

LEGISLATIVE COUNCIL

Tuesday, August 14, 1973

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS**PRICES**

The Hon. R. C. DeGARIS: I seek leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: I do not know exactly how to explain my question, but the Chief Secretary, being a very intelligent Minister, will no doubt understand what I require. The Commonwealth Prices Justification Tribunal is empowered, I believe, to require all manufacturing companies with a turnover of \$20,000,000 or more a year to justify before it any price increases they may require. Will the Chief Secretary ascertain the position where, say, four companies in South Australia make a similar product and sell to relatively the same market, three having sales in excess of \$20,000,000 a year and one having sales of less than \$20,000,000 a year, all of which companies are under price control for their products in South Australia? There appears to me to be a conflict.

The Hon. A. F. KNEEBONE: I will obtain a reply for the Leader.

DENTISTS

The Hon. JESSIE COOPER: I seek leave to make a statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. JESSIE COOPER: In an interview reported on the Australian Broadcasting Commission radio news on July 6 and on channel 2 television news on July 7, Dr. F. R. Henning, Federal President of the Australian Society of Periodontology, stated that periodontal disease (pyorrhoea) is the most common disease of man and that, although Australian dentists are without peer in their skill in restoring teeth, they are not skilled in treating periodontal disease. He stated that the disease started in childhood and was commonly ignored. However, by the age of 12 years, most children have inflammation of the gums; by the age of 25 years, 50 per cent of the population has detectable pyorrhoea, and by the age of 40 years many people have lost, or are about to lose, teeth from pyorrhoea. I understand that the disease is preventable and, even in its advanced stages, it is capable of being treated.

However, if what Dr. Henning has said is correct, Australia's dentists are not being trained to detect and treat the disease. Because of the importance of this aspect of dental health, can the Minister say whether he is aware that since 1963 this matter has been under consideration in the appropriate quarters? Is he also aware that in April, 1971, a subcommittee was appointed by the dental faculty of the University of Adelaide to inquire into the problem as a matter of urgency; is he also aware that in June, 1973, when that subcommittee finally made a report, yet another committee was appointed by the faculty to co-ordinate teaching? Will the Minister ascertain for me (1) how many full-time staff of the dental school are teaching this subject; (2) whether the dental faculty is satisfied with the extent of teaching in this area of dentistry; (3) if there is a staff shortage in this area, what steps can be taken to provide extra staff and to

improve teaching; (4) if the position shows no promise of noticeable improvement will the Minister consider the possibility of the Government's sponsoring some quick action in this area of public health?

The Hon. D. H. L. BANFIELD: The honourable member has asked several questions and, while I am in a position possibly to answer some of them, I know she would like them all answered at the same time. I shall make inquiries and bring back a reply as soon as possible.

LAURA-CALTOWIE ROAD

The Hon. R. A. GEDDES: Has the Chief Secretary a reply to the question I directed recently to the Minister of Transport regarding repairs to the Laura-Caltowie Road?

The Hon. A. F. KNEEBONE: My colleague has provided the following reply:

The design for the Laura railway crossing section of the Laura-Caltowie Road has been completed by the Highways Department and land acquisition is in progress. The work involved is programmed to be done in the 1974-75 financial year, subject to present priorities remaining unaltered. The records available to the Highways Department show that seven accidents have occurred on the section of road in question since 1965, with two since and including 1969. No deaths or involvement with trains occurred in these accidents. The cause of most of them was excessive speed.

PLANNING LEGISLATION

The Hon. C. M. HILL: I seek leave to make a short explanation prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. C. M. HILL: The Planning and Development Act has been criticized severely by the South Australian Full Court. This matter received publicity in the press yesterday and today, and in today's newspaper His Honour the Chief Justice was reported to have said that the deplorable and chaotic state of the legislation should be drawn to the attention of Parliament. The Governor's Speech, in setting out the Government's legislative programme for the current session, did not make direct reference to proposals to improve the Planning and Development Act. Can the Chief Secretary, as Leader of the Government in this Council, say whether the Government intends to review the legislation in the light of such significant criticism and, if so, when any change can be expected?

The Hon. A. F. KNEEBONE: I assure the honourable member that Cabinet will investigate the statements made in relation to the Act. We shall look at the situation.

COOBER PEDY

The Hon. A. M. WHYTE: Has the Chief Secretary a reply to a question I asked on July 26 about the upgrading and maintaining of roads in the Coober Pedy area?

The Hon. A. F. KNEEBONE: The Coober Pedy Progress Association was given an undertaking by the Highways Department that the road in question would be graded at approximately monthly intervals, depending on the state of the Stuart Highway. Since October, 1972, conditions on the Stuart Highway have been such that the Highways Department's resources have been almost entirely engaged in keeping this main highway open to traffic. The matter of additional road maintenance in and around Coober Pedy is being considered by the department at present. As it appears that further work is indeed warranted, appropriate arrangements will be made for this to be carried out as soon as possible.

WORKERS' COMPLAINTS

The Hon. JESSIE COOPER: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Labour and Industry.

Leave granted.

The Hon. JESSIE COOPER: On page 9 of today's *Advertiser*, under the heading "Job 'complaints' service", the following statements are made:

South Australian workers who feel they are being discriminated against by their employers can now ask for help. The number to ring is—

and a telephone number is given. The article continues:

At the other end of the line will be Mrs. Christine Pentelow, 22, of Belair, an officer of the Department of Labour. Those unable to telephone can write to Mrs. Pentelow, care Department of Labour, 99 Currie Street. Her job is to sift workers' complaints and pass them to the newly formed South Australian Committee of Discrimination in Employment and Occupation. The committee held its first meeting in Adelaide yesterday. The Chairman is Mr. E. F. Johnston, Q.C. The committee's basic terms of reference in alleged cases of discrimination cover race, color, sex, religion, political opinion, national extraction and social origin. Similar committees have been established in all States to coincide with formation of a national committee.

Does this statement, as published, emanate from the Minister's department and, if so, is it true that similar committees have been sponsored by the Governments of all the other States?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague and bring down a reply.

SOUTHERN DISTRICT BY-ELECTION

The Hon. Sir ARTHUR RYMILL: I seek leave to make a short statement before asking a question of you, Mr. President.

Leave granted.

The Hon. Sir ARTHUR RYMILL: Mr. President, the best form of defence is often said to be attack. Last week, according to the newspapers, a question was asked in another place affecting members of this Chamber. I understand that the Acting Premier undertook to communicate with you for a report. I should like to ask, if I may, with great respect, whether such communication has been made with you and, if so, whether you have had time to reply; and, if so, whether you would be good enough to inform this Council of the nature of your reply.

The PRESIDENT: I did receive a communication, to which I have replied. The letter I received was dated August 8, and it read as follows:

Dear Mr. President, I refer to the question from Mr. Hall, M.P., regarding "Southern District Election" on August 7, 1973. It would be appreciated if you could examine this matter and take whatever action, if any, you consider may be necessary Yours faithfully, (signed) Don Dunstan, for Deputy Premier and Minister of Works.

To that letter I replied on August 10:

Dear Mr. Minister, In reply to your letter of August 8, I should first of all draw your attention to the fact that the Standing Orders of both Houses prohibit members from reflecting on either House or the members thereof (see Appendix "A" attached), and the allegations made by Mr. Hall appear to me to be out of order as being injurious reflections upon members of a House of Parliament.

Turning to Appendix "A", it states: House of Assembly Standing Order No. 151 is as follows:

No member shall use offensive words against either House of Parliament, or, unless moving for its repeal, against any Statute.

Legislative Council Standing Order No. 193 states:

The use of objectionable or offensive words shall be considered highly disorderly; and no injurious reflections shall be permitted upon the Governor or the Parliament of this State, or of the Commonwealth, or any member thereof, nor upon any of the judges or courts of law, unless it be upon a specific charge on a substantive Motion after Notice.

The following is an extract from Erskine May's *Parliamentary Practice*, 9th Edition, page 371:

It is obviously unbecoming to permit offensive expressions against the character and conduct of Parliament to be used without rebuke; for they are not only a contempt of that high court, but are calculated to degrade the legislature in the estimation of the people. If directed against the other house, and passed over without censure, they would appear to implicate one house in discourtesy to the other; if against the house in which the words are spoken, it would be impossible to overlook the disrespect of one of its own members. Words of this objectionable character are never spoken but in anger; and, when called to order, the member must see the error into which he has been misled, and retract or explain his words, and make a satisfactory apology. Should he fail to satisfy the house in this manner, he will be punished by a reprimand, or by commitment. It is most important that the use of such words should be immediately reprovved, in order to avoid complaints and dissension between the two houses.

My letter continued:

The allegations concerning "the misappropriation of taxpayers' resources that may have occurred in the Legislative Council" is a very serious one which warrants an immediate and complete investigation by the Auditor-General, or his predecessor in office (who is a member of the Parliamentary Salaries Tribunal) if he is too busy to undertake it personally, and I ask that he be requested to undertake a complete investigation into all the privileges granted to members of this Parliament and to report any abuses thereof by any member of the Parliament.

My own inquiries have revealed the following information regarding postage stamps. Since 1951, Council members have been given 60 postage stamps a month (at present valued at \$4.20) compared with 200 (at present valued at \$14) for Assembly members. In addition, members of both Houses are permitted to hand in letters—without limitation—for stamping and despatch. The average monthly cost of stamps for 1972-73 in the Council was \$220 a month and the cost for July, 1973, of Council stamp purchases was \$210, compared with \$1,901 for the Assembly. I have no reason to believe that there has been any abuse of the postage stamp issue since the issue of the writ for the Southern by-election, or at any other time. However, from experience as a private member, I realize that the 60-postage stamp limit, which has applied for the last 22 years, is not commensurate with the increased number of electors. I do know that all L.C.L. members made cash contribution to a fund to cover postal expenses incurred in connection with the by-election.

Stationery supplies—No record has ever been kept of issues of stationery to individual members but the figures indicate that there has not been any excessive use of stationery by Council members in respect of the by-election. The figures for July, 1973, are as follows:

Source of Supply	Council	Assembly
	\$	\$
Government Printer.....	203.73	757.50
State Supply Department . .	112.14	1,596.35
July 1973 purchases	315.87	2,353.85
Averages over all members .	15.79	50.08
Averages excluding Ministers	18.58	60.35

Duplication facilities—The Council has no facilities of its own for duplication of material but the facilities of both the House of Assembly and of the Parliamentary Library are used, and the rules laid down by both authorities have been strictly observed by Council officers authorized to use the equipment. The President has been the arbiter in cases where doubt existed on the nature of the material requiring to be duplicated (see *Hansard* 1960, page 475). I have personally refused permission on numerous occasions when the nature of the material warranted such a refusal. That there have been abuses of this privilege by others than

Council officers and members is evidenced by the action taken by Mr. Speaker Ryan on August 1, 1973, but the records will show that all usages by the Council have been recorded in the book provided.

Telephone services—The Chief Secretary's office recently drew attention to the rapidly rising cost of telephone calls from Parliament House. I was very concerned to learn that there has been an increase of \$6,546.11 in the cost of calls made in the first half of 1973 compared with that of the first half of 1972. This indicates excessive use during a period when a general election was held, since when I understand House of Assembly members with electorate offices have been given permission to reverse the charges on calls made to Parliament House. There appears to be no way in which this item of expenditure can be controlled other than to restrict S.T.D. calls to one or two lines through the switchboard.

Council sittings—The allegation that the sittings of the Council have been arranged to facilitate electioneering opportunities for council members can best be answered by the attached Appendix B showing the years over which adjournments have occurred early in the session awaiting legislation from the House of Assembly. There is nothing unusual in the present adjournment as all members will know.

I seek leave to have Appendix B inserted in *Hansard*, which shows the occasions since 1950 on which the Legislative Council has adjourned for a period after the completion of the Address in Reply debate, without my reading it.

Leave granted.

APPENDIX B

Session

- 1950 Council adjourned from August 3 to August 22. Adopted August 2 and presented August 3.
- 1951 Council adjourned from August 1 to August 21. Adopted August 1 and presented August 21.
- 1952 Council adjourned from July 30 to August 19. Adopted July 30 and presented August 19.
- 1953 Council adjourned from July 29 to August 18. Presented July 29.
- 1954 Council adjourned from July 29 to August 17. Adopted July 29 and presented August 18.
- 1955 Council adjourned from June 1 to June 14. Adopted June 1 and presented June 14.
- 1956/57 Council adjourned from May 24 to August 14. Presented May 24.
- 1957 Council adjourned from August 21 to August 27 and August 27 to September 3. Adopted August 21 and presented September 3.
- 1958 Council adjourned from July 31 to August 12. Presented July 31.
- 1959 Council adjourned from July 30 to August 18. Presented July 30.
- 1960 —
- 1961 Council adjourned from August 3 to August 15. Presented August 3.
- 1962 Council adjourned from August 2 to August 14. Adopted August 2 and presented August 14.
- 1963/64 —
- 1964 —
- 1965/66 Council adjourned from June 17 to June 29. Presented June 17.
- 1966/67 —
- 1967 —
- 1968/69 Council adjourned from August 1 to August 13. Presented August 1.
- 1969 —
- 1970/71 Council adjourned from July 30 to August 11. Presented July 30.
- 1971/72 Council adjourned from July 29 to August 10. Presented July 29.
- 1972 Council adjourned from August 2 to August 15. Presented August 2, but summoned to meet on August 10.
- 1973 Council adjourned from August 7 to August 14. Presented on August 7.

The PRESIDENT: It will be noticed that on all but six occasions the Council has adjourned after the conclusion of the Address-in-Reply debate pending business arising from another place. My letter continued as follows:

In conclusion, I should like to state that under the new constitution of the Council, Council members will represent the whole of the State and their privileges and allowances should bear some comparison with State Senators.

Yours faithfully,
(signed)

A. LYELL MCEWIN, President of the Legislative Council

SILO RATES

The Hon. C. M. HILL: Although I realize that my question is basically a local government matter, I believe it also involves the Minister of Agriculture. Can the Minister say whether the Government intends to introduce legislation this session to alter the system of rating for wheat silos in country areas?

The Hon. T. M. CASEY: This matter is now before the Minister of Transport, who has held discussions with South Australian Co-operative Bulk Handling Limited. I understand that agreement has been reached on this problem, which has existed for a long time. I am unable to say anything further, because I have no additional information. However, I know that this is a very live subject at present.

INDUSTRIES DEVELOPMENT COMMITTEE

The Hon. R. A. GEDDES: Has the Chief Secretary, representing the Premier, a reply to my question of July 24 regarding oversea companies that will receive a 25 per cent tariff reduction on imports into Australia?

The Hon. A. F. KNEEBONE: Cases of hardship in industry resulting from the Commonwealth Government's tariff cuts should be referred to the Industrial Development Division of the Department of the Premier and of Development, which is in close contact with the Commonwealth in this regard. As the honourable member will know, the Commonwealth Government has stated that it will be willing to examine such cases. Indeed, the appointment of a tribunal has been made, and there would appear to be no need for our Industries Development Committee to be involved in industry representation on this matter.

INTAKES AND STORAGES

The Hon. M. B. DAWKINS: Has the Minister of Agriculture a reply to my question of July 31 about our reservoirs intakes and storages? Although I have seen press reports in the meantime, I ask my question with regard to the whole State, because shortly all honourable members here will represent the whole State.

The Hon. T. M. CASEY: The Minister of Works has supplied me with comprehensive information on the present levels of reservoirs in this State and their storage capacities, which indicates a most satisfactory situation. I seek leave to have the table incorporated in *Hansard* without my reading it.

Leave granted.

Reservoir	Capacity megalitres	STORAGES	
		Storage holding in megalitres	
		31/7/73	31/7/72
Mount Bold . . .	47 300	33 231	26 104
Happy Valley . .	12 700	10 707	9 119
Myponga	26 800	19 713	19 198
Millbrook	16 500	10 005	4 987
Kangaroo Creek .	24 400	3 917	6 096
Hope Valley . . .	3 470	2 453	2 473
Barossa	4 510	3 450	3 719
South Para	51 300	22 477	34 846
Warren	6 370	4 585	1 364
Bundaleer	6 370	2 853	2 987
Beetaloo	3 700	477	1 436
Baroota	6 140	2 305	0
Tod River	11 300	6 373	8 028

The Hon. T. M. CASEY: I am also advised that the present total storage in the metropolitan area is the same as the quantity held on July 31, 1972. It is expected that about 55 000 *Ml* will be pumped into the system from the Murray River, and this would be a similar quantity to that pumped last year, which was not a high pumping year. The holdings in the country reservoirs are considered to be satisfactory and can be supplemented from other sources if necessary.

ABATTOIRS

The Hon. C. M. HILL: Can the Minister of Agriculture say whether any over-award or service payments have been granted to abattoirs employees within the last three months and, if so, when were they granted and what was the extent of such increases? Secondly, can he also say whether any representations have been made by the salaried staff at the abattoirs for similar concessions and, if so, whether such demands have been met?

The Hon. T. M. CASEY: I will endeavour to obtain the information for the honourable member.

GAWLER BY-PASS

The Hon. M. B. DAWKINS: Has the Chief Secretary, representing the Minister of Transport a reply to my question of July 25 regarding the Gawler by-pass, the possibility of improvements to it, and of its eventual duplication?

The Hon. A. F. KNEEBONE: Proposals have now been developed by the Highways Department to improve safety on the Gawler by-pass. These proposals will be discussed by the department with the local councils concerned later this year with a view to implementation next year, subject to the availability of funds and resources. The department is also investigating proposals for long-term major improvements to the by-pass, including the possibility of duplication.

DOCTORS' FEES

The Hon. R. C. DeGARIS: I seek leave to make a statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. R. C. DeGARIS: Concern is being expressed at the crisis that has developed between the Government and the medical profession, because many areas of the State may be left without adequate medical services if the crisis continues. Can the Minister say what proposals, if any, the Government has to provide adequate medical coverage for the people of South Australia if this confrontation continues?

The Hon. D. H. L. BANFIELD: The Government's primary concern is to see that common sense prevails as far as doctors are concerned. As the Government is making every endeavour to overcome the problem that has arisen I hope that it will not be long before the doctors realize that they are subject to the laws of the land, the same as everyone else is. I hope that sanity will prevail in this situation.

STATUTES CONSOLIDATION

The Hon. F. J. POTTER: Will the Chief Secretary obtain a report for me on the latest position concerning the consolidation and reprinting of this State's Statutes? As it is a long time since the original printing in 1936, it is becoming increasingly difficult to find one's way through the Statutes, because of the enormous number of volumes on our shelves now.

The Hon. A. F. KNEEBONE: I will bring down a report as soon as it is available.

RAILWAY PROJECTS

The Hon. C. M. HILL: I seek leave to make a statement prior to asking a question of the Minister of Health, representing the Minister of Transport.

Leave granted.

The Hon. C. M. HILL: In the *Railway News* publication issued in February, 1973, under the heading "Management services division list of projects" appears a list of projects; and the wording of one item states:

A comprehensive investigation of the road motors section aimed at improving its effectiveness in complementing rail operations. This project has just commenced.

Will the Minister ascertain whether this project has been concluded and, if so, what its findings were? Secondly, will he also ascertain whether the Government agrees to the greater use by the railways of road freight vehicles?

The Hon. A. F. KNEEBONE: I should inform the honourable member that I have been appointed Acting Minister of Transport and also Acting Minister of Local Government while the Minister is overseas. I will get a report for the honourable member regarding the questions he has asked.

TEACHER'S SALARY

The Hon. C. M. HILL: Will the Minister of Agriculture ask the Minister of Education whether a reply can be obtained to the question I asked in this Chamber on June 21 last; also, with the reply, will the Minister obtain some explanation for the delay?

The Hon. T. M. CASEY: Yes.

TUBERCULOSIS

The R. C. DeGARIS: Has the Minister of Health a reply to the question I asked recently regarding tuberculosis?

The Hon. D. H. L. BANFIELD: Children in second year, or in some cases third year, at Government and private high schools are offered a tuberculin skin test and, if the test proves negative, are advised to have B.C.G. vaccination. Because of the low rate of tuberculosis in South Australia, it is thought advisable to offer this protection to children just before school-leaving age. In their fields of employment it is expected that they will possibly have more chance of contact with tuberculosis than in their own home and school environments, so this protection is offered at that age. B.C.G. vaccination is also advised for nurses, medical students, and others who may be in close contact with cases of tuberculosis, and for family contacts of cases of this disease. It is given also to certain other groups in the community which may have close contact with tuberculosis, such as servicemen proceeding overseas, police recruits, etc. There is no indication for more widespread use of B.C.G. vaccination in South Australia at the present time.

RADIO-ACTIVITY

The Hon. R. C. DeGARIS: Has the Minister of Health a reply to my recent question concerning radio-activity?

The Hon. D. H. L. BANFIELD: My reply relates also to the question asked by the Hon. M. B. Cameron. The current programme of testing for gross beta activity at the Bolivar laboratory comprises:

1. The examination of rainwater as collected by a standardized procedure (as opposed to rainwater tanks). Locations include Bolivar and areas adjacent to the Hope Valley and Happy Valley reservoirs and the Blue Lake, Mount Gambier.
2. The examination of water samples from the Hope Valley and Happy Valley reservoirs in the proximity of the respective intakes just below the surface.

3. The evaluation of samples from the metropolitan Adelaide distribution system.
4. The examination of samples of rainwater tanks at Stirling and Glenelg as indicated by the results of freshly collected rain.
5. The examination of soil from locations adjacent to the Hope Valley and Happy Valley reservoirs.

In this programme the frequency of examination of water storages will be dependent on the results of the rainwater samples analysed. The number of samples which can be processed by the laboratory is limited, particularly when low levels of radio-activity are determined. The maximum possible concentration of radio-activity in any rainwater tank would be equivalent to the results obtained from rainwater collected during periods of rainfall. However, the radio-activity of water in any storage will decrease markedly with time because of the short half-life of the radio isotope involved. World Health Organization's standard is 1 000 pico-curies a litre. Results obtained in previous years from rainwaters in the Adelaide Hills were generally comparable with those from other areas, including Bolivar. However, the level of radio-activity in rainwater in any particular area could be affected by a number of variable factors, only one of which is the amount of rainfall received. The most recent results of radio-activity levels in rainwater (precipitation) are given below:

Location	Date	Total beta activity pico-curies a litre
Hope Valley.....	5/8/73	19.8
Happy Valley.....	5/8/73	5.5

These results at Hope Valley are only marginally higher than the normal level of 4 to 6 pico-curies a litre. Monitoring of radio-activity in rainwater is continuing.

AGRICULTURAL CHEMICALS

The Hon. R. C. DeGARIS: Has the Minister of Agriculture a reply to my recent question concerning agricultural chemicals?

The Hon. T. M. CASEY: The Chief Agronomist, in his *Country Hour* comment on April 26, 1973, was referring to a Letter to the Editor that appeared in the *Advertiser* on April 6, 1973, under the heading "Stresses dangers from herbicides". The public meeting referred to in the same comments was organized by the Weed Science Society and held in the Clunies Ross Centre in the Institute Building on the corner of Kintore Avenue and North Terrace at 8 p.m. on Monday, April 9, 1973.

JOINT COMMITTEE ON CONSOLIDATION BILLS

A message was received from the House of Assembly requesting the concurrence of the Legislative Council in the appointment of a Joint Committee on Consolidation Bills. The three persons representing the House of Assembly on such a committee would be the Hons. D. A. Dunstan and L. J. King, and Mr. Chapman.

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

That the Assembly's request be agreed to and that the members of the Legislative Council to be members of the Joint Committee be the Chief Secretary, the Hon. R. C. DeGaris and the Hon. Sir Arthur Rymill, of whom two shall form the quorum of Council members necessary to be present at all sittings of the committee.

Motion carried.

CONSTITUTION CONVENTION

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

That whereas the Parliament of South Australia, by joint resolution of the Legislative Council and the House of

Assembly adopted on September 26 and 27, 1972, appointed 12 members of the Parliament as delegates to take part in the deliberations of a convention to review the nature and contents and operation of the Constitution of the Commonwealth of Australia and to propose any necessary revision or amendment thereof and whereas the said joint resolution provided that eight such delegates should be appointed by the House of Assembly and four should be appointed by the Legislative Council and whereas the said joint resolution further provided that the four delegates appointed by the Legislative Council should be the Hons. D. H. L. Banfield, R. C. DeGaris, L. R. Hart and Sir Arthur C. Rymill and whereas the said joint resolution further provided that each appointed delegate should continue as a delegate until he ceases to be a member of the Parliament or until the House by which he has been appointed otherwise determines, now it is hereby resolved that this House hereby appoints the Hon. J. M. Cooper in the place of the Hon. L. R. Hart, who has ceased to be a member of the Parliament.

Motion carried.

**WEIGHTS AND MEASURES ACT
AMENDMENT BILL**

The Hon. A. F. KNEEBONE (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Weights and Measures Act, 1971. Read a first time.

FIRE BRIGADES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 7. Page 185.)

The Hon. R. C. DeGARIS (Leader of the Opposition):

This is a relatively small Bill, its only purpose being to increase the minimum and maximum fines for tampering with any fire alarm system or giving any false alarm of a fire. I agree wholeheartedly with the Government's contention that the present range of fines in the Act is inadequate. At present, for a first offence of giving a false fire alarm a fine of not less than \$4 or more than \$20 and, for subsequent offences, of not less than \$20 or more than \$200, is provided. Under this Bill, it is proposed to increase those fines to a minimum of \$20 and a maximum of \$500 for a first offence, and to a minimum of \$100 and a maximum of \$1,000 for subsequent offences. Of course, the alternative punishment of imprisonment still remains for giving a false fire alarm.

The number of false fire alarms received by the Fire Brigade in the 12 months ended June 30, 1972, was the staggering figure of 553. Whereas I agree with the Government that it is difficult to apprehend the culprits in such crimes, nevertheless I believe a reasonable deterrent in the size of the fine is a necessary preventive measure. One must admit that a minimum fine of \$4 is hardly a deterrent. As I have always contended, and most honourable members of this Council have always contended, penalties for serious crimes should be severe enough to act as a deterrent. The argument often advanced these days by many people that penalties are of no value in preventing crime and that we should take a more enlightened approach to this matter, concentrating on rehabilitation and not on punishment, does not quite fit in with my views.

I support any change in relation to improving the rehabilitative processes that the Government has for criminals, but nevertheless I consider that penalties should be such as to provide a deterrent to the committing of crimes. I believe that penalties do have a deterrent effect on criminals. Even the giving of a false fire alarm is a serious crime as it can cause considerable suffering, cost and hardship to the community. Therefore, I support the Bill.

The Hon. C. M. HILL (Central No. 2): I, too, support the Bill. I should like the Government to consider further publicizing the penalties that can flow from the giving

of false fire alarms. Honourable members will recall that a year or two ago a lady driver was killed in an accident with a Fire Brigade vehicle that was answering a false alarm call. The lady, who died in such tragic circumstances, lived in the electoral district that I and other honourable members in this place serve. It was a shocking tragedy. If more publicity could be given, there might be fewer false alarms of this kind.

I am pleased that, although the Government has increased the fine under this legislation, it left in it the penalty of a gaol sentence. With the Hon. Mr. DeGaris, I believe that severe penalties are real deterrents to the committing of offences of this kind. If those who were endeavouring to create some mischief of this kind knew that their offences could attract a gaol sentence, they would be less likely to offend; whereas, if they thought there would possibly be only a fine at the end of it, they would be more likely to join in skylarking in this way.

On the occasion to which I have referred, tragedy resulted; so that anything that can be done to ensure that there is not a recurrence of this type of offence should be done. In regard to any positive suggestions for achieving publicity in this matter, I admit it is difficult to find an effective answer. Two proposals, however, have come to my mind. One is that there could well be an item placed in the telephone directory, near the Fire Brigade telephone number for emergency calls, stating that it is an offence to make a false call and also pointing out the possible penalty of a gaol sentence for such an offence.

Also, some publicity to this effect could be given in telephone boxes, because most false alarm calls originate from telephone boxes and not from private telephones. I hope the Government will examine ways and means of giving this matter some publicity so that tragedies such as have occurred can in some way be averted in the future.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

POLICE REGULATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 7. Page 185.)

The Hon. R. C. DeGARIS (Leader of the Opposition): In his second reading explanation the Chief Secretary said:

This short Bill gives effect to an agreement between the Commissioner of Police and the Police Association of South Australia relating to the reorganization of the machinery for dealing with disciplinary inquiries within the force.

The Chief Secretary went on to say that the Police Inquiry Committee would be reorganized; that committee is constituted by regulations under the Police Regulation Act. This Bill provides that the body to which appeals from the Police Inquiry Committee lie should be chaired by a local court judge in lieu of a special magistrate. I should like more information on the Government's proposals in relation to the Police Inquiry Committee. Apart from this matter, I do not object to the Bill and I support the second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): Regarding the Leader's question about the Police Inquiry Committee, I point out that it has been agreed that a recommendation be made that regulation 39 (1) of the regulations made pursuant to the Police Regulation Act be amended as follows:

There shall be a Police Inquiry Committee constituted as follows:

- (a) a special magistrate appointed by the Governor to be Chairman.
- (b) a justice of the peace appointed by the Chairman.
- (c) a commissioned officer appointed by the Commissioner of Police.

The Hon. R. C. DeGaris: There was a special magistrate previously.

The Hon. A. F. KNEEBONE: No; there was someone from the Crown Law Department.

The Hon. A. J. Shard: The police officers did it all themselves.

The Hon. R. C. DeGaris: So, the purpose is to upgrade the police appeal tribunal?

The Hon. A. F. KNEEBONE: Yes. In regard to the Police Appeal Board, it was agreed that a recommendation be made that section 38 (2) (a) be amended to read:

A judge of the Local and District Criminal Courts Department appointed by the Governor to be Chairman. The Bill tidies up the whole matter.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Constitution of board."

The Hon. C. M. HILL: Can the Chief Secretary assure the Committee that a judge can be found who has the necessary time for this work? I hear from senior members of the Judiciary that they have a great amount of work at present and, if anything, the situation is getting worse. In some respects, the Bill provides for something that is theoretical. In his reply to the second reading debate the Chief Secretary said that, because the Chairman of the Police Inquiry Committee was to be a special magistrate, it was thought proper that a more senior member of the bench should preside over the Police Appeal Board, the more senior body. We must bear in mind, of course, that legislation should marry theory and practice. I do not know how much of a judge's time would be involved in the work of the board.

The Hon. A. F. KNEEBONE (Chief Secretary): I would think that, as a result of the upgrading of the disciplinary body, there might not be many appeals. We have recently appointed some additional judges and, if this Bill makes the work load too heavy, we will consider appointing more judges.

Clause passed.

Clause 4 and title passed.

Bill reported without amendment. Committee's report adopted.

SURVEYORS ACT REGULATIONS

The Hon. C. R. STORY (Midland): I move:

That the regulations under the Surveyors Act, 1935-1971, made on March 8, 1973, and laid on the table of this Council on June 19, 1973, be disallowed.

The regulations make it necessary for practising surveyors to make written submissions and to lodge their plans for examination by the Surveyor-General or Registrar-General. In most cases, however, surveyors who are professional men consider that these reports serve no useful purpose and are unnecessary. Other technical matters giving rise to dispute between the department and the profession are illustrated under the regulations. It is understood, however, that agreement has been reached in respect of these contentious matters and the committee considers that the regulations should be disallowed to enable a new set of regulations to be promulgated.

I listened with great interest to the evidence put before the Subordinate Legislation Committee for both sides of the question, and I believe that better regulations could be put before us and that the Surveyors Board would be quite happy to bring better ones forward.

Motion carried.

HENLEY AND GRANGE BY-LAW: FORESHORE CONTROL

The Hon. C. R. STORY (Midland): I move:

That by-law No. 1 of the Corporation of the City of Henley and Grange in respect of bathing and controlling the foreshore, made on May 16, 1972, and laid on the table of this Council on June 19, 1973, be disallowed.

This by-law deals entirely with horses. The members of the Subordinate Legislation Committee made somewhat of a sacrifice, I believe, to get out of bed very early one morning to go to the foreshore at Henley and Grange and look at what was happening there. Horses have been exercised on the beach for about 40 years and the practice does not seem to have killed anyone, nor does it appear to have disturbed many people. When the committee members went to the beach at about 7 o'clock in the morning they saw many horses and three people jogging along the foreshore.

Motion carried.

ENCOUNTER BAY BY-LAW: CARAVAN PARKS

The Hon. C. R. STORY (Midland): I move:

That by-law No. 8 of the District Council of Encounter Bay in respect of caravan parks, made on June 11, 1972, and laid on the table of this Council on November 22, 1972, be disallowed.

In company with other members of the Joint Committee on Subordinate Legislation I inspected caravan parks at Encounter Bay. The committee is of the opinion, and I believe it is also the opinion of many people, that the District Council of Encounter Bay has sufficient powers already to deal with caravan parks within its area. The committee saw some fairly unsavoury caravan parks in the area but believes that the district council has power in its own right to control the matter.

The Hon. C. M. HILL (Central No. 2): I have a high respect for the District Council of Encounter Bay, as I know many of its members personally. I know the District Clerk and some of his staff well and I know the area that the council encompasses very well, too. Can the Hon. Mr. Story tell me whether the district council was given the opportunity to appear before the committee and present evidence to support its contention that the regulation was required? If the council did, then I believe it is reasonable for me to accept that the views of the council were fully considered by members of the committee and will not carry my objection further.

The Hon. C. R. STORY (Midland): I assure the honourable member that all the members of the Joint Committee on Subordinate Legislation journeyed to Victor Harbor and inspected four or five different caravan sites and actually walked over several of them which were found to be most unsavoury.

The committee believes that the city of Victor Harbor and the District Council of Encounter Bay have all the powers within their jurisdiction to control the situation. We found the Clerk most helpful when taking evidence from him and the Chairman, but we believe that unless something is done by the council the committee cannot really help the situation.

The Hon. A. M. WHYTE (Northern): In supporting the motion for disallowance, may I just add that it was believed after taking evidence from the—

The PRESIDENT: Order! We are not in Committee; the Hon. Mr. Story has replied and that closes the debate.

Motion carried.

ADJOURNMENT

At 3.30 p.m. the Council adjourned until Wednesday, August 15, at 2.15 p.m.