

## LEGISLATIVE COUNCIL

Tuesday, September 16, 1975

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

### QUESTIONS

#### FISHING VESSEL

The Hon. R. C. DeGARIS: There has been considerable publicity in relation to the boarding of a fishing vessel recently off Cowell. Would the Minister of Agriculture like to make a statement to the Council regarding the matter?

The Hon. B. A. CHATTERTON: The headline in yesterday's *Advertiser* contained the word "piracy". Of course, that was completely exaggerated, as the fisheries inspectors who boarded the vessel were acting legally under the Fisheries Act, under which they have power to board a vessel, inspect it, and ask its skipper questions. The inspectors can do so when they suspect that illegal fishing activities are being undertaken, and they had good reason to suspect that this was happening on this occasion, as the owner of the vessel did not have a permit to fish for prawns in South Australian waters. For this reason, they went out and boarded this vessel and, in doing so, acted quite legally.

The Hon. R. C. DeGaris: Did they find any prawns?

The Hon. B. A. CHATTERTON: Yes, they did. The inspectors met with a very hostile reaction from the skipper and, although they had power to direct the vessel to the nearest port, they did not do so because they considered that it would be better to withdraw at that stage, as there would obviously have been hostilities had they remained on the vessel. The inspectors therefore withdrew after about half an hour. However, I have not yet received a full report on the incident.

The Hon. R. A. GEDDES: Can the Minister say whether the fishing inspectors had a warrant or some means of identification to give to the skipper of the boat? Is the statement in the press correct that the boat's automatic pilot suffered \$1 000 worth of damage through the actions of the inspectors?

The Hon. B. A. CHATTERTON: All Fisheries Department inspectors are equipped with identification cards showing that they are authorised inspectors.

The Hon. R. A. Geddes: Do you know whether the cards were shown to the skipper on this occasion?

The Hon. B. A. CHATTERTON: I am not sure of that situation. I would be fairly certain that they would have been, because that would be the right procedure; I am sure the inspectors would do that, but I cannot state that categorically. I do not know whether the automatic pilot was broken or whether \$1 000 worth of damage would have been done to it if it had been broken, but I repeat that the inspectors have every authority to direct the boat to port. There was considerable difficulty in relation to the two boats of the inspectors and I believe that at one stage there was a dangerous situation. I think it is unwise for me to go into a great deal of detail until I have received a full report.

#### SITTINGS AND BUSINESS

The Hon. M. B. CAMERON: I seek leave to make a statement before asking the Chief Secretary a question.

Leave granted.

The Hon. M. B. CAMERON: There has been some speculation regarding the sittings of this Parliament and of

this Council. In fact, it was stated in a press report last week that the Government was to give us an eight-month holiday. In other words, Parliament was not going to sit for eight months; in any event, that was the connotation. In view of the speculation that has been raised regarding Parliamentary sittings, and as honourable members have not been told officially whether Parliament is to sit until the end of October and not again until August next year, will the Chief Secretary say when Parliament will be sitting towards the end of this year and again next year?

The Hon. D. H. L. BANFIELD: I was delighted to read in the press that I was to get an eight-month holiday. However, this is something that, as all honourable members know, no member of Parliament can get. Because Parliament is not sitting does not mean that the Government or members of Parliament are on holiday. However, that was the way in which the press tried to sell its papers. The fact remains that when a member of Parliament is not in the House he is out amongst his constituents. Therefore, any possibility of an eight-month holiday is so much hogwash, and the press realised this when it printed its report. It knows that the life of a member of Parliament does not consist solely of coming into Parliament House on North Terrace and returning home: many other things have to be done. In regard to the sittings of the Council, it is true that the Government has been conferring with the Parliamentary Counsel, who, it has been pointed out, has been under some pressure for some time. It is not actually blaming the Parliamentary Counsel for this: legislation has been heavy and they have done a magnificent job. We still have not finally decided what the sittings of the Council will be but I hope that towards the end of this week we will be able to give the information.

The Hon. J. A. CARNIE: Is it not a fact that today the Premier made a statement concerning the sittings of Parliament? In the statement did the Premier say that Parliament would sit on the basis of three weeks on and one week off from now until the end of February, with a few weeks break for Christmas? Is the change in the Government's plans a result of the reaction of the press and of the public toward the previously proposed eight-month break?

The Hon. D. H. L. BANFIELD: As I indicated earlier, the Government has been having discussions with the Parliamentary Counsel. Discussions took place yesterday. Something has developed, and the Premier has possibly made an announcement following the discussions. I am not saying whether or not the Premier has made an announcement, but it would follow—

The Hon. J. A. Carnie: Doesn't he consult Cabinet?

The Hon. D. H. L. BANFIELD: Of course; this was the reason for the discussions, which had to take place with the people involved. Let me tell honourable members opposite that it is the Government's prerogative to call Parliament together when it wants to do so. Let us get that clear.

The Hon. M. B. Cameron: But you don't want too many sittings, in view of the numbers in the other place.

The Hon. D. H. L. BANFIELD: We do not mind how often we sit. If we have the work and the Bills available, we are willing to sit. Sittings on the basis of three weeks on and one week off will enable people to catch up with their work and will enable honourable members opposite to get among their constituents, because honourable members opposite, who are not going too well, are not getting the message from their constituents. So, the plans for the sittings of Parliament may be to the advantage of

members opposite. There has been no change in the Government's policy, which has always been to call Parliament together when it sees fit.

#### WORKMEN'S COMPENSATION

The Hon. F. T. BLEVINS: I seek leave to make a short statement before addressing a question to the Minister of Health, representing the Minister of Labour and Industry.

Leave granted.

The Hon. F. T. BLEVINS: There has been considerable discussion recently concerning the proper interpretation of the Workmen's Compensation Act, as amended from time to time, in relation to the total sum of money that may be payable to an injured workman. This is not a theoretical question. Two situations have arisen. The first is where average weekly earnings prior to the injury were, let us say, \$130 but, because of fluctuating circumstances, the average weekly earnings of an employee in the same classification employed by the same employer subsequent to the injury drops to, let us say, \$110. Some insurers appear to maintain that, in those circumstances, the sum payable under the Act is not \$130 but \$110.

The second situation arises in the following way. A workman is injured and at the point of injury his average weekly earnings are again \$130. However, due to fluctuating circumstances, the award rate for an employee in the same classification employed by the same employer becomes \$150. My attention has been drawn to the decision of the Full Court of the Supreme Court of South Australia in *Rainfords Metal Products Proprietary Limited v. Antoniadis*, delivered on July 3, 1975. It would appear that the situation has now been resolved, in that in the first example I gave the sum payable would be \$130, not \$110. In other words, there is no warrant of any kind to reduce the level of payment below what Parliament intended.

Secondly, it would appear that, in the second example that I gave, the sum payable would be \$150, not \$130—again, on the basis that there is no warrant to interfere with the intention of Parliament. Notwithstanding this recent decision, some insurers are refusing to accept this construction. I therefore ask the Minister for an urgent answer to the following questions: first, am I correct in saying that the Act should be interpreted as I have explained; secondly, if this is so, will the Minister request his colleague to advise insurers as a group of the situation; and, thirdly, if this is so, will the Minister request his colleague upon receipt of details from me to facilitate action against the offending companies in the particular cases I have in mind?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's questions to my colleague.

#### HYPNOSIS

The Hon. C. M. HILL: I seek leave to make an explanation prior to directing a question to the Minister of Health.

Leave granted.

The Hon. C. M. HILL: In the weekend press there was an article under the heading "Hypnosis receives South Australian approval". The article states:

The South Australian Branch of the Australian Society for Clinical and Experimental Hypnosis has won Cabinet approval. This was announced in Adelaide yesterday by the Health Minister, Mr. Banfield, at the opening of the 1975 National Congress of the society. "The necessary regulation is being drafted and I hope it will not be too long before gazettal", Mr. Banfield told the congress at the Australian National Medical Association hall in Brougham Place, North Adelaide. If the regulation was passed, recognition would be given to legally qualified doctors, registered dentists, and psychologists to use hypnosis.

The South Australian Branch of the Australian Society for Clinical and Experimental Hypnosis has been established here, I understand, for a period of about three years. There is another association known as the South Australian Association of Hypnotherapists, which was started in South Australia about 10 years ago. I believe it conducts a three-year course and sets high qualifications for membership. This latter association believes that it has been overlooked and treated badly by the Minister as a result of this press publicity. Can the Minister say whether the Government is by-passing the South Australian Association of Hypnotherapists and dealing only with the South Australian Branch of the Australian Society for Clinical and Experimental Hypnosis in planning the regulations to which the Minister referred in the press article; if this is not the case, will the Minister and the Government consider representations from the South Australian Association of Hypnotherapists before the Government completes the drafting of these regulations?

The Hon. D. H. L. BANFIELD: Representations were made to me yesterday by the South Australian Branch of the Association of Hypnotherapists. I have asked the association to contact my office and make an appointment, so that discussions can be held with it.

#### DRUGS

The Hon. A. M. WHYTE: Has the Minister of Agriculture a reply from the Minister of Education to my question of August 6 about drugs?

The Hon. B. A. CHATTERTON: The Minister of Education informs me that in October, 1970, a memorandum was sent to Principals of secondary schools giving details of drugs, their effects upon children and physical evidence of their use that should be recognised. From time to time this information has again been referred to, and Principals have been asked to keep their staff on the alert. The Secondary Division of the Education Department has a very good working relation with the Drug Squad and interchange of information has been arranged. Apart from isolated instances there is little evidence of any widespread use of drugs by students in South Australian secondary schools.

#### MOUNT GAMBIER ABATTOIR

The Hon. J. R. CORNWALL: I seek leave to make a short statement before directing a question to the Minister of Agriculture.

Leave granted.

The Hon. J. R. CORNWALL: Last week, while in the South-East, it was drawn to my attention that the Mount Gambier Abattoirs Board was concerned over delays in having the Yahl abattoir registered to supply meat to the Mount Gambier area. Has the Minister registered the abattoir; if not, can he indicate whether he is willing to have the works registered; finally, can he also comment on why delays have occurred?

The Hon. B. A. CHATTERTON: Taking the last part of the question, delays have occurred in the matter of registration of an abattoir for the Mount Gambier area, but those delays have been through no fault of my department. The original application for registration of the Yahl works at Mount Gambier was received in my office on August 5. I thought that rather surprising when the contract the Mount Gambier Abattoirs Board had with Borthwicks was to expire on August 11. That was the period that elapsed: between August 5, when the application for registration was handed to me, and August 11, when the Borthwick company contract expired. Since August 11, I have called for reports from my department, from the Central Board of

Health, and from the Engineering and Water Supply Department. The last report I received on Monday from the Central Board of Health showed that the Yahl works was not in a satisfactory condition—

The Hon. M. B. CAMERON: It is the same works as previously.

The Hon. B. A. CHATTERTON: —and it would not be in the public interest to register the works. I have communicated with the Mount Gambier Abattoirs Board, stating that I was not prepared to register the works until the things recommended by the Central Board of Health had been done. I think everyone will be aware that, under the Act, there is no provision for a temporary registration or any registration subject to conditions. The situation is that I am faced with the decision of registering the works as it is, or not registering it. I decided that it would not be in the public interest to register it until the conditions of the Central Board of Health in relation to the health of the people of the district were complied with.

#### SUPERANNUATION

The Hon. J. C. BURDETT: I seek leave to make a brief explanation before directing a question to the Minister of Lands, representing the Minister of Transport.

Leave granted.

The Hon. J. C. BURDETT: In relation to the Railways (Transfer Agreement) Act, many railway employees have been concerned about their superannuation entitlements following the take-over. This applies particularly to employees who are nearing retirement, many of whom have made substantial contributions and have planned their financial affairs during retirement on the basis of what they expected to obtain under the present scheme. They have been assured by the Government that they will not be disadvantaged, but this assurance is no substitute for the knowledge of exactly what the superannuation conditions will be. Whether or not the employees will be disadvantaged is a matter of opinion, and they want to know what superannuation benefits they will get. Can the Minister say exactly what the superannuation scheme will be and, if he cannot, when will he be able to supply this information?

The Hon. T. M. CASEY: I will refer the question to my colleague and bring down a reply.

#### MALAYSIAN INVESTMENTS

The Hon. D. H. LAIDLAW: I seek leave to make a brief statement prior to addressing a question to the Chief Secretary, representing the Premier.

Leave granted.

The Hon. D. H. LAIDLAW: The Premier stated in another place last Thursday that Mr. R. D. Bakewell was in Malaysia. Apparently he has been attending meetings of the Australasian International Development Corporation, in which the South Australian Government has a 20 per cent interest. According to the Premier, there are many joint projects proceeding in Penang and Malaysia.

The Government is wise to keep a close eye on its oversea investments, and the Premier has shown what importance he attaches to this venture by appointing his departmental head as a director of the corporation. I understand that Mr. Max Lieberman (Chairman) and Mr. Alec Ramsay (General Manager) of the South Australian Housing Trust are also due to leave for Malaysia to join in these discussions.

Can the Minister say whether, first, it is true that the South Australian Government may take a financial interest

through its Malaysian associates in a company to process timber or to manufacture prefabricated timber houses? Secondly, if this is the case, is it true that this company may enter into a contract with the trust to export these components for use by the trust in South Australia? Thirdly, is it wise to invest South Australian Government funds in a project employing cheap Asian labour at \$10 a week or less to produce components to compete with our local timber and building industry, which will be hard pressed in future to maintain current levels of employment?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's questions to my colleague.

#### CYCLONE DAMAGE

The Hon. J. A. CARNIE: On August 21, I asked a question of the Minister of Lands concerning cyclone damage in the New Residence area of the Riverland. When can I expect a reply to that question?

The Hon. T. M. CASEY: I will look at the situation and inform the honourable member as soon as possible.

#### TATIARA COUNCIL

The Hon. N. K. FOSTER: Has the Minister of Lands a reply to the question I asked on August 27 concerning the Tatiara council?

The Hon. T. M. CASEY: In 1974-75 the Tatiara District Council spent \$55 403 made available to it by the Highways Department by way of grants and debit order work. In 1975-76, \$99 431 is being made available by the department by way of grants and debit order work. In making allocations in both the grant and debit order areas, the department does not take into account the funds that are now made available to local government by the Australian Government through the Grants Commission. Last financial year, the Tatiara District Council received \$85 000 from the Australian Government and this financial year it has been allocated \$100 000. This means, of course, that the council this current financial year has been allocated from State and Australian Government funds an amount totalling \$199 431, or an increase of \$59 028 over that which was provided and spent in the last financial year. This is an increase in excess of 42 per cent. It is clear from these figures that the council cannot justly lay the blame for the sacking of its employees at the doorstep of the South Australian Government.

#### FRUIT AND VEGETABLE SALES

The Hon. R. A. GEDDES: I seek leave to make a statement before asking the Minister of Agriculture a question.

Leave granted.

The Hon. R. A. GEDDES: A Professor Sherf, Professor of Plant Pathology at Cornell University, New York, when visiting South Australia recently, made the comment that the sale of fresh fruit and vegetables through roadside stalls operated by growers should be encouraged. He went on to say how this is a common practice in America and that people are far happier to travel some distance to buy really fresh fruit, in preference to buying fruit from supermarkets, with which all the additional costs are involved. Because fresh fruit and vegetables are such an essential ingredient of the diet of children and adults, will the Minister examine the practicability of encouraging the sale of fresh fruit and vegetables at roadside stalls provided that they are of good quality and that prices are competitive with those of fruit and vegetables sold in supermarkets?

The Hon. B. A. CHATTERTON: I shall certainly look into the matter. As the honourable member said, problems

are certainly associated with the quality of produce sold at roadside stalls, and also in terms of the traffic hazards that are sometimes caused. I know this from travelling to Adelaide from Lyndoch. There are many roadside stalls on the sides of the Main North Road, and sometimes I consider that they are causing traffic problems. Certainly, I will obtain a report for the honourable member.

#### STUART HIGHWAY

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

Leave granted.

The Hon. C. M. HILL: The need to complete the construction and sealing of the Stuart Highway from Port Augusta to Alice Springs has been acknowledged for many years. The completed national highway will bring great benefits to South Australia and the Northern Territory. I recognise that until now this project has had the support of the Commonwealth Government, which must, of course, supply the huge amount of finance needed for this work. Yesterday's press contained a report that the Commonwealth Minister for Defence, Mr. Morrison, approved the Australian Army's surveying a road from Merbein, in Victoria, through Broken Hill to Mount Isa, apparently for the reason that a relative of the Minister, known affectionately to the Minister as "Uncle Hughie", had in days gone by dreamed of a highway to Darwin from Victoria. If that Minister persuades his Cabinet colleagues in Canberra that this pipe dream, a feasibility study of which has apparently been set in hand by the Minister and the Army, might have advantages over the Stuart Highway, South Australia could miss out on the tremendous benefits to which it is surely entitled. My questions are: what, therefore, is the present planning stage of the sealing of the Stuart Highway, and what is the extent of the Commonwealth Government's commitment towards such plans? Also, how much money will be spent on that work this year, what distance of sealing will be achieved, and will the South Australian Minister of Transport, in his dealings with Commonwealth Ministers in Canberra, keep his ear to the ground on this subject and, if possible, nip the "Uncle Hughie's highway" concept in the bud?

The Hon. T. M. CASEY: I shall refer the honourable member's question to my colleague. However, if the Minister of Transport keeps his ear to the ground, I doubt whether he will be able to bring down a reply for the honourable member. I will certainly see what I can do.

#### PAPUA-NEW GUINEA

The Hon. N. K. FOSTER: I seek leave to make a statement before directing a question to you, Mr. President.

Leave granted.

The Hon. N. K. FOSTER: Our northern neighbour, Papua-New Guinea, today enters into nationhood on the basis of severing its colonial ties with this country. As the people of New Guinea were, during the Second World War, a valuable asset to Australia, as well as to the servicemen's associations, ex-servicemen's organisations, the Merchant Services Guild and existing services, all of whom have a high regard for the tremendous assistance rendered to this country and to themselves by the Papuans, and bearing in mind that the people of Papua-New Guinea participated in the first defeat of the Japanese in a landing, it would be fitting if you, Sir (and I put it to you by way of a question), would convey to that country, through Sir John Guise, who is now the Governor-General of that country, and to

Mr. Somare, the Chief Minister, the very good wishes of this Council for the success and prosperity of that country.

The PRESIDENT: I thank the honourable member for his suggestion, and I will certainly move in that direction.

#### FERTILISER INDUSTRY

The Hon. D. H. LAIDLAW: Has the Chief Secretary a reply to my recent question regarding the fertiliser industry?

The Hon. D. H. L. BANFIELD: The South Australian Government has made a detailed submission to the Australian Government supporting the restoration of the superphosphate bounty, and its views on the matter are consequently well known to the Government. There appears little to be gained from taking up the matter again. The Development Division of the Premier's Department pursues an active policy of assisting South Australian industry to diversify by promoting joint venture and manufacturing under licence agreements. While a number of companies in South Australia have benefited from these initiatives, the fertiliser industry, because of the specialised nature of its plant, has not been a suitable area for joint venture and manufacturing under licence. Discussions between the company and the Development Division of the Premier's Department have already been arranged.

#### POLICE PENSIONS

The Hon. J. C. BURDETT: I seek leave to make a statement before asking the Chief Secretary a question.

Leave granted.

The Hon. J. C. BURDETT: I understand that the Government intends to introduce a Bill for an Act to amend the Police Pensions Act. In view of what has been suggested by the Hon. Mr. Cameron as possibly an eight-month holiday by members of Parliament, many members of the Police Force, particularly those who are nearing retirement, are wondering when the Bill will be introduced. If the Bill is not passed by the end of October and there is an eight-month holiday, many members of the Police Force who retire before Parliament reconvenes may be disadvantaged. Will the Chief Secretary say when the Bill will be introduced?

The Hon. D. H. L. BANFIELD: It so happens that this is one of the Bills the drafting of which is causing some delays because of the technicalities involved. The Government is not anxious for the police to be disadvantaged in any circumstances. Again, I repeat that, whether or not Parliament is sitting, there is not to be an eight-month holiday, unless, that is, the Hon. Mr. Burdett has already arranged to take his wife on an eight-month overseas holiday. I can only say half the Opposition's luck if its members can go away for eight months. However, Government members cannot do that because they look after their constituents. Therefore, let us get this eight-month holiday idea out of our heads. In reply to the honourable member's specific question, the Government is making every effort to introduce the police pensions legislation this session.

#### SHOOTING REGULATIONS

The Hon. R. C. DeGARIS: Has the Minister of Lands a reply to my recent question regarding shooting regulations?

The Hon. T. M. CASEY: Assurances were given to the Joint Committee on Subordinate Legislation that amendments would be made to the National Parks and Wildlife Act, 1972-1974, to provide for the making of regulations to cover all of the matters pertaining to hunting at present included in the hunting regulations and in the various proclamations providing for open seasons for protected game species, both on game reserves and generally. Amendments

are also being considered to permit persons, both juniors and adults, to hunt rabbits by means other than by firearms without a permit and the taking of pest animals generally by persons acting on behalf of private landowners.

#### AMALGAMATION OF COUNCILS

The Hon. C. M. HILL: Can the Minister representing the Minister of Local Government say whether the Local Government Department has evidence of some councils desiring to discuss amalgamation, not necessarily along the lines recommended by the Boundaries Commission? If so, how many such proposals are involved and which councils are concerned?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring back a reply.

#### THE LEVELS FOOTWAY

The Hon. C. W. CREEDON: I seek leave to make a statement prior to asking a question of the Minister representing the Minister of Education.

Leave granted.

The Hon. C. W. CREEDON: I wish to ask a question about The Levels College of Advanced Education which, as we know, is situated midway between the Main North Road and the railway line running from Adelaide to Gawler. There was some sort of students' protest about cars not being able to enter the Main North Road from The Levels college. I think that probably a footway to the college from the railway station at Green Fields would be of some assistance. I do not know whether any effort has been made yet to construct a footway. I believe it would be over private land but possibly, if the Education Department made some effort to negotiate, it might be given the right to construct a footway. Has the department ever inquired of students and teachers whether this amenity is desirable, whether it is needed and whether it would be used? If not, would the department take the necessary steps to gain this information?

The Hon. B. A. CHATTERTON: I will refer the honourable member's question to the Minister of Education and bring back a reply as soon as possible.

#### MANNUM PRIMARY SCHOOL

The Hon. J. C. BURDETT: I understand the Minister of Agriculture has an answer to a question I asked on August 27, 1975, of the Minister of Education about a dental clinic at Mannum Primary School.

The Hon. B. A. CHATTERTON: I am informed by my colleague the Minister of Education that it is proposed to extend the School Dental Service to all primary school-children by 1980, and to then extend this service to all secondary school students up to 15 years of age by 1985. The current enrolment of just over 400 primary school-children would not warrant the establishment of a full-time clinic at Mannum at present, but after 1980, when secondary students also might be enrolled, it would be feasible to establish such a clinic. Furthermore, it is proposed to build a new primary school at a different location from the present one in Mannum and, while this uncertainty prevails, it would be unwise to plan a static dental clinic. Nevertheless, every effort will be made to serve the Mannum Primary School, in company with several other smaller schools in towns along the middle reaches of the Murray River, with mobile clinics as soon as resources allow.

#### MEDIBANK

The Hon. J. A. CARNIE: I seek leave to make a brief explanation before asking a question of the Minister of Health.

Leave granted.

The Hon. J. A. CARNIE: There are two letters in this morning's *Advertiser* concerning delays in payments of claims on Medibank. From the outset of Medibank, the State Manager (Mr. Phillips) has said that claims are being processed within five to 10 days. The letters both mentioned delays of four to five weeks, an experience I myself had recently when I did not receive payment for about five weeks. This could result in hardships in cases where a patient had already paid the account, or long delays in paying the doctor. I am aware that the Health Commission is a Federal body, but the State has entered into an agreement with the commission. Will the Minister inquire how this delay has developed and what steps are being taken to remedy the situation?

The Hon. D. H. L. BANFIELD: The State has not entered into any agreement with the Australian Government regarding the medical side of Medibank. The agreement is on the hospitals side and, if there is a delay—

The Hon. R. C. DeGARIS: We have got taken to the cleaners there, too.

The PRESIDENT: Order!

The Hon. D. H. L. BANFIELD: The position is that it is just as easy for the honourable member to take it up with the Manager as it would be for me, because I have no greater access to the Manager than has the honourable member. If he prefers me to do his work for him, I will.

#### EMERGENCY POWERS

The Hon. R. C. DeGARIS: With the announcement made by the Government that Parliament will not be meeting for eight months after October—

The Hon. D. H. L. Banfield: I do not think the Government said that.

The Hon. R. C. DeGARIS: There seems to be an argument about it.

The Hon. D. H. L. Banfield: There is no argument about it.

The Hon. R. C. DeGARIS: If the Government is touchy—

The Hon. D. H. L. Banfield: No, the Government is not touchy. You are the one who is touchy.

The Hon. R. C. DeGARIS: Can the Chief Secretary tell me whether the Government intends to proceed with the Emergency Powers Bill so that, if an emergency occurs in the eight months, the Government can act on it without recalling Parliament?

The Hon. D. H. L. BANFIELD: The Government is reviewing its legislation from time to time and these things will be taken into consideration.

#### MINISTERIAL TRIPS

The Hon. C. M. HILL: Can the honourable Chief Secretary say whether any Ministerial trips are being planned for the eight months break?

The Hon. D. H. L. BANFIELD: Personally, I know of none.

#### TWO WELLS PRIMARY SCHOOL

The Hon. C. M. HILL: On September 9, I asked a question of the Minister representing the Minister of Education about future plans for the Two Wells Primary School. As I have been told that the local member for the House of Assembly was informed this morning that these plans had been scrapped, can I have the courtesy of a reply?

The Hon. B. A. CHATTERTON: My colleague the Minister of Education regrets to say that, because of the difficult financial position, it has not been possible to provide for any expenditure on the proposed new school at Two Wells in the 1975-76 financial year. Present intentions are to provide funds in the 1976-77 financial year.

#### RAIL SERVICE

The Hon. C. M. HILL: Has the Minister representing the Minister of Transport a reply to my recent question about the implementation of a car rail service between Adelaide and Melbourne on the interstate railway system?

The Hon. T. M. CASEY: The establishment of a motor-rail service between Adelaide and Melbourne is being hindered by some quite complex problems. Considerable difficulty has been encountered in selecting a location close to the Adelaide station platforms, where motor-rail ancillary equipment such as ramps, sealed surfaces, hoses, etc., could be positioned on a permanent basis. This problem is made more difficult by the major disruption that will be caused to the area immediately north of the platforms as a result of the standard gauge construction during the Adelaide to Crystal Brook standardisation project. Another matter not yet resolved is the provision of suitable bogies for use under the car-carrying waggons. Earlier, it appeared that the Victorian Railways would be able to provide suitable bogies from existing rolling stock, but this is now not the case. Alternative types of bogie are currently being investigated and evaluated with regard to cost, brake gear modification, and clearance. The honourable member can be assured that, although it is not possible to say when the matter will be resolved, it is receiving constant attention.

#### MEDICAL RESEARCH

The Hon. C. M. HILL: Has the Minister of Health a reply to my recent question about medical research?

The Hon. D. H. L. BANFIELD: First, the South Australian Government has viewed with considerable concern the potential reduction in medical research activities. It is understood that action is already being initiated by the Australian Minister for Health in the hope that existing projects will be able to continue without loss of employment so far as any research workers and support staff are concerned. Secondly, in view of the press reports and statements issued by my Commonwealth colleague, Dr. Everingham, it does not seem justifiable for this Government at the present time to raise this matter specifically with the Australian Government. Such an approach will be considered if it seems necessary. Thirdly, in view of the probable action to be taken by the Australian Government, it would seem not necessary for the State Government to attempt to provide funds to maintain threatened research programmes. It is pointed out that this could be achieved only at the expense of other projects with a service rather than a research responsibility. In other words, diversion of State funds into research activities would imply a restriction of potential services to be mounted on behalf of people who are actually ill.

#### STATE BANK REPORT

The PRESIDENT laid on the table the annual report of the State Bank for the year ended June 30, 1975, together with profit and loss account and balance-sheets.

#### PUBLIC PURPOSES LOAN BILL

Adjourned debate on second reading.

(Continued from September 10. Page 635.)

The Hon. C. M. HILL: I support the Bill, which deals with the Loan Estimates for this State for the current year.

This is the measure in connection with which the Treasurer has explained that the State has about \$241 500 000 available for its Loan programme for 1975-76. It is proper and necessary, especially when costs are increasing, for a close scrutiny to be made of the Loan Estimates, because Parliament has a clear duty to do all that it can to avoid wastage and extravagance and to see that the State gains maximum benefits in every respect from the expenditure of this large sum.

I have endeavoured to review the various lines with these aims in mind, and I intend to refer to some matters in detail, although I shall speak in general terms on other matters involved in the measure. When I asked a question about the South Australian Land Commission about a week ago, I was told that not one allotment of building land, which the Land Commission was in the process of fashioning out of broad acres and which it originally purchased as broad acres, had yet been offered to the public for house-building purposes. At one stage there was a sale of some building sites, but behind the scenes it was announced that the subdivision had been partly fashioned by the previous owner; so, I disregard that proposition.

From the viewpoint of when the commission purchased broad acres and set about subdividing them and putting such land on the market for sale for the benefit of individual buyers in this State, not one allotment has yet been made available for sale. The commission started operating in November, 1973; so about two years have passed. We heard when the commission was launched, and we have heard from Government sources on various occasions since then, of the great benefits that it will bring to South Australia. The judgment as to the worth of the commission must wait until land is available, as I have explained, and until the price of that land can be checked against the market price of comparable land on the open market offered by private enterprise. Unless there is a considerable difference between those two price ranges, the worth of the commission must come under close scrutiny.

I remind honourable members that there is price control on the sale of building sites of this kind through private enterprise in South Australia at present. So, up to the present, nearly two years since the commission was launched, some serious questions are being raised as to whether the aims will be achieved. This is no doubt a socialistic scheme: it is Government interference in an area previously involved with private enterprise.

The Hon. T. M. Casey: And operated quite unscrupulously by private enterprise. Be honest about it. There was speculation.

The Hon. C. M. HILL: If the Minister thinks that, does he not agree that price control should have rectified the situation?

The Hon. T. M. Casey: For how long has price control operated? Has it operated forever? It has not. It operates for only 12 months at a time.

The Hon. C. M. HILL: Does the Minister suggest that price control should operate for longer than 12 months at a time? Price control, in the ordinary sense, has applied periodically, but it has always been given new life when the Government of the day has asked Parliament for an extension of time. So, the Minister has raised a weak point.

The Hon. T. M. Casey: You are trying to twist it a bit.

The Hon. C. M. HILL: No. The Minister is on very weak ground.

The Hon. T. M. Casey: I am not.

The Hon. C. M. HILL: Last year \$1 000 000 was approved for a grant to the Land Commission from the

Loan Estimates, but the records show that no actual payment was made. This year there is no proposed payment at all from State Loan sources. The vast bulk of the money has come from the Commonwealth Government. The blame for the socialist experiment, if time proves that blame is fully justified, must therefore be levelled at the Commonwealth Government just as much as at the State Government.

It would appear that \$21 500 000 was spent on land in 1974-75, of which sum \$20 500 000 came from Commonwealth sources. The Minister has told us that an outlay of \$34 800 000 by the commission is planned for the 1975-76 programme, the actual balance in hand being \$33 500 000. The Treasurer said that \$24 000 000 was being sought from the Commonwealth, and we all know that we may get that or we may not. The sum of \$5 000 000 is expected to be available within the commission as a result of sales of its land, and the Treasurer has said that the commission may have to call on cash balances held by it as at June 30, 1975.

I cannot find any information in the documents before us as to what this cash balance is, and I should like the Minister representing the Treasurer to inform me at some stage what sum the commission had at its disposal or to its credit at the end of the past financial year. No Loan payments were made last year, as I read the documents, and there will be none this year, although in one section of the figures I have noticed that \$700 000 may be available from semi-government borrowing.

It appears to me that the State Government is relying entirely on the Commonwealth in this venture. Over the past couple of years it has been trying to bask in some glory because it has set up this scheme, but there is no real evidence as yet, after two years, that it is going to work. In view of what appears in the paper today to the effect that the commission is endeavouring to sell off parcels of allotments to speculative builders, that the commission, backed by the Government, is in effect going into partnership with speculative builders to try to quit itself of some of its land in the future—

The Hon. T. M. Casey: Oh, come on!

The Hon. C. M. HILL: The Minister can say, "Come on", but surely he has had time to read this morning's paper.

The Hon. T. M. Casey: I don't remember reading about speculative builders.

The Hon. C. M. HILL: What is the difference between a project builder and a speculative builder?

The Hon. T. M. Casey: What is the difference between a project land agent and a speculative land agent?

The Hon. C. M. HILL: The land agent is an agent, not a principal or a trader. He cannot speculate in land agency because he is bound by fixed commission laid down by Government regulations. I stress to the Minister that the land agent is simply an agent. However, in today's paper we see the hard fact of life that the commission, fearing that it may not be able to sell the thousands of blocks it has developed, has been circularising project builders, and this is a fact which I challenge the Minister to deny.

The Hon. T. M. Casey: There is nothing wrong with that.

The Hon. C. M. HILL: I did not say there was. I am saying that the market the Government said was going to be available for assistance, the market of people wanting land at low prices (that was the Government's claim when the commission was set up), is suddenly in some doubt,

because there are to be partnerships with builders since it has been suddenly worked out that private buyers no longer want the vacant land. They want houses.

The Hon. T. M. Casey: Many people want houses on them.

The Hon. C. M. HILL: That is right, and the State has its instrumentality, in the South Australian Housing Trust, to provide houses. The intention of this venture was to place low-cost land on the market for individual buyers. That fact cannot be denied, and in today's paper the admission is made that the commission is negotiating with private builders to sell land in parcels. Why should it be doing that? The answer is that it wants to quit itself of the land it cannot sell as it originally intended.

The Hon. T. M. Casey: You know that's not true.

The Hon. C. M. HILL: Quite obviously, that is what is intended. Therefore, the story of this commission and its socialistic move to go into Government buying and selling of land is an uninspiring story up to date, and I await the results. I am prepared to withhold complete judgment until I see the commission selling individual building blocks to the man in the street at lower than market value. If and when that happens, I will be willing to give some credit where it is due, but until that day arrives I have grave doubts about the success of the commission.

The Hon. R. C. DeGaris: Do you think the Government will be providing uniforms for Legislative Councillors from the uniform factory it is going to build?

The Hon. C. M. HILL: The commission is only one of the projects on which the Government has embarked. We read with some dismay that it was entering upon factory work and would be producing uniforms. I do not know whether members of Parliament will be supplied with uniforms, but it is typical of the socialist dream that we socialise all or the maximum amount of industry, in the vain hope that the economy will be able to keep alive under that philosophy.

The Minister has said that the Port MacDonnell breakwater will be about 1 550 metres long and will cost about \$1 700 000. It will enclose a large area of sheltered water and will give protection not only to fishing vessels but also to a long stretch of sandy beach, making it more attractive for water sports, tourists, and holidaymakers. I strongly support the concept of adequate protection for the fishing industry at Port MacDonnell; I do not query that in any way. About two weeks ago I spent a few days at Portland and I was amazed to see there long stretches of heavy stone filling along the foreshore. The most attractive beaches which had been there when I was previously at Portland had disappeared; indeed, not only had the sand disappeared but the tides were making inroads into what had been sandhills and into areas farther inland. The need for great expenditure is obvious, and the aesthetic beauty of the location has been greatly damaged by the construction of this stone filling along the foreshore. The damage has been so bad, I understand, that the main roadway, known as Dutton's Way, which runs along the coast eastward from the town, is in danger, and a new road is planned further inland.

I asked the local people the reason for this unfortunate situation, and I was told that it came about after the breakwater had been built at Portland. I seek some assurance that proper and adequate investigation has been or is being made at Port MacDonnell so that the final plan will come to pass including, as the Minister said in the documents before us, a long stretch of sandy beach, most attractive and suitable for sports, tourists, and holiday-makers.

I have grave fears as to whether science has yet reached the stage where it can with certainty forecast the effects of ocean and coastal tides when breakwaters of such length are constructed. It would be a shame if there was inadequate planning and if a breakwater were constructed at Port MacDonnell and the same situation which occurred at Portland occurred at Port MacDonnell. I remind members that Portland is not far along the coast from Port MacDonnell.

The Hon. J. R. Cornwall: Would you like to see the project deferred?

The Hon. C. M. HILL: Apparently the honourable member did not understand what I said. I am not against the principle of a breakwater. I want the fishing industry to have a breakwater, to have protection and to receive the aid it deserves. However, I do not want to see the whole Port MacDonnell coastline ruined as it has been ruined at Portland.

The Hon. M. B. Cameron: The breakwater is to be built on an existing reef, which has an effect similar to what the breakwater will have.

The Hon. C. M. HILL: That may be so. Perhaps the honourable member is satisfied and has perused information on this matter. If he has not, I suggest he should refer to some of the documentation dealing with this subject rather than making any assumption, as he may then be confident that there is no need to worry about this project at Port MacDonnell. What investigations has the Government made into this subject? Can Parliament, at some stage, consider the reports the Government has obtained as a result of its investigations?

This project will have to be considered by the Public Works Committee, and doubtless that committee will consider the matter closely. However, this is the time when the matter should be closely studied, especially as the evidence from the Portland situation is there for all to see. I point out that the damage to the coastline near Portland in terms of aesthetic beauty is irreparable, and I would not like to see ultimately the same result at Port MacDonnell and then, when it is too late, someone asking what investigations or scientific research was carried out before this plan was put in train. Now is the time for the Government and Parliament to be sure of itself in this matter.

I now refer to the line dealing with tourism, sport and recreation. The Minister said that 55 projects received grants in the 1974-75 financial year, with expenditure totalling about \$500 000 for sport and recreation facilities. He said \$950 000 had been provided in 1975-76 for assistance to local government and other organisations involved in tourism, recreation and sport. A few weeks ago I asked a question on this matter and was provided with a list of the projects assisted by the Governments in the year ended June 30, 1975, as well as the amounts allocated to each project. In the last financial year under this line the Government estimated that it would need \$800 000, and Parliament approved that allocation, although only \$499 972 of that sum was spent.

This year the Government estimates that it will require \$950 000. As the total allocation was not spent last year, how much will the Government spend this year? Can I assume from the low sum actually spent last year in comparison with the sum approved by Parliament that "Tourism, recreation and sport" is a Cinderella heading, that some other line, the demands of which the Government considers more important as the year passes, will obtain additional funds, and that the allocation for tourism, recreation and sport will suffer? That is the clear indication in the figures before me. Will the Government answer this

question? Why was not the whole \$800 000 spent in the last financial year? Certainly, there was a need for the expenditure approved by Parliament.

I should now like to refer to one or two cases selected at random from the list the Minister provided me with last week regarding these allocations. The allocation to the Blue Lakes Sports Park was for the development of land for use as a sports-recreation complex. The estimated total cost of the project was \$98 666, but the State Government grant last year was only \$4 284. The sum of \$635 000 was the estimated cost of the construction of a new swimming centre at Marion, and the State Government grant for that project was \$75 584. Another project, which I do not really understand, was the establishment of a sports and recreation area at Para Paddocks. The estimated cost of this project was \$240 000, and the Government grant was \$19 800. The Port Augusta leisure centre, involving the construction of a new basketball stadium and drop-in centre, was estimated to cost \$173 000, yet the South Australian Government saw fit to grant only \$4 426 for that project last year.

These amounts are well down on the total project costs. True, some of the larger projects might be subject to stage development, but, if the Government is honest and keen in its approach to help sports and recreation in South Australia (and I do not believe that it is), why did it not provide larger grants than it provided? Why did not the Government meet the allocation which Parliament approved to be spent last year? There must be some explanation for this and an answer to the question. There are some grants which, as a percentage, are only a little higher than the proportions to which I have referred. The Banksia Park Concert Band required \$4 912 for the purchase of instruments, and the State Government granted \$3 274, and that is getting a little better. The Corporation of the Town of Hindmarsh required \$4 490 for an adventure playground at Wright St, Ridleyton, and \$2 993 was granted. The Grange Men's Hockey Club applied for \$7 825 for three new pitches, but the most the Government could find for that club was \$217.

At the same time, the Government had over \$300 000 available last year which Parliament had approved but which the Government for some reason was not willing to pay out in that year. The LeFevre Peninsula Community and Youth Centre Incorporated sought \$2 241 for gymnasium equipment and was granted \$1 940, which I am pleased to see. The last example to which I refer (and I stress that these examples are picked at random) is the Victor Harbor Yacht Club Incorporated, which sought \$1 050 for replacement motors for rescue boats (surely an urgent cause), and the Government saw fit to grant \$250. I have referred to only a few of the 55 projects listed by the Minister, but they highlight the fact that the Government has not spent the funds which I believe Parliament expected it to spend.

Why are we sitting here to approve such allocations? Why does the Minister work his hardest through the year but write cheques for only \$500 000? What happens to the other \$300 000? Perhaps the Minister might admit that other departments brought pressure to bear and took funds allocated to assist tourism, sport and recreation. If the Minister could give me an explanation regarding this matter, I should very much appreciate hearing it.

The next line to which I refer is that dealing with the matter of transport. The allocations in the Loan Estimates deal with the question of funds for research within the Transport Department. In 1973-74, Parliament allocated



\$500 000 for transportation research within the Minister's department, and the Government spent \$197 950. It did not therefore get far along the road in that year.

In 1974-75, although Parliament allocated \$600 000 for this purpose, only \$482 703 was spent. This year, the Government is asking Parliament to approve an allocation of \$700 000 for this research. So, one must wonder, based on those previous figures, how much of this year's allocation the Government really intends to spend.

Also, I notice under the heading "Other Government buildings", in the documents before us, that the sum of \$2 500 000 of the total allocation of about \$24 300 000 is allocated for a building for the Minister's department. I assume that this refers to the building for the Motor Registration Division. I ask whether the Minister and his department intend to move into that building on its completion, or whether the building will be solely for the use of the Motor Registration Division. If the Minister can tell me that by letter, I shall be satisfied.

More important, I would like to know what research and development is taking place. What is happening, in the Minister's back room in which these hundreds of thousands of dollars are being spent, on upgrading public transport here in metropolitan Adelaide? The people in the street are asking the same question. They can see the progress that is being made. Years go by, the Government's whole term of office goes by, and it returns for another three years, yet we still hear complaints about the lack of upgrading the public transport of the State.

Surely there must be something in evidence to justify expenditure of this kind on development and research. I ask the Minister to tell me what schemes are under construction. Is the principle of an underground railway, as contemplated in the Metropolitan Adelaide Transportation Study Report, still being considered in this area of research? Is the upgrading of our metropolitan buses, also as contemplated in the M.A.T.S. Report, still being researched and considered now, five years after the Government announced that it had scrapped the M.A.T.S. Report?

What about the rapid rail transit system, which was one of the main transportation projects referred to in that report which the Government said it had scrapped five years ago? Is it still being researched? If all that has been scrapped, on what is this money being spent?

In the last financial year, nearly \$500 000 was spent on research and development, and this year the Minister is seeking the appropriation of \$700 000 for this purpose. I believe it is only proper that Parliament should have a report on what work the Minister's back-room researchers are doing. What is the Government doing about research on the high-speed transportation corridors, which were called the freeway routes under the M.A.T.S. Report? Is it perhaps deciding that the plan will not be scrapped? What is the situation regarding research to convert these corridors into some form of rapid transit corridors?

The Hon. M. B. Cameron: They are building houses on them.

The Hon. C. M. HILL: No, they are not. What the Government is doing, if the honourable member wants to bring the whole subject out into the open, is going on, year after year, buying properties on these freeway routes.

The Hon. M. B. Cameron: Exactly the same routes.

The Hon. C. M. HILL: That is so, even the one in Marion, which in 1968 the Hon. Mr. Virgo wanted shifted. He introduced deputations and presented petitions objecting to it at that time. However, that was approved soon after the Government assumed office in 1970.

The fact of life is that I ascertained, in reply to a question a few weeks ago, that between 1970 and August this year this Labor Government had spent \$13 137 733 on the purchase of properties on the freeway routes referred to in the M.A.T.S. Report. That is the report which honourable members opposite and their counterparts in another place scrapped and with which they were going to have nothing to do. However, steadily and quietly they have been purchasing properties within those freeway routes, and the Government has spent, during its term of office, over \$13 000 000 on such properties.

That is really mentioned as an aside. I am more concerned about the figure of \$700 000 that Parliament is now asked to allocate for research and development. I do not know on what it will really be spent. I do not know what research proposals the Minister's researchers have in train. I believe Parliament ought to know what work was done for the \$482 000 that was spent last year under the same heading. I ask the Government whether it can provide some of that information for the Council now.

The next department to which I refer is the Lands Department. In the Minister's explanation he refers to \$850 000 planned expenditure on an aircraft for this department. In this regard, the Minister said:

The proposed allocation of \$965 000 to the Lands Department for plant, equipment and buildings, includes a provision of \$275 000 towards the purchase of an aircraft which is needed for survey work and aerial photography and is estimated to cost \$850 000.

I stress that \$275 000 is the actual allocation this year. Of course, the contract will be entered into and the commitment will remain for the balance. Regarding the purchase of this aircraft and this department generally, I should like to know whether the department is still to be transferred to Monarto.

Is this aircraft in any way contemplated for use at Monarto? Is it intended that there be an aerodrome at Monarto? I can well remember asking, last year, questions about new buildings for this department and its Mapping Branch at Netley. On July, 30, 1974, I said:

Over the weekend, I was told by an officer of the Lands Department Planning Branch that he and his colleagues were to be transferred to Monarto. The opening of the new accommodation, which was built at Netley at a cost of \$2 500 000, and in which the branch is currently housed, was attended by some honourable members about 12 months ago. I was told that, because of various aerial mapping processes, it is necessary for the branch to be located close to an airport, as currently applies with the branch's close proximity to Adelaide Airport. Will the Minister say whether or not a decision has been made by the Government to transfer the branch to Monarto?

The Minister said:

I will get this information for the honourable member and inform him as soon as possible.

Later, on July 31, I asked:

Has the Acting Minister of Lands a reply to a question I asked yesterday about a report I had received that the mapping section of the Lands Department was to be transferred to Monarto?

The Hon. Mr. Casey replied:

Cabinet has decided that the whole department will be involved in the transfer, except for those sections of the department that are considered essential to provide a service in Adelaide.

I asked further:

Is the Minister referring to the whole of the Lands Department? Further, will he in due course state the cost of the new building opened last year at Netley to house the planning section of the Lands Department?

The Minister said he would get that information and he supplied that information through an answer on August 27, when he said:

The reply I gave the honourable member on July 31 referred to the whole of the Lands Department. The cost of the new building erected for the mapping branch of the department was \$836 500.

There are some contradictions here which I believe should be cleared up. I see the Minister of Lands is present in the Chamber and I would like to know whether it is the Government's continued intention to transfer the department, other than a few essential services in Adelaide, to Monarto. If it is, will it continue with its plans to scrap the \$800 000 new planning section at Netley, adjacent to the airport, and move this section of the department to Monarto? Where does he propose—

The Hon. J. C. Burdett: I do not think he wants to listen to you.

The Hon. C. M. HILL: He is listening, but he is trying to make out he is not listening. Where does he propose that the aircraft shall operate from?

The Hon. D. H. L. Banfield: From the airport.

The Hon. C. M. HILL: Which airport? The Chief Secretary does not even know whether he is to operate an aircraft from West Beach and have the Lands Department at Monarto. It is quite possible and feasible, of course, that, if there is a need for an aircraft for the purposes specified (not for the purpose of taking V.I.P.'s between Adelaide and Monarto, incidentally)—for mapping purposes (and I have the highest admiration for the senior officers of the Minister's department in regard to their advanced technology, and so forth) where will it be based?

The Hon. J. C. Burdett: A mapping aircraft.

The Hon. T. M. Casey: We do not even have a mapping aircraft at the moment: we hire one. Do you know that?

The Hon. C. M. HILL: I am pleased to have the information; that is what I am here to find out. The Minister has said he has been hiring an aircraft, no doubt based at West Beach; he was hiring it when his Government decided to shift that department to Monarto.

The Hon. T. M. Casey: Not only this Government but all previous Governments have always hired these aircraft. Let us get this matter straight.

The Hon. C. M. HILL: Is it the Government's wish to continue with its stated decision, in answer to questions on the floor of this Council, that the Lands Department is to be transferred to Monarto? I am waiting for a reply.

The Hon. T. M. Casey: You got an answer to the question you asked.

The Hon. C. M. HILL: Yes, I did.

The Hon. T. M. Casey: How many more times do you want to be told?

The Hon. C. M. HILL: Then I infer from that that the department will be transferred to Monarto. If it is to be transferred, what about a new aircraft? Parliament will commit itself, by passing this Bill, for \$850 000 of the people's money. We are talking not about small fry but about \$1 000 000. We cannot spend \$250 000 on a deposit and then get it back, as we are committing ourselves.

The Hon. T. M. Casey: They would like to do that with the F111 aircraft!

The Hon. C. M. HILL: It is not a humorous situation. I would like to know the position. The Government might even have scrapped plans to set up the department at Monarto. If the Minister's planning section is to stay in its new and expensive building at Netley and it finds

that the use of an aircraft by ownership is more economical than by hiring, I am satisfied with that situation. But I am not satisfied with it if it buys an aircraft, carries out its policy as stated in Parliament, transfers its department to Monarto, and then finds out that it has nowhere to operate this aircraft from.

The Hon. T. M. Casey: That decision will be made at the appropriate time but at the moment the mapping section will remain at Netley. It is not determined when the department will go to Monarto: it could be many years hence. So at present the aircraft will be stationed at the West Beach airport.

The Hon. C. M. HILL: Can the Minister tell the Council either during or at the conclusion of this debate, or can he tell me by letter in due course, because I do not want unnecessarily to hold up the business of the Council, just what the plans for the Lands Department are? Have they been changed? Does the Minister believe he will be able to operate a Government-owned aircraft during the life of that aircraft, adjacent to or near the department, which I believe will be necessary for its proper economic operation? A clearer picture of this matter should be painted than is available at the present time.

The last point I touch on deals with Port Pirie Hospital. I notice the Minister says this in regard to Port Pirie Hospital:

A sum of \$1 138 000 is required to continue stage 1 of redevelopment works, which will cost over \$2 000 000 when completed, to provide air-conditioning at the hospital and in the nurses home, and to start the second stage of redevelopment of the hospital, which is estimated to cost \$13 250 000.

It seems strange to me that in a project of this kind, where there is a staged development, the Government states not that it will complete stage 1 but that, before it completes stage 1, it will make a start on stage 2 of the construction at Port Pirie. This seems rather unusual to me. I have not heard of a similar case of a Government project where the Government has publicly announced, for everyone to see, that it intends starting the second stage before completing the first stage. Can the Minister of Health say whether there is anything unique in this form of planning and whether there is any reason for the haste, why the second stage is started before the first stage is completed?

I hope Port Pirie Hospital is a splendid building operation, that the planning of it will be properly co-ordinated, and that each stage is completed before the next stage is commenced. When there is an overlap of planning, sometimes inefficiency can occur and the best use is not made of the money. Is there any reason why the Government is rushing in to announce that it intends to start the second stage of the hospital before it has completed the first stage? Surely it would be proper, businesslike, and in the best interests of the hospital, those who staff it and the people it will serve, if the construction of the hospital is carried on in a properly staged programme in which the first stage is completed before the second stage is commenced. I ask the Minister to reply to the questions I have raised.

I hope the Government will apply its energies to spending the sum of about \$250 000 000 in such a way that the best possible value is achieved for South Australia. I compliment the departmental officers who carry heavy responsibilities in regard to preparing the Loan Estimates and implementing the plans for which the Loan Estimates provide. I have the highest regard for these dedicated, career public servants. It is because of their skill and dedication that the record of Loan expenditure in this

State in the past has been very good indeed. I hope that the overall record in this connection continues throughout the current financial year.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention they have given to the Bill. Obviously, I cannot reply now to all the questions that have been raised, but I assure honourable members that they will receive replies to their questions. In his contribution to the debate last week, the Hon. Mr. DeGaris said:

I turn now to the matter of Loan funds being used for hospital buildings. This year's total allocation in this respect is \$33 000 000. I ask the Government to say what is happening in relation to community hospitals which were previously subsidised and which are now recognised hospitals under the Medibank scheme. This matter is covered to an extent on page 14 of Parliamentary Paper 11, where a list of those hospitals receiving a capital subsidy is shown.

In reply, I point out that the amounts of Loan Funds provided for hospital buildings, equipment, etc. for 1975-76 are: Government hospital buildings, \$33 000 000 (Parliamentary Paper 11, page 9); non-government hospitals and institution buildings, \$8 500 000 (Parliamentary Paper 11, page 14); and community health and associated projects, \$2 500 000 (Parliamentary Paper 11, page 15). This makes a total of \$44 000 000—not \$33 000 000 as indicated. The \$8 500 000 relates to the non-government recognised hospitals and other institutions as listed on Parliamentary Paper 11, pages 14 and 15. Capital subsidy will continue to be on the former basis of a minimum of \$2 for \$1 with a higher level of Government assistance where necessary. There is, in fact, no real change in the current arrangements for capital works from those two previous years. This means that hospitals that were subsidised in the past will continue to be subsidised in the future.

The Hon. R. C. DeGaris: But they cannot put aside profits for building purposes.

The Hon. D. H. L. BANFIELD: They have no operating profits, but they get income from their local councils. If the Leader does not go around the countryside upsetting lady auxiliaries and others who want to do voluntary work, I expect that fund-raising schemes will continue, because they are just as necessary today as they were prior to July 1. People who try to embarrass the Government are, in effect, doing a disservice to the towns in which they are spreading these rumours.

The Hon. R. C. DeGaris: Does the Minister intend to stay in Adelaide?

The Hon. D. H. L. BANFIELD: I intend telling people that, if they want to improve facilities at their local hospital, they must take some interest in it and assist in providing facilities in the same way as they did in the past. People find that such activities provide a therapy for themselves. While they work in the interests of other people they are taking their minds off their own complaints and, therefore, such people are to some extent less likely to have to go to hospital themselves. So, I ask honourable members not to go around the countryside saying, "Because Medibank is now operating, there is no need to raise money for hospitals."

The Hon. R. C. DeGaris: Are you accusing honourable members of this Council of doing that?

The Hon. D. H. L. BANFIELD: If the Leader has a guilty conscience, that is his affair. All I have done is to ask honourable members not to go around the countryside spreading rumours.

The Hon. R. C. DeGaris: Have they been doing that?

The Hon. D. H. L. BANFIELD: I am simply suggesting that honourable members do not do it: it is as simple as that. I have read reports in country newspapers that people are being informed that auxiliaries are no longer necessary because of the advent of Medibank. Have honourable members been informing people that it is not necessary to conduct fund-raising activities? I have not accused honourable members opposite. However, if they have been giving information of the type to which I referred, I ask them to desist.

The Hon. R. A. Geddes: What sort of subsidy will be given in connection with money raised by auxiliaries?

The Hon. D. H. L. BANFIELD: All money raised by auxiliaries, if used in connection with capital expenditure, will receive subsidies, as in the past. Anything for the running of the hospital is financed under the agreement, but money raised outside that (such as local council levies, auxiliary money and bequests) has nothing to do with the operating costs and nothing to do with the agreement. This money will be subsidised on the same basis as in the past. I am surprised at the statement of the Hon. Mr. Hill that we should finish one part of a project before starting planning on another one. The item refers to the second stage of redevelopment of Port Pirie Hospital. Surely it costs money to plan such a project.

The Hon. C. M. Hill: When will work commence on the second stage?

The Hon. D. H. L. BANFIELD: Does the honourable member want a complete stop? Does he want people to put in tenders within a week? Because he is an astute business man, I am surprised that he has made this suggestion. Redevelopment cannot be planned overnight: we must plan ahead.

The Hon. C. M. Hill: Perhaps for the third stage!

The Hon. D. H. L. BANFIELD: That is a possibility, if a third stage is needed. The honourable member was planning in connection with the Metropolitan Adelaide Transportation Study until he scrapped a couple of parts of it. I refer to the freeway that was to pass through Burnside. Why did the honourable member scrub it off? I have read the *Hansard* record of the debates on this matter. I will see that honourable members get replies to the queries they have raised.

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

#### LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 10. Page 626.)

The Hon. D. H. L. BANFIELD (Minister of Health): I support this Bill. As the Hon. Mr. Burdett said, it is designed to overcome an anomaly in the Act. This anomaly has been acknowledged by the board, and the board's intention was to seek legislation to correct it. However, that is not now necessary. The honourable member has brought the matter forward and we are happy to support it.

The Hon. C. M. HILL: I commend the Hon. Mr. Burdett for his introduction of this private member's Bill. I know that it will assist many people and partnerships working under the provisions of the Act. I hope that other anomalies existing in the Act (which was criticised severely in this Chamber when it was debated because of the uncertainties within its provisions) will be rectified at the earliest possible date. This was one anomaly, and one

which will assist those in the industry to conduct their business more efficiently. I wholeheartedly support the Bill.

The Hon. J. C. BURDETT: I thank the Minister and honourable members of the Council for the expeditious way in which they have dealt with the Bill to this stage.

Bill read a second time and taken through its remaining stages.

#### LISTENING DEVICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 10. Page 626.)

The Hon. D. H. L. BANFIELD (Minister of Health): I have listened to the Hon. Jessie Cooper's second reading explanation, and I have also taken into account comments made by various honourable members when the Listening Devices Act Amendment Bill was before the Council in November, 1974. However, I must oppose the amendment the honourable member now seeks to make. I draw her attention to the fact that section 7 of the principal Act refers to the lawful use of a listening device by a party to a private conversation. That section merely recognises that some people have a lawful and proper interest in recording conversations in which they take part.

As an example, where A and B have a conversation and A, by means of a listening device, records the conversation, A and B have what might be called a personal right of privacy, a right where, to the extent of the conversation, each of them has consented to its abrogation.

This is a situation well known in the law and, within the limitations of the law of slander, privilege, the law of evidence relating to statements without prejudice, the law relating to confessions, the judges' rules and other laws dealing with like matters, each party is free to make such use of the information he obtains from the conversation as he sees fit. The fact that a permanent record of the conversation or other evidence of the conversation is available can be regarded only as a virtue, since better evidence of the conversation may now be available than otherwise would have been the case. Since each party has already, by engaging in conversation, consented to the abrogation of his personal right of privacy, there seems little point in legislation designed to protect that right from abrogation.

While the law should not generally condone the use of listening devices without the knowledge of the person whose voice is being recorded, exceptions must be made in order to protect the legitimate occasions on which listening devices may be used. It is obvious that it is in the public interest that a person should be able to record a conversation in which he suspects he is being offered a bribe, without the knowledge of the other party. Another example of the legitimate recording of a conversation would be where a person suspected he was about to be blackmailed. I ask honourable members to oppose the amendment.

The Hon. J. C. BURDETT: I support this Bill. I do not intend to say very much about it, because it was adequately covered by the Hon. Jessie Cooper when she gave her explanation. It is not proper that any person should have what he says recorded on tape without being told that what he is saying is being recorded. The only legitimate argument against this (and it is one given by the Minister) is to enable cases of blackmail and similar offences to be detected. It may be that a person who is being blackmailed is willing to give the details to the police, but not if the conversation is being recorded.

However, on balance, I think it is more important that individuals should retain what is, to me, the fundamental

right to be told whether what they are saying is being recorded than that the authorities should be given another avenue of detecting the crime of blackmail. I am surprised that the Government does not support this Bill. In the previous Parliament the Government introduced privacy legislation to protect the citizen's right to privacy, as well as fair credits legislation to ensure that what was recorded about a person in certain circumstances was accurate and available to that person. It seems to me contrary to the principles of this Bill to allow a person's statement to be recorded in any circumstances unless he is warned of the fact.

The Hon. R. C. DeGaris: Would you care to enlarge on the aspect of blackmail? If a person suspects blackmail, can he not ask the police to tape that conversation under the existing legislation?

The Hon. J. C. BURDETT: Certainly he can; there is nothing to prevent that. Expanding on the point raised by way of interjection, I think there is some argument in this regard. It may be that a person who thinks he is being blackmailed is willing to make a statement to the police that he is afraid because he himself has committed some offence for which he is being blackmailed, but that he is not prepared to make a statement if it is being recorded. However, on balance, it is more important to me to protect a citizen's right not to have anything he says in any circumstances recorded unless he is told that it is being recorded. That, to me, is more important than providing just one possible (and probably fairly remotely possible) additional means of detecting the crime of blackmail. Nothing the Minister has said in the second reading debate gives any reason why it should not be an offence for a person to have any statement he makes recorded on a listening or other similar device without his being told of that fact. I support the second reading.

The Hon. C. M. HILL secured the adjournment of the debate.

#### CONSTITUTION ACT AMENDMENT BILL (MINISTERS)

Adjourned debate on second reading.

(Continued from September 10. Page 627.)

The Hon. R. C. DeGARIS (Leader of the Opposition): Under the existing provisions of the Constitution Act, the maximum number of Ministers the Government can appoint is 11. The maximum number of Ministers that can be appointed from the House of Assembly is eight. There is no constitutional provision that there shall be 11 Ministers, or any provision that there shall be eight Ministers in the House of Assembly; nor is there any provision that there shall be any Ministers in the Legislative Council or, for that matter, that there shall be any Ministers in the House of Assembly.

The present Constitution Act gives a lead to the Government as to the Parliament's view. It does not dictate. It gives a wide discretion to the Government to arrange its Ministry. By inference, the present Act favours some Ministerial appointments from the Upper House, but stipulates a maximum of eight from the House of Assembly. The second reading explanation of the Bill engages in some strange logic, and states:

At the moment the situation is that, of the Ministry of 11, if the Government had the numbers available in this Council, all Ministers could be appointed from the Legislative Council.

That is true, although in practical terms it could never happen. However, and even stranger, having given that

reason for the Bill's introduction, the Bill does not change that situation. The second reading explanation continues:

This is a ridiculous and contradictory situation, which should be corrected.

If the situation is ridiculous and contradictory and should be corrected, why does not the Bill do so? For the efficient operation of Parliament, there should be Ministerial representation in both Houses. If the Council feels that this should be the position, that should be clearly stated in the Constitution Act. In its practical effect, this is what the Constitution Act says now. So far, the existing provision has operated extremely well so far as South Australia is concerned, and I offer no complaint on the service given to this Council, in the answering of questions or in the handling of the Government's legislative programme.

It is necessary that the Council have direct access to Cabinet's viewpoint, which has been given to the Council with reasonable efficiency by its Ministers since I have been a member of this Chamber. It is the usual position in all Upper Chambers in the Western tradition that Cabinet draw some of its Ministers from the Upper House, with the exception of Tasmania, where certain peculiarities exist. The allegation made in the second reading explanation that Ministers from another place visiting the Legislative Council for Question Time would ensure prompt replies to questions, instead of the two-week to three-month wait occurring at the moment is, in my opinion, an unfair allegation so far as the Ministers in this Council are concerned.

Such a radical change as the concept of visiting Ministers would also require changes in our existing Constitution Act and Standing Orders. Such a change would place an unnecessary burden on the efficient operation of Parliament, especially a bicameral Parliament as we have in South Australia. Every member, if he is anxious to receive a reply, or if he feels that Government Ministers are tardy in their replies, can put his Question on Notice, thus ensuring an answer as quickly as possible. Indeed, I would say that, if we did have Ministers visiting this Council from another place, they would almost certainly insist that all questions be placed on notice, because with both Houses sitting at the same time it would be a practical impossibility for any House to continue sitting whilst its front bench was attending to duties in another place. Therefore, there would inevitably be an unnecessary prolongation of Parliamentary sittings and a reduction in the efficiency of operation of the Parliament.

In handling Bills, the need for Ministers to promote and argue their Bills through both Houses personally would place undue delay on the passage of legislation. Other comments were made in the second reading explanation which had nothing to do with the Bill before the Council, and I do not intend commenting on those statements here, except to say that a close practical analysis of the suggestions shows them to be of doubtful benefit in a Council comprising 21 members. I believe the present section of the Constitution Act is reasonable, and has not proved to be at all restrictive or unworkable over many years of its operation.

However, if members believe that the present Constitution Act is not specific enough, they should amend the Bill so that it is explicit or expresses the view of the Parliament more fully. On that question, members have two or three questions to ask themselves. First, do members believe that the Constitution Act should stipulate that Ministers should be drawn from the House of Assembly? If the answer is "Yes", members must vote for an amendment to the Bill. Secondly, do members believe that the

Constitution Act should stipulate that Ministers should be drawn from the Legislative Council? If the answer is "Yes", members must vote for an amendment to the Bill. Thirdly, if the answer to both questions is "Yes", the next question to answer is: what is the smallest number of Ministers there should be in the Upper House for its reasonable operation?

As the honourable member who introduced the Bill knows, this Bill loads the second barrel of the deadlock provisions, a point which no doubt is well understood by the Government; so really the Bill's future on the Statutes depends on the attitude of Government members. I only point out to the Council that the alleged "ridiculous and contradictory situation", which was referred to in the second reading explanation, if such be the case, is simply not corrected. Because of the constitutional position of this Bill, I am willing reluctantly to support its second reading in the hope that Government members will, if they agree with the mover's viewpoint that the situation at present is ridiculous and contradictory, at least see that it is corrected by amending the Bill.

The Hon. C. M. HILL: I thought the honourable member's principal argument when he introduced the Bill (that it would be possible, under present legislation, for all Ministers to come from this Council and none from another place) was not a strong enough argument to take seriously. Surely, none of us would expect in all seriousness that a situation would arise in this Parliament in which the Government of the day would decide to elect all its Ministers from this Council and none from another place. That argument was weak.

However, I do find considerable interest in the opportunity to have a close look at the question that is raised by the Bill: the question of the most effective and efficient manner in which Parliament in this State can operate in relation to the question of Ministerial representation in each House. This is an opportunity that honourable members on both sides of the Chamber ought to take to look at this question in depth and see whether there is a need to improve the present situation in practice and, therefore, to improve the Constitution Act as it deals with this question.

If one wants to look at the matter in depth, the first area of close investigation ought to be the subject of the functions of a second Chamber. Whenever I deal with the functions of second Chambers, I always use as my yardstick the report of Lord Bryce of the House of Lords on the question of reform of second Chambers, and in that excellent report, made 57 years ago, and of course relating specifically in its language to the House of Lords (nevertheless, in principle it dealt with the whole subject of second Chambers), it—

The Hon. M. B. Cameron: It has taken them a long while to bring it down here—57 years.

The Hon. C. M. HILL: It has been quoted many times in this Council before the honourable member came here. These functions, as set out, ought to be taken as the yardstick in relation to the functions of this Council. Under the heading "Functions appropriate to a second Chamber", the functions are listed as follows:

1. The examination and revision of Bills brought from the House of Commons, a function which has become more needed since, on many occasions, during the last 30 years, the House of Commons has been obliged to act under special rules limiting debate.

2. The initiation of Bills, dealing with subjects of a comparatively non-controversial character which may have an easier passage through the House of Commons if they have been fully discussed and put into a well-considered shape before being submitted to it.

3. The interposition of so much delay (and no more) in the passing of a Bill into law as may be needed to enable the opinion of the nation to be adequately expressed upon it. This would be specially needed as regards Bills which affect the fundamentals of the Constitution or introduce new principles of legislation, or which raise issues whereon the opinion of the country may appear to be almost equally divided.

4. Full and free discussion of large and important questions, such as those of foreign policy, at moments when the House of Commons may happen to be so much occupied that it cannot find sufficient time for them. Such discussions may often be all the more useful if conducted in an Assembly whose debates and divisions do not involve the fate of the Executive Government.

Briefly summarised, these four functions can be listed in their order of importance. I suggest, first, the function of review; secondly, the function of initiating Bills of a comparatively non-controversial nature; thirdly, the delay of issues when the people at large have not had an opportunity to have their voices heard on the matters involved; and, finally, the notion that this should be the forum in which people who have expertise in subjects that affect the welfare of South Australians ought to get up and speak from their experience and knowledge of issues of the day.

Dealing with the second function first, I come to the question of the initiation of some Bills. It is therefore a function of this Council second in importance of the four aspects to which I have referred. It is interesting to see that the aspect of the Bill of a non-controversial nature is referred to. There has been in recent years a trend (and I believe it is a proper trend) for Ministers in this Council to hold portfolios that are not as controversial as are some of the portfolios held by Ministers in another place. That is proper and fits into the guidelines to which I have referred.

The Hon. M. B. Cameron: Like the Medibank portfolio.

The Hon. C. M. HILL: No, there is no portfolio under the name of Medibank. I can recall a situation regarding the transport portfolio, which is a rather controversial one. When I held that portfolio and attended the meetings of Australian Ministers of Transport, I was the only Minister in a second Chamber of a State Parliament in Australia to do so. That portfolio has now been removed to another place, and I think that it would be in the best interests of good government if it remained there. I am being frank regarding that point.

The Hon. M. B. Cameron: You don't object to holding that portfolio?

The Hon. C. M. HILL: No, I do not. It is a most interesting, challenging, exciting and rewarding experience to be Minister of Transport.

The Hon. D. H. L. Banfield: Which job are you looking for?

The Hon. C. M. HILL: I am not looking for any job, and at no time have I looked for a job of that kind. I should like honourable members to listen to the argument that I am trying to advance. The trend for this Council to be so structured with its Ministers that Bills of a less controversial nature are introduced here is, within the Parliamentary system, a good and proper one. Indeed, it conforms to the old established successful functions of second Chambers, to which I have referred. If this Act is amended so that all Ministers can be appointed in another place—

The Hon. M. B. Cameron: Can be?

The Hon. C. M. HILL: That is so. If we allow that possibility (and that is what I think the Hon. Mr. Cameron said in his speech; it is the policy of his Party), we—

The Hon. M. B. Cameron: But that's not what the Bill provides.

The Hon. C. M. HILL: It can happen if this Bill passes. If that happens, there will be no initiation of Bills in that manner. What would happen in practice? All the Bills would be introduced in another place at the beginning of each session and be debated there. What would the Council be doing? It would be sitting and waiting, whether the Bills were controversial or non-controversial. Then, a whole host of legislation would come to the Council, with people, apparently Ministers from another place, running hither and thither and the Government of the day endeavouring to engineer the passing of measures through this Chamber. We would not have the situation in which Ministers were introducing their Bills in this Council at the same time as Ministers were introducing their Bills in another place. This rather balanced spread of the work load, as happens at the moment, would not exist.

The Hon. D. H. L. Banfield: What happens in Tasmania?

The Hon. C. M. HILL: I do not know exactly what happens in Tasmania. The Chief Secretary, a senior member of the Parliament, is going to Tasmania to look for improvement. I do not want to be critical of the Tasmanian system but I am not particularly interested in Tasmania. I am interested in going back to fundamentals and in our practical application of the experiences we have had here. So I believe in the system based upon the precedent to which I have referred, where Bills of a controversial nature are introduced in another place and, at the same time, Bills of a less controversial nature are introduced here. It is a process in which we carry out the second function that it is our duty to carry out.

Whilst all that process takes place simultaneously, it is a procedure, an improvement on which I cannot envisage. So firmly do I believe this that we should take the opportunity, now that this Bill is before us and the Act is opened up for consideration, to ensure that the current system, or something like it, is enshrined in the Constitution so that change cannot take place at the whim of a Government. That could happen, of course, if the Bill passed in its present form.

I believe we should endeavour in this Council, in the interests of the best possible legislation for the people of South Australia and in the interests of the most efficient and effective working of this whole Parliament (and I ask honourable members to bear in mind the working of the whole Parliament, not only this Council), to amend the Bill to ensure that the present system, or something resembling it, cannot be altered. In the Bill (I think this will be closely in line with what the Hon. Mr. DeGaris has in mind; it might be identical) we should lay down that we say that there shall be at least, let us say, three Ministers in this Council, and there shall be at least a certain number of Ministers in the other place.

That number in the other place may be six, seven, or eight. That detail can be the subject of further debate. Then, when changes are introduced in regard to numbers of Ministers, the number can go from 11 to 12, 12 to 13, 13 to 14, or 14 to 15, as the case may be. In years to come, a minimum number will be laid down for this place and another place. Having given the matter considerable thought and having had some experience on the front bench, I am convinced that such a system would be in the best interests of the South Australian Parliament. It would take much to convince me otherwise.

Although I appreciate that some honourable members may have made up their minds on this matter, I suggest that, if further thought is given to it, it may be possible to lay down some limit, as I have mentioned, so that we are assured of the numbers to which I have referred. If we do that, I come back to my point that the second function of second Chambers would continue to be carried out as this Council has carried it out in the past. Also, I am convinced that a smoother working arrangement than that form of change envisaged by this Bill would continue; it would be more effective, and a more efficient Parliamentary procedure would result. In the long term, our aim (we must always bear in mind that it is the best possible legislation that this Parliament can fashion) would indeed be fulfilled if we maintained a system along those lines.

The Hon. J. C. BURDETT secured the adjournment of the debate.

#### CRIMINAL LAW (SEXUAL OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 10. Page 633.)

The Hon. A. M. WHYTE: I rise to say why I oppose the legislation, since it needs each one of us to make a decision. I hope the tenor of the debate is somewhat better than it was in the other place when the members voted. It appears that on this occasion the legislation will become law, judging by the way various members have spoken. I intend once again to oppose the Bill, because I believe the act of sodomy is not a natural process. However, I reiterate that, if people wish to indulge in this act, provided they keep away from the public eye, that should be their own business. In fact, the amendment in 1972 to section 68 provided for this. I was of the opinion that most homosexuals were happy with that amendment. I wonder whether the people who seem most discontented are true homosexuals.

Because of what I said during the previous debate, from the time I made a second reading speech until the third reading vote, I was lobbied by many people who were extremely interested in the legislation. I formed an opinion, from the evidence they gave, that it was obvious that the greatest promoters of the legislation were more likely to be deviants than they were to be homosexuals. As it is a long time since that evidence was taken, and at this stage I believe that perhaps no means of recrimination would be possible against them, I would like to tell a story that had a great bearing on my decision at that time. I was told a story by a rather handsome young man, although somewhat effeminate in appearance, who was accompanied by a lady, I would say, 60 years of age.

The story he told was that he had been a prominent singer. He was from overseas. He told the story of his childhood upbringing, and eventually, although he had been going with a girl for some time and her parents and his parents were agreeable to their marriage, they wondered why in fact it did not take place. Eventually, under pressure, he confided in his father and his girlfriend. He told them he was a homosexual and said that he realised that they probably had been suspicious of him for some time. He left his homeland and came to Australia. Within days of his reaching Sydney it was well known that he was a homosexual. Because of his prominence and because he had money, he was quickly involved in a group in Sydney. He said that they did not just indulge in homosexual acts: they indulged in orgies. So sickened was he of this eventually that one of his homosexual friends

said, "If you want to make a break, I have a mother in Adelaide. I broke her heart, but I am sure that, if you go to Adelaide, she will look after you."

The couple that came to see me pleaded that there should be no further widening of this law. They were one of the pathetic couples that at that time gave evidence. A middle-aged man, who said he had served a gaol sentence for indecent assault, said that it was a lot of rot that people could not be induced into homosexual acts. He went as far as to say that, if 20 youngsters were placed in the hands of a homosexual in isolation, each youngster would in a short time commit a homosexual act. Volumes have been written for and against this type of legislation, and one has to make up one's own mind. At that time I said that I had sympathy for people who had a genetic maladjustment, but they assured me that they did not want sympathy: they wanted full acceptance as human beings. I said that the proposed amendment would do much to assist them, and they agreed. It was obvious that the homosexuals did not want interference from anyone—not from ladder-climbing politicians, not from the gay activist group, and not from the police.

This legislation gives a clear acceptance of an act that I am not willing to accept. It is one thing to remove the legal discrimination against homosexuals, but it is another thing to create a mandate of approval. The 1972 amendment has worked so well that since then there has never been a prosecution in which the defence which was provided in the legislation has been used. In other words, there has been no victimisation of people committing homosexual acts, provided that they commit them in private and they are consenting adults. The following article, which outlines the position in America, gives points for and against:

Many homosexuals lead quiet private lives—

I agree with that—

but for those looking for action, the gay bar is a long-established meeting place. As police harassment has declined, the bars have proliferated. There are now some 4 000 in the country.

Although the laws in some American States are very strict in regard to homosexuality, some other States take a different attitude. The article continues:

The gay bar is usually a sexual market place. Though most bars are classless—a college professor may walk out arm in arm with a welder—the trend in big cities is toward variety and segregation. There are bars for writers, artists, blacks, collegians, business-men, middle-class women, "drag queens," trans-sexuals, male prostitutes and sadomasochists . . . Male prostitutes who are teenage or younger are greatly in demand, particularly by older married men. Robin Lloyd, a Los Angeles writer-producer, has just written a book on the subject *For Love or Money*, to be published next spring by Vanguard Press. Lloyd estimates that more than 100 000 American boys between the ages of 13 and 16, mostly runaways from working-class or welfare families, are actively engaged in prostitution. Neither the Los Angeles nor the San Francisco police find this figure too high. Recent police raids uncovered teenage brothels in Los Angeles and New Rochelle, N.Y., and a national guide to the trade, *Where the Boys Are*, has sold 70 000 copies at \$5 each.

The Hon. R. A. Geddes: What is the name of the magazine containing that article?

The Hon. A. M. WHYTE: *Time* of September 8, 1975. The article shows what can happen when we accept the concept of homosexuality. This Bill deals mainly with the incrimination of Lesbians. I doubt very much whether the homosexuals themselves are interested in the prosecution of Lesbians. The group to which I was talking did not

seem to be vindictive. It is hard to believe that homosexuals would want a law against Lesbianism simply because there is a law against homosexuality. One of the problems about this legislation is just where and how far it is intended we should go and how far the demands would go once this legislation came into operation. The article further states:

Many fear the demands that seem to flow logically from the assertion that "gay is good." For instance: the legal right to marry; homosexual instruction in school sex courses; affirmative action or quotas in hiring; and gay love stories to go with heterosexual puppy-love stories in libraries and schools. The Task Force on Gay Liberation of the American Library Association has already begun such a campaign.

One could expect that the same type of group in South Australia would, once this legislation became law, start such a campaign. These are my objections to the presently proposed legislation. I repeat that, if homosexuals wish to perform such acts, although I do not agree with them, it is none of my business as long as they keep out of my way and out of the way of everyone else. However, I think this measure goes much further and that we will see greater demands for greater liberation. I oppose the Bill.

The Hon. J. A. CARNIE: I rise to speak to this Bill because I believe this is a matter on which one should not cast a silent vote. It is not a Party political matter, and I believe even members opposite are freed from their pledge and are allowed a free vote on such matters. I believe all members have an obligation to indicate to voters why they vote as they do. I support the Bill, and I do so because I do not believe that the law should concern itself with what consenting adults of either sex choose to do in private. I have been surprised and saddened by the bigotry and ignorance shown in this Parliament and in the community. I suppose I should not have been surprised at bigotry, because it is around us all the time, in all walks of life, and on all matters, but when it is coupled with ignorance we have a most dangerous situation.

Like other members of this Council and of the other place, I have received many letters on this matter. The lack of knowledge on the part of many of the people who have written them would be funny if the matter were not such a serious one for the 5 per cent or 6 per cent of the community affected by the Bill. One person wrote that I would lose voting support if I supported such left-wing activities as homosexuality. It is a rather interesting theory that one's sexual inclinations determine one's politics; it is a theory I have not seen borne out by any authority. Most points for and against the Bill have been covered many times in both Houses, and many quotations have been given. I do not intend to go over many of these.

Disregarding the letters I received from the bigots I have mentioned and the cranks (it is easy to tell which they are), many very genuinely concerned letters were received. Two fears were expressed by most of those people, and it is about those two fears that I wish to speak. The first was the effect the passage of this Bill would have on the young people in our community; that is of prime importance. Young people must be protected, and if there was no protection for young people I would not support this Bill. However, I believe that it provides very adequate protection, and we now have the same protection for boys as we have had for girls.

The Hon. R. C. DeGaris: Do you believe it provides sufficient protection?

The Hon. J. A. CARNIE: I believe it does, but the people opposing the Bill should remember that, at the moment, no real protection is provided for boys against

sexual offenders in the same way as we have had for girls. The Bill tightens the law and provides that, when the Act is amended, there will be no differentiation between male and female in relation to sexual offences. A sexual offence against a boy or a girl by a man or a woman is the same offence, carrying the same penalty. I believe that, in relation to the first fear I have mentioned as to the effect on the youth in the community, the Bill provides adequate protection.

The second fear often expressed is the fear of the spread of homosexuality if the Bill is passed. It seems that people think homosexuality is some sort of infectious disease, but any argument about an increase in the incidence of homosexuality is not borne out by experience in countries that have decriminalised homosexuality. I am sure all members have received and read the Festival of Light submission, which states that homosexuality does not appear to have increased in incidence. I admit that, from what we read, it sometimes appears that there is more homosexuality, but it is generally accepted by most authorities that that is because many homosexuals who have hidden their condition have become more overt. However, there was no evidence of an increase in the percentage of true homosexuals in the community. I believe this is for one simple reason: a homosexual cannot be made in adult life.

I ask the men in this Chamber whether they would succumb if they were propositioned by a homosexual. Of course, they would not. I noted what was said by the Hon. Mr. Whyte a few minutes ago, when he quoted a person who had told him that homosexuals can be made. He quoted a figure of 20, representing the number of homosexuals who could be made by one man. Certainly, that is not borne out by any psychiatric authority, and I am sure all members would have received the submission from the Psychiatric Association which stated this. It is generally believed that the only person who could be turned into a homosexual is a latent homosexual, one who already has that tendency. The pattern for homosexuality (or heterosexuality) is set long before puberty is reached. It is not a genetic maladjustment. This theory has been examined and discarded many years ago.

Homosexuals are not born, and various reasons are put forward for what makes a homosexual. A dominant mother is one, a passive father is another, the influence of the society in which the family lives is yet another. Others are put forward by various people. I think it would be silly to suggest that there is only one cause; it must be a combination of any or all of the factors mentioned. However, the point on which all these people agree is that the causes centre on home and family background and are begun and completed in early childhood. Even Dr. Court, who is violently opposed to the passage of this Bill, has said:

The significance of homosexuality lies in the imbalance of the family constellation, resulting in the learning of a deviant set of attitudes.

The result of what I have been saying is that the sexual pattern cannot be changed in adult life. One point raised in a letter to me asks what would happen if a young man was kept in confinement and subjected to homosexual acts. In passing, I point out that the opponents of the Bill certainly raised all the possibilities, however remote. The laws against kidnapping would come into this. This is also covered by the point I have already made, that one cannot make a person homosexual unless he is already inclined that way.

This point is also covered by a new provision in the Bill, which provides for the crime of homosexual rape. The final point I wish to make concerns the present law. The



basis of British law is that we enjoy remarkable freedom to do as we like, provided that we do not harm others. I believe that homosexual acts between consenting adults in private do no harm to others. Whether they harm the people concerned is a matter for psychologists and the conscience of those involved. Another basis of British law is that a person is innocent until proven guilty. This is so in all cases except in relation to the crime of homosexuality. It is still a crime, according to our law.

If a person is charged, it is up to him to prove that the act was carried out with a consenting adult in private, and this onus is an absolute reversal of British law. I am surprised that the Hon. Mr. Burdett, who is a lawyer, approves of this. Does the honourable member think that the crime of homosexuality is a worse crime than murder or theft? For those crimes, at least, it is up to the State to prove the guilt of the person concerned. I should just like to refer to the following statement by the Hon. Mr. Burdett when speaking on this matter:

The police do not prosecute where the act is committed between consenting adults in private, because those involved know a prosecution will not be launched.

The Hon. Mr. Whyte made a similar statement just a few moments ago. If homosexuals are not to be prosecuted, why not decriminalise this aspect of the law? If it is a crime (and it is according to the Statutes), prosecutions should be made. If prosecutions are not made and if the law is not enforced, it is not law and should be repealed.

I wish now to make one or two points regarding the statements of the Hon. Mr. Whyte, who referred to an article in *Time* magazine concerning homosexual prostitution and brothels. This Bill specifically provides definitions of male prostitute and brothel, and brings them into the same criminal law as that applying to female prostitution and female brothels. Finally, I point out that we have a group of people who are no more responsible for being homosexual than the majority of us are for being heterosexual, yet the law brands them as criminals. They are a minority in our community, but they do not deserve the criminal stigma attached to them. I support the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): This is a Bill which comes to this Council for the second time. Therefore, it is one of those Bills which load the second barrel of the deadlock provisions in exactly the same way as an earlier Bill on which I spoke. Needless to say, I support the legal views so clearly and lucidly expressed by the Hon. Mr. Burdett. I believe that the present law offers protection from interference from the law where the act of sodomy is practised by consenting adults in private while maintaining protections for the community from proselytising activities.

I believe that the law presently is both humane and compassionate and not, as has been described by other members, the complete opposite. To infer that the existing law had anything to do with the unfortunate death of Dr. Duncan is unsubstantiated bunkum. Indeed, with the changes proposed in the law, I believe that the increase that will take place in proselytising activities will tend to increase rather than decrease in what is commonly called "poofster bashing" incidents. This is borne out by an examination of the statistics in Great Britain following the adoption of the Wolfenden report. There have been more prosecutions in Britain in this matter than before the report. The conclusion I have reached on this matter can be shown to be more logical than the opposite view advanced in the second reading explanation given by the honourable member who introduced the Bill.

The Hon. Mr. Blevins and the Hon. Mr. Carnie referred to civil liberties and British justice. They criticised the defence provisions in this Act. They referred to a denial of British justice. However, such defence provisions are provided in many Statutes and in many laws which have been passed by this Council and which were passed while this Government has been in office. A number of such provisions have been dealt with by this Council and have been supported by Government members. What the defence clause means practically is that the offence in certain circumstances will not be an offence, and those circumstances are where the act of sodomy is practised by consenting adult males in private.

In looking at the question of defence clauses that have been included in legislation, I refer first to the common law of Britain regarding unlawful possession, where a reverse onus of proof was imposed upon a person who was in possession of goods thought to be stolen. There was a clear reverse onus of proof on that person, who had to establish the fact that he came by the goods in a lawful manner. I refer to the Road Traffic Act and the 65 miles an hour speed limit. If a driver exceeded that limit there was a defence clause providing that he had to show that he was not driving in a manner dangerous to the public. I refer, too, to the Income Tax Act, which is absolutely full of defence clause provisions providing that where the Commissioner says in his opinion that a certain income is wrongly stated, one has to prove that such is not the case. I refer to *Australian Criminal Law* (pages 20 and 21) by Colin Howard under the heading "Affirmative defences", as follows:

In one situation the principle of the evidentiary burden of proof, that D must do something to help himself, is carried further. Where the law makes available to D what is called in this book an affirmative defence it imposes upon him the persuasive burden of proving that defence. The *quantum* required of him is proof on the balance of probability, which is the same as the *quantum* required of a litigant in a civil action and is a less rigorous standard than the removal of reasonable doubt required of P. D is never required to prove anything beyond reasonable doubt. There are two affirmative defences in the present law, insanity and reasonable mistake of fact. The burden of proof in each is mentioned again below. Here it is necessary only to make two observations about the interaction of burden of proof and affirmative defence generally.

The first is that the availability of an affirmative defence in no way modifies the burden of proof as it affects the other issues in the case. This is best illustrated in relation to reasonable mistake of fact. It is a general defence in the criminal law for D to prove affirmatively that he committed the conduct charged against him owing to a mistake of fact, based on reasonable grounds, of such a nature that had the facts been as he believed, he would be innocent.

I now refer to the reference in the volume to bigamy (pages 151 and 152), as follows:

One statutory defence is furnished where the charge is against a married person under s. 94 (1). By s. 94 (2) it is a defence for D to prove that at the time of the alleged offence, he believed that his spouse was dead; and his spouse had been absent from him for such time and in such circumstances as to provide, at the time of the alleged offence, reasonable grounds for presuming that his spouse was dead.

One can go on through a whole series of Acts of this Parliament and of the Commonwealth Parliament in which the defence clause is clearly used. It has been suggested that it is a denial of British justice, even when British common law contains similar undertakings. One can look at legislation that has been passed by this Parliament over the past few years. I refer, for instance, to section 4 (2) of the Flammable Clothing Act, 1973, which provides; "It shall be a defence for the defendant to prove . . .".

I refer also to the Commercial Motor Vehicles (Hours of Driving) Act, section 11 of which provides, "It shall be a defence . . .". I refer also to the Pyramid Sales Act, section 7 (2) of which provides, "It shall be a defence in a prosecution for an offence . . .", and to section 55 of the Criminal Law Consolidation Act, which relates to carnal knowledge and in which there is a defence provision.

Yet we hear these comments that this defence clause is not related to the concept of British justice. I refer also to section 39 of the Police Offences Act, which relates to valueless cheques, and ask honourable members to look at it, as well as at section 41 of the same Act, which relates to unlawful possession. I return to what the Hon. Mr. Blevins said, as follows:

It is always up to the prosecution to prove that the accused person has broken the law. There is no obligation at all on anyone to prove his innocence. To turn this traditional concept of justice upside down, as the Council has done . . . is to do a grievous wrong.

Referring to the Hon. Mr. Burdett, the Hon. Mr. Blevins continued:

I notice that a lawyer did not say anything about that. He is strong on British justice when it suits him, but is this traditional justice and British justice?

I look forward to a series of private members' Bills instituted by the Hon. Mr. Blevins and the Hon. Mr. Carnie. I have given only a few examples of defence clauses in legislation; there are many more. The pair of them will have a long task in presenting private members' Bills aimed at removing the defence clauses that appear so often in our legislation.

In matters such as this, the arguments tend to become simplistic and emotional. The Hon. Anne Levy, in introducing the Bill, quoted Pierre Trudeau, who said that the State has no business in the bedrooms of the nation. She also said:

The present law makes criminals of thousands of otherwise law-abiding citizens.

That unfortunate phrase is taken up in this document under the heading of the Social Concern Committee, which has already been referred to. It carries only one signature, although it has a series of names at the bottom of it. I should be surprised if all these people who are quoted knew exactly what was in the document that came to us. I would also be surprised if many of the people on this list would make the allegations and accusations and put forward the arguments in this volume that came to all honourable members.

The Hon. C. J. Sumner: Do you have any evidence to the contrary?

The Hon. R. C. DeGARIS: None at all. All I am saying is that these people, of high academic standing in universities, would not in my opinion have put their names to the material that came before honourable members. I do not know whether that is right or wrong, but I do know many of these people, and I have read the arguments from the Social Concern Committee. To me, they are disturbing, to say the least, in relation to the ethical standards that those people are supposed to maintain. But they take up this point: they say in this document, "The present law makes criminals of thousands of otherwise law-abiding citizens."

Let me examine the two points made by the Hon. Anne Levy, the first regarding the State's having no business in the bedrooms of the nation. If the law has no place in the bedrooms of the nation, why do we still insist on having the crime of incest on the Statute Book? I pose that question to the Council. Why should the law say that a

female can give consent at the age of 17 years whereas a male has to wait until he is 18 years old? This is a strange discrimination between the sexes if we are to reach the unisexual approach to these matters.

The Hon. N. K. Foster: Where's incest referred to in the Bill? Babble away.

The PRESIDENT: Order!

The Hon. N. K. Foster: You are the greatest bush lawyer I've ever struck.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: Why should this question of discrimination exist in a Bill that is supposed to destroy discrimination? I pose that question. Why, if honourable members are talking about getting rid of sexual discrimination between the sexes, is the age of consent for females 17 years and for males 18 years? I hope to get an answer to that question from honourable members. Under the Bill, the Hon. Miss Levy admits that the law has business in the bedrooms of the nation. Yet in her second reading explanation she quoted Pierre Trudeau with a simplistic, emotional statement that does not bear examination. Let us look at the second statement: that the present law makes criminals out of otherwise law-abiding citizens. So does every law, if one wishes to take that broad view. The income tax law, for instance, makes criminals out of otherwise completely law-abiding citizens.

The Hon. N. K. Foster: You speak for yourself.

The Hon. R. C. DeGARIS: I know a number of people—

The Hon. N. K. Foster: I thought you were going to tell us about white collar crimes.

The Hon. R. C. DeGARIS: No. If honourable members opposite want to make a broad statement that the present law makes criminals out of thousands of otherwise law-abiding citizens, I can say that every law on the Statute Book (from the Income Tax Act right through to legislation relating to hours of driving) does exactly that. This Bill is related to sexuality and sexual expression, and the rights of a person to determine his own practices. The present Act discriminates against those who indulge in the acts of sodomy or buggery. If one wishes to follow that logic and the arguments advanced by the mover, exactly the same arguments can be advanced to say that people who indulge in buggery with animals are discriminated against, because the attitude this Bill takes to that question—

The Hon. F. T. Blevins: Is that important here?

The Hon. R. C. DeGARIS: Yes, and I should be pleased if the honourable member would let me develop my argument. The Hon. Anne Levy said the law makes criminals out of otherwise law-abiding citizens. If she is serious in that contention, why should she discriminate against intercourse with animals? The same thing applies. Those people who indulge in that sort of activity may, in every other respect, be law-abiding citizens. There are people who seek sexual satisfaction with animals, and the claim that the present law makes criminals out of otherwise law-abiding citizens applies with equal logic to that group. The arguments put forward in favour of this Bill are loaded with emotional phrases that have no application to a specific case. The present law is practical. We have heard much talk about logic from the promoters of the Bill, and I have shown where their logic leads them.

The Hon. F. T. Blevins: You have shown it only to your own satisfaction.

The Hon. R. C. DeGARIS: To everyone's satisfaction. If the approach to this question is to be changed, other provisions must be added to the Bill to fulfil the opinions

that some members have expressed. I have already referred to the question of proselytising minors through the promotion of sodomy and the promotion of homosexuality; this cannot be proscribed if the act of sodomy is decriminalised. That is the most serious point. This is adequately covered under the existing law, which proscribes the act of sodomy. Once it is decriminalised, we will need a series of other measures to ensure that the proselytising and promotional aspects are not engaged in by a group that wants to promote that way of life. The present law is able to contain this question, but the Bill now before the Council does not and cannot do so. All honourable members have opposed the advocacy of sodomy and homosexuality in schools. Some honourable members have referred to the question of the adoption of children by homosexual couples.

The Hon. F. T. Blevins: It is not relevant.

The Hon. R. C. DeGARIS: It is relevant.

The Hon. J. R. Cornwall: It is not in the Bill.

The Hon. R. C. DeGARIS: That is what I am complaining about. If we want to protect minors fully, the Bill must be amended to prevent promotion and indoctrination. To be consistent, honourable members promoting this Bill must vote for such an amendment.

The Hon. C. M. HILL secured the adjournment of the debate.

#### ADJOURNMENT

At 5.25 p.m. the Council adjourned until Wednesday, September 17, at 2.15 p.m.