opposed to retrospectivity in legislation, this is a marvellous opportunity to demonstrate its *bona fides* and accede to the amendment before the Chair and give it the support that it deserves as can be clearly seen by the logic that I have put forward.

Mr. KENEALLY: Over the last 18 months examples have abounded of principles strongly held by Liberal members when in Opposition being negated when in Government. We have had examples of this today. We know of the Government's performance in regard to law and order, prisons, State taxes, and so on. I know that you, Mr. Chairman, will not let me continue as these matters have little to do with the Bill. If there is one strongly held principle that the Liberal Party in Opposition consistently fought hard about, it was the principle of retrospectivity. On every occasion that the Labor Party, when in Government, introduced retrospective legislation, the rhetoric of the Liberal Party and of the gentleman who just came into the House—the Premier—has to be read to be believed. Before the Premier goes I would remind him, of what he said about retrospectivity. I quote from page 2360 of *Hansard* on 12 February 1976. However, I see that the Premier has left. He stated:

> . . . the Opposition [the Liberal Party] is totally against retrospectivity: we will not have it at any price.

Further, he stated:

> I will not have any part of retrospective legislation either now or in the future.

The now Premier, when Leader of the Opposition, said in this House that he would not have any part of retrospectivity either then or in the future. How short his memory is. I put it to the new members of Parliament who grace the back benches temporarily in some cases (some may not be here after the next election but some may be on the front benches) that they should be aware of why we are so cynical about the expressions of principle of members of the front bench of their Government. The Deputy Premier, when we were discussing a taxing measure that had a retrospective clause in it, stated:

> If we cast the law back and make it retrospective, we set a dangerous precedent.

The Deputy Premier is not concerned about the dangerous precedent that he is setting in this legislation—a simple measure that would not cause the State coffers to be sadly depleted if it was let go until the next financial year.

However, the Government says we must make it retrospective until June 1980. The Minister of Agriculture, in a rhetorical speech, stated:

> It is against all canons of good faith to make any law retrospective.

He also seems to have changed his mind in the years that have elapsed since he took that so-called principle stand. What did the member for Fisher say? He stated:

> If we pass legislation such as this, the man in the street—

the famous man in the street that lives in Fisher—

> will no longer be able to trust the law.

What does the member for Fisher say about his own Minister's legislation? We have heard not a word from him and I suspect that we will not hear a word from him. I will be interested to see how he votes on this clause. He is a principled man and I know that he will not have changed his viewpoint from 1976 until now and neither will his colleagues. I will read a list of people who voted against retrospectivity in 1976 and I will be interested to see how they vote tonight. The Speaker, the then member for Light, stated:

> . . . members on this side abhor the use of retrospectivity.

I hope the Speaker took the opportunity available to him in his Party discussions to tell the Minister of Water Resources that he and his colleagues abhor the use of retrospectivity in any legislation. The Minister smiles. It suggests that the Liberal Party in Government is somewhat different in its attitudes to matters of principle than when in Opposition. What did the great democrat from Eyre Peninsula say? One can never be certain of what that honourable gentleman will say. He was particularly caustic in his remarks about the then Government's attitude towards retrospectivity. He said:

> I totally oppose the principle involved in clause 2.

That was the retrospective clause. He went on:

> Previously, when the Government tried to carry out a similar action, I made my position clear. If Parliament passes this legislation as it stands, we will have torn up the normally accepted practice that has evolved over hundreds of years and thrown the rules out of the window. Never again would the public have any confidence in its legislators. The Government's action is against British traditions which this Parliament has been built on and which laid the foundations for our democratic way of life.

That was the attitude of the view of the member for Eyre in 1976. I ask back-bench members of the Government who were not here at that time to judge the sincerity of their colleagues, to judge the principles of their colleagues, to judge whether their colleagues will take any stand for the pure political advantage they may seem to gain at the moment, and to say whether their colleagues are prepared to use politics merely as a tool to gain advantage. Principle and honesty mean nothing to these people.

Tonight they will have their opportunity, because we will be asking the Committee to divide on this measure tonight. Those members of the Liberal Party who have previously clearly stated their attitudes on retrospectivity will have the opportunity to say tonight and to show the people of South Australia whether, in 1976, they deliberately misled this place as to their attitude or whether they were sincere. If they were sincere in 1976, let them be sincere in 1981. Who were the gentlemen who voted against clause 2 of that Bill, a taxing Bill that the House was debating? I refer to page 2363 of *Hansard*. Their names make interesting reading—Messrs. Allison and Arnold. Arnold, for goodness sake, the Minister who has introduced this Bill, in 1976 clearly indicated his Opposition to retrospectivity. Has he changed his mind? I hope the Minister takes the opportunity to tell us.

Mr. Becker interjecting:

Mr. KENEALLY: The next one is the member who interjected, Becker. Becker, in 1976, indicated his attitude towards certain—

Mr. BECKER: I rise on a point of order, Mr. Acting Chairman. I request you to instruct the member who is addressing the Committee to refer to members by their district name. That is a clear instruction, I understand. The member for Stuart has been here long enough to know this. He has been Acting Speaker, Deputy Speaker, and Chairman of Committees. I respectfully ask you to instruct him to refer to members by the names of their district.

The ACTING CHAIRMAN (Mr. Russack): I cannot uphold the point of order. In normal circumstances I agree with the honourable member for Hanson that the honourable member should be referred to by the name of the district that he represents, but in this particular case the honourable member for Stuart is reading from *Hansard* and that is the way the name is recorded in *Hansard*. However, I would call to the honourable member's notice that he should just mention the name and not elaborate.

Mr. KENEALLY: Certainly, Sir, I accept your ruling and understand the embarrassment of the member for Hanson. The next member who voted against retrospectivity in 1976, called by his name as you have allowed me to do in reading from *Hansard,* is Blacker. I will leave out the members who are no longer in this place. Then we have Dean Brown, Chapman, Eastick, Evans (I understand the embarrassment of the member for Fisher, who now wants to leave the Chamber: he will have his opportunity to be back and show how principled he is), Goldsworthy, Gunn, Mathwin, Millhouse, Rodda, Tonkin (who was the teller)—

The Hon. R. G. Payne interjecting:

Mr. KENEALLY: Yes, he was very firm in his opposition to retrospectivity in 1976. Wotton also voted against this particular measure. Whilst there may have been a note of levity in the comments I was making, this is a very important issue for this Committee to have clarified. What Government members do in this vote will determine the attitude that they can consistently take in future on the issue of retrospectivity. To me there are certain principles that all people should follow, whether in Opposition or in Government. If a matter is abhorrent to a member of Parliament when he is in Oppostion, it surely must be equally abhorrent to him when he is in Government. If members of Parliament oppose a matter such as retrospectivity on a stand of principle and use the rhetoric of principle to oppose it while they are in Opposition, surely they must adopt the same attitude while they are in Government. If they are not prepared to do that, the Committee and the people of South Australia are entitled to be told why.

Are the members of the Liberal Party who are now in Government dishonest politicians while they are in Opposition, or are they dishonest politicians when they are in Government? They cannot have it both ways. I am pleased that the Deputy Premier has seen fit to come into the Chamber. I have read his views on retrospectivity, for the benefit of the Committee. I expect him to honour those views and to vote with the Opposition when we call on the Committee to decide its current attitude to retrospectivity. I will leave the matter at that, because I have two more opportunities in Committee to comment further on it. I am anxious to hear what the Minister has to say and how he can explain the contradiction in the stand that his Party has adopted on retrospectivity.

The Hon. P. B. ARNOLD: I am delighted to explain for the benefit of the member for Stuart. Obviously, the honourable member has a very short memory. He should think back to 12 June 1980, when I sought leave of the House to make a Ministerial statement that clearly indicated what the Government intended doing and clearly indicated to the West Beach Trust before 30 June last year that the legislation to be introduced by the Government would be effective as from 1 July 1980. That is hardly retrospectivity, when those affected have had the position clearly indicated to them by a statement in this place. On that occasion, I said:

> I give notice that it is the intention of this Government to introduce legislation in the August session amending the Waterworks Act, 1932-1978, the Sewerage Act, 1929-1977, and the West Beach Recreation Reserve Act, 1954-1975. The need for this action arises out of problems encountered by the Government in recovering charges for water supplied and for sewerage services provided, which are made in substitution of rates determined on the value of property.
>
> Such charges have to date been made in circumstances where properties are exempted from rating under the Waterworks or Sewerage Acts or under other Acts. The Waterworks Act (section 88) and Sewerage Act (section 65) exempt charitable and other bodies from the payment of rating on valuation. Such bodies, however, have always paid for the water used or the service provided, in certain circumstances at concessional rates.

They have always met these charges in the past. The statement continues:

> The Crown Solicitor has advised that, as the Waterworks Act currently stands, the Government cannot legally impose a minimum charge or charge for water supplied to properties exempted under section 88 or to properties exempted under other Acts. By virtue of section 27 *(d)* of the West Beach Recreation Reserve Act, 1954-1975, that trust is not required to meet either rates or charges. While the Government believes that exemption from rates should stand, it considers that the trust should be no better off than local government, which is required to pay for services provided. The legislation that I am foreshadowing will be effective as from 1 July 1980.

No-one can claim that the West Beach Trust was not clearly notified when this legislation would become effective, because the trust was informed prior to 30 June 1980. This is a matter that the former Minister of Works (the member for Hartley) endeavoured to come to grips with. He knew it was a problem. During his period as Minister of Water Resources, the member for Mitchell endeavoured to solve this problem as well. However, neither of those honourable members achieved agreement between the parties concerned. This Bill was introduced last year and laid on the table, and once again the parties concerned raised certain objections. During the period between the introduction of this Bill and the continuation of the debate in this House today, the parties were invited to come together for discussion in my office, to which they agreed.

The Adelaide City Council, the Local Government Association and the Local Government Department all met in my office and discussed the Bill in detail, and agreement was reached that the purpose of the legislation was to formalise and legalise what had been the practice for many years. For the Government to accept amendment would create a situation where one section of the community was gaining an unfair advantage at the expense of other ratepayers in South Australia. This Government does not believe in retrospective legislation, and it does not consider that this is retrospective legislation. A Ministerial statement was made in this House, not a comment outside, prior to 30 June, and if members opposite have any memory whatsoever they will clearly remember when that statement was made.

Even with this legislation proceeding on that basis and becoming effective as from 1 July 1980, the West Beach Trust and many other organisations could have taken similar advantage of the legislation as it has stood for many years, but they decided not to do so. The West Beach Trust did, and there is some $7 000 from the 1979-80 year that it still owes the department, plus a significant amount for the 1980-81 year. The amount outstanding from the 1979-80 year is not included in this legislation. In fact, the West Beach Trust will gain an advantage over local government, other South Australian bodies, sporting organisations and charitable organisations that have received the same exemption, because it will receive the benefit of more than $7 000, which will in effect be contributed by other ratepayers of South Australia to the trusts' benefit.

As the Ministerial statement made on 12 June 1980 clearly identified the West Beach Trust, to continue this state of affairs when the previous Government was unable to come to grips with the problem is quite unreasonable. For the West Beach Trust to claim that no provision was made after that Ministerial statement—and if we look at the report of the West Beach Trust we find that it lists rates as one of the items in its financial report—

Members interjecting:

The Hon. P. B. ARNOLD: Obviously, members opposite are not listening, because I referred to the 1979-80 year. The West Beach Trust report refers to the 1979-80 year, and it has made provision for rates which the department is not going to collect. The trust has collected, but the department will not be collecting from the West Beach Trust.

I also refer to representations made by the West Beach Trust through the Minister of Local Government. In my reply to the letter forwarded to that Minister I said:

> The position in respect of the West Beach Trust is that the proposed amendment to the West Beach Recreation Reserve Act will place the trust in exactly the same position as all other sporting and recreation bodies once the Recreation Grounds Rates and Taxes Exemption Bill is passed.

As I indicated earlier, one Bill is complementary to the other, and they should be considered together. My letter continues:

> That is that whilst the trust will be exempt from payment of rates on valuation, it will be subject to payment for water used and for water closet charges in respect of sewerage. The trust has had, for a number of years, an agreement with the Engineering and Water Supply Department to obtain effluent at a concessional price. The proposed amendment in no way influences that agreement. Furthermore, the Engineering and Water Supply Department has for many years maintained sewage pumps belonging to the trust. This has been on the understanding that payment in full would be made for services rendered. The West Beach Trust have put forward the proposition in their letter of 27 November 1980 that they could not legally have provided for charges as this was contrary to legislation.
>
> I cannot agree that that was the position, because I announced in Parliament on 12 June 1980 that I intended to introduce legislation affecting the trust to be effective from 1 July 1980. I said the following:
>
> > By virtue of section 27 *(d)* of the West Beach Recreation Reserve Act, 1954-1975, that trust is not required to meet either rates or charges. While the Government believes that exemption from rates should stand, it considers that the trust should be no better off than local government which is required to pay for services provided.

However, I would have no objection to deferring charges for the 1980-81 financial year to allow the West Beach Trust time to arrange their budgetary provisions to enable these outstanding charges to be paid in the 1981-82 financial year.

As I said before, it was clearly indicated to this Parliament and to the West Beach Trust on 12 June last year that legislation was to be introduced. It was introduced last year, as stated in that Ministerial statement.

It is perfectly clear what the Government intended doing, and it is not retrospective in the sense that it is legislation introduced without the knowledge of a particular body. Every other body in South Australia has been prepared to meet its responsibilities, but in this one instance the West Beach Trust has endeavoured to take advantage of the situation.

The Government is more than prepared, seeing that the previous Government was not able to come to grips with the problem, to let go the 1979-80 part of the money owing to the Engineering and Water Supply Department. However, because of the indication given in the Ministerial statement made on 12 June 1980, when the Government clearly indicated to the trust and to everyone else in South Australia that the legislation would be effective from 1 July 1980, the Government cannot accept the amendment.

The Hon. R. G. PAYNE: We have just heard an interesting effort to get out of a statement of principle made in this House four years ago, the details of which were recounted to this House by the member for Stuart, who referred to terms such as "abhorrence", "utter repugnance", "never now or in the future", and so on, which were applied in regard to retrospectivity in relation to any Bill or matter whatever. Honourable members have just heard the most amazing statement from the Minister that the West Beach Recreation Trust took advantage of its position. What a load of nonsense that claim is. The clause in the Bill that we are seeking to amend provides:

The trust and all real property of the trust shall be exempt from any rates or charges payable under the Waterworks Act or under the Sewerage Act.

Because it is in the law, the trust is accused of taking advantage of it. I have never before heard such an incredible explanation. This is a law of this State. The law provides that the trust is exempt from those charges and rates, yet the Minister says that the trust took advantage of it. That is absolute nonsense.

The Minister also said that this provision is not retrospective because, he told them that he was going to do it. The Minister said to this House, "I will give notice about a matter and it will become law." How on earth can the Minister advance such an argument? Are there not two Houses comprising this Parliament? How does the Minister know that the measure will pass in another place? How does a statement by him become an edict? I was under the impression that we were still in a democracy, even though a Liberal Government was in office. It has not had time to change that.

The Minister made an amazing statement: he said that the trust had been given notice and that, because he had given notice, it would be the law. I cannot really believe that the Minister realised what he was saying.

I will concede this much: if the Minister had given the notice on the date specified (he certainly quoted the date) and he had then proceeded with some expedition in the matter, at least one might argue from his point of view that the trust had the notice which was then followed by action. However, in this case the measure was introduced in October, months after he made the statement. Surely it is not all that complicated to take out the words "or charges" from a clause to meet this requirement. That is all that we are doing in this case, yet it took until 28 October to get into this House. Then, the Minister did not proceed with it, anyway, because, as I have already related, it had not really been checked out with a number of other groups.

Mr. Keneally interjecting:

The Hon. R. G. PAYNE: The member for Stuart has put it in a nutshell, but it still bears some small re-examination. The honourable member pointed out that you, Sir, and others have in the past quoted word for word from the relevant page of *Hansard*, indicating that in no circumstances would retrospectivity apply, either now or in the future. The matters that were involved in the past related, for example, to a man who blatantly misused the State and failed to pay certain revenues that were due to the State. When the then Government tried to put that on a retrospective basis, the then Opposition said, "Tough cheese; that was the law at the time and it is unfair to make it retrospective." Now, we have a situation where the law provides that an organisation is in that position. We need not canvass why, but clearly in the Act the trust was exempt from both rates and charges.

The Hon. P. B. Arnold interjecting:

The Hon. R. G. PAYNE: That is not the point at issue at all. I never levied anyone. The Minister in the House has the responsibility now, but he is trying to get away with retrospectivity in a manner that is just not fair. Further, it is highly significant that the member for Hanson has left the Chamber because the West Beach Recreation Trust is located in his district, and no doubt he thought better than to have another test of his principles, in the verbal sense. He has therefore left the House for that reason. I ask the honourable member—

The CHAIRMAN: Order! I point out to the member for Mitchell that he is not supposed to impute motives to another member in relation to the member for Hanson.

The Hon. R. G. PAYNE: I am sorry, Sir, but you anticipated me. I was about to ask the member for Hanson to come in and vindicate himself so that the words that I had used could be proved to be wrong. That is a fair statement. I think that the honourable member has a view on this matter but that he may have been asked to leave. I am not suggesting that he is necessarily at fault, but I would have thought, as all members do on occasion, that he would be in here fighting for something in his district. This is an area in relation to which his support would probably be appreciated. Honourable members know what the West Beach Recreation Trust is and, if it is a matter of $7 000, surely that sum will not be taken out and spent on dinner or the like. The trust is struggling to make ends meet, anyway.

The Hon. P. B. Arnold: The figure is $27 800.

The Hon. R. G. PAYNE: So, that is the price of the Minister's principles. He does not believe in retrospectivity except when it is likely to be $27 000 or more. That is an interesting thing to know about the Minister. The Minister needs to examine carefully his own logic and thoughts on this matter. I do not believe it warrants my going on any longer, because it will be apparent to people who read *Hansard*, including trust members, how the Minister justified this unfair action in making this measure retrospective. Even if it was simply an oversight on the part of the Minister, it has been clearly drawn to his attention by Opposition members that he is about to make a fundamental error in fairness. If the Minister then decides not to take any notice of that, his actions in the matter will be quite clear, and I will rest on that alone.

I believe that the Opposition has said sufficient to the Minister and his colleagues to indicate that, if ever a matter called for a stand on principle, this is it. The Minister should no longer put up weak arguments as he

has done: he should decide to do the right thing and support my amendment.

Mr. KENEALLY: I am not opposed to retrospectivity in principle. Where the occasion warrants retrospectivity, it is quite within the responsibility or authority of this Parliament or Committee to vote for retrospectivity. I do not believe that this matter should necessarily be the subject of retrospectivity. Also, I do not believe that the Government's financial position is so bad although the Government has a $10 000 000 deficit, which is bad enough, as to require the Minister to impose this burden on an organisation that is acting within the law.

I point out to the Committee that the arguments and the rhetoric that we have used in the debate on this clause are Liberal Party arguments and rhetoric. We are merely quoting back to the members of the Government what they said a few years ago. We want to know, and I think we ought to know, why retrospectivity is now acceptable to the Government when it was not acceptable before. The Opposition's position now is as it has been always—retrospectivity is not a desired action for a Government to take, but, where the occasion warrants it, that action ought to be taken. That was our position previously, and it is our position now. That was not the position, Sir, of you and your colleagues a few short years ago. I believe that any person who maintains that he or she is principled (and fortunately the "she" in this case was not in the House during the debate I am talking about, but I know she will share the shame, humiliation and embarrassment of her colleagues) would on this occasion vote in accordance with the so-called principled stand that they took in 1976, and subsequent to that, on a taxing measure.

The Minister said that an organisation was taking advantage of the law. That point was made again and again by Liberal Party Opposition speakers in 1976. They said that the Government should not penalise a person who took advantage of the law, or, rather, acted within the law, which they said was a perfectly reasonable course of action to take. Their attitude towards that, as towards retrospectivity, has changed. It has been put to me by one of my colleagues that the Liberal Party's attitude towards retrospectivity is, in itself, retrospective and that members opposite have made it retrospective to 1976. I oppose the clause.

Mr. RUSSACK: I oppose the amendment. As I shall be supporting the Minister in this matter, I would like to refer to *Hansard* of 12 June 1980 where it reports the Minister's statement about water and sewerage charges. I will not read all of the Minister's statement, but I wish to inform the House of what the Minister said on that occasion before he made his statement, as follows:

> I give notice that it is the intention of this Government to introduce legislation in the August session amending the Waterworks Act, 1932-1978, the Sewerage Act, 1929-1977, and the West Beach Recreation Reserve Act, 1954-1975. The need for this action arises out of problems encountered by the Government in recovering charges for water supplied and for sewerage services provided, which are made in substitution of rates determined on the value of property.

I consider that that is a totally different situation from that of the Minister coming into this House without any prior warning and without making any statement as he made in June prior to the commencement of the present financial year, when those who are involved were enlightened about the intentions of the Government and about what the Minister was to do in taking this action. Therefore, that is totally different from retrospective legislation about which there has been no indication. I suggest that the examples given tonight by the member for Stuart concerned legislation brought into this House which was retrospective and which was introduced without any warning by the Government. This situation is totally different, and that is why I am prepared to support the Minister in his action and to say that he acted properly and in a wise and informative manner. The Minister did everything necessary to inform those who would be involved in this matter. I oppose the amendment.

The Hon. R. G. PAYNE: I rise to record briefly that in my opinion every member who votes against my amendment is indicating that the price of his principle in this matter is $27 000.

Mr. RUSSACK: I refute what the member for Mitchell has just said. I have not considered money to be bound up with my attitude concerning this measure and this amendment. I have clearly stated that I will not support the amendment because I consider that the Minister informed everybody about this matter in an honourable way and with good intention. I refute the statement made by the member for Mitchell about principle involving an amount of money.

The Committee divided on the amendment:

Ayes (17)—Messrs. Abbott, L. M. F. Arnold, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, McRae, O'Neill, Payne (teller), Peterson, Plunkett, Slater, Trainer, and Whitten.

Noes (20)—Mrs. Adamson, Messrs. Allison, P. B. Arnold (teller), Ashenden, Becker, Billard, Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, and Wilson.

Pairs—Ayes—Messrs. Bannon, Corcoran, Langley, and Wright. Noes—Messrs. Blacker, Brown, Lewis, and Wotton.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clause 3 passed.

Clause 4—"Exemption from sewerage rates."

Mr. TRAINER: With regard to some of the exemptions from rates and charges, do those apply to large sporting bodies such as the Morphettville Racecourse?

The Hon. P. B. ARNOLD: The criteria are set out in the legislation, to which, I think, the member for Mitchell referred. It applies to either charitable organisations or sporting bodies to which the public have total access and where the profits or any money derived from the operations of that sporting facility are totally returned back into that sporting facility or sporting ground.

Clause passed.

Clause 5 and title passed.

The Hon. P. B. ARNOLD (Minister of Water Resources): I move:

That this Bill be now read a third time.

The Hon. R. G. PAYNE (Mitchell): I do not want to allow this occasion to pass, with the Bill in its present condition, despite my efforts to have it arrive at this third reading stage in a somewhat different condition, without pointing out that it has at least afforded the Opposition the opportunity to see how principled the Government is in relation to the matter of retrospectivity.

Bill read a third time and passed.

ADJOURNMENT

At 11.35 p.m. the House adjourned until Thursday 12 February at 2 p.m.