

## LEGISLATIVE COUNCIL

Thursday, October 20, 1977

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

## LAND TAX ACT AMENDMENT BILL

At 2.17 p.m., the following recommendations of the conference were reported to the Council:

*As to amendment No. 1:*

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 2—After clause 4 insert new clause as follows:

4a. Section 12a of the principal Act is amended—

(a) by striking out from subsection (5) the word "No" being the first word in the subsection and inserting in lieu thereof the following passage "Except as is provided in Section 68a of this Act, no";

(b) by striking out from that subsection the passage "in any court".

and that the House of Assembly agree thereto.

*As to amendment No. 2:*

That the House of Assembly do not further insist upon its disagreement.

*As to alternative amendment and alternative suggested amendment in lieu of amendment No. 3:*

That the Legislative Council do not further insist on these amendments but make the following amendments in lieu thereof:

Clause 7, page 3, lines 34 and 35—Leave out "appeal against the decision to the Treasurer" and insert "lodge with the Treasurer an objection in writing that sets out in detail the grounds of the objection".

lines 35 and 36—Leave out all words in these lines.

page 4, line 2—Leave out "appeal" and insert "objection".

line 4—leave out "appeal" and insert "objection".

after line 6—Insert—

"(4) A decision of the Treasurer under this section shall be final and without appeal, and shall not be called in question in any legal proceedings whatsoever.

68b. (1) Subject to this section, a person who is aggrieved by a decision of the Commissioner, under Section 42 of this Act, to treat a contract, agreement or arrangement as void for the purposes of this Act, may appeal against that decision to a Local Court constituted of a judge of that Court.

(2) Subject to subsection (3) of this section, an appeal under subsection (1) of this section must be instituted within thirty days after the appellant receives notice, either personally or by post, of the decision of the Commissioner.

(3) An appeal under subsection (1) of this section is limited to a decision of the Commissioner which involves a question of law.

(4) In any appeal under subsection (1) of this section, a judge of the Local Court may—

(a) dismiss the appeal;

(b) reverse or vary the decision appealed against;

(c) make any order as to costs or any other matter that the justice of the case requires.

(5) A decision of a judge of the Local Court under this section shall be final and without appeal and shall not be called into question in any legal proceedings whatsoever.

68c. (1) The right of the Commissioner to receive any land tax under this Act shall not be suspended or delayed by an objection or appeal under this Act.

(2) Where the amount of any land tax is reduced or increased in consequence of an objection or appeal under this Act, the Commissioner shall refund to the taxpayer any excess paid, or may recover from the taxpayer any additional tax payable as the case may be."

and that the House of Assembly agree thereto.

Consideration in Committee.

**The Hon. D. H. L. BANFIELD (Minister of Health):** I move:

That the recommendations of the conference be agreed to.

It was a good conference. People there from both sides listened to the arguments, and I believe that they have come to an extremely good compromise. This place was insistent that taxpayers should have the right to appeal to a court. I had indicated, when the Bill was before us, that they already had this right and that they could go to court on points of law. Members opposite argued that this set-up was too cumbersome, and this place carried a suggested amendment.

After much discussion and consideration, the conference has agreed on the recommendations that I have read. I think that this is a fair compromise. True, the objection can be lodged only in the Local Court, and the decision there will be final. This is another avenue to which the taxpayer will have an appeal. As I have pointed out, under the Bill as it was before us, they had the right to appeal to the Treasurer and they could have gone to the Ombudsman, and they could have gone to court on a question of law. The recommendations now write into the Bill provision that a taxpayer can decide where he wants to lodge his objection. He has the right to object in only one area, namely, to the court, or to the Treasurer. I assure members that in no way did their managers let them down.

**The Hon. J. C. BURDETT:** I support the motion and the Minister's remarks. This conference was a model. It was conducted in the way that conferences ought to be conducted. At the outset of it, we were not told, as we were so often previously, that we had to give in to the other place, or the Bill would be dropped. At no time was that said on this occasion. At the outset, the managers for the other place opposed our amendment and gave their reasons for doing so. We stated our reasons for the amendment. The managers for the other place asked for time to consider the matter, and after that they came up with a compromise to which we agreed, subject to approval of the words in critical parts. These were subsequently agreed upon. Instead of being threatened, we were given reasons for the objections by the other place to our amendment. We sustained our reasons, and a compromise was reached.

There are three differences between the amendments now proposed and our amendments. It is proposed that a Local Court judge instead of a Supreme Court judge hear appeals. This is because it has been held by the courts in several cases that, even where a special Act does say there shall be a final appeal to a Supreme Court judge, the Full Court's procedure of appeals can be available; the appeal can go to the High Court or even to the Privy Council whereas, where the appeal is restricted to the Local Court, that has stuck.

*Members interjecting:*

**The CHAIRMAN:** Order! There is too much audible conversation by members moving about the Chamber.

**The Hon. J. C. BURDETT:** When the appeal has been to the Local Court and a final decision given, further appeals have not been possible. That is the reason for the preference of a judge from the Local Court rather than the

Supreme Court. This seems to be eminently reasonable. The second difference is that, where we gave a general appeal in our amendment from the decision of the Commissioner under proposed new section 42 to the court, the appeal has now been limited to a decision of the Commissioner involving a point of law.

That is not significant, because it must be remembered that, provided those terms are complied with, namely, that the decision of the Commissioner involved a point of law, there is then a full appeal. The appeal is not necessarily confined to the point of law but, where the decision of the Commissioner involves a point of law, there is an appeal. Most important decisions of the Commissioner will involve a point of law, so that there is adequate provision there.

The third difference from our amendment is that there should be an appeal in all cases, first, to the Treasurer, and then to the court. Now, under section 42 appeals there is an alternative: the taxpayer must elect whether he will make a simple objection to the Treasurer and, if he does, that is where he is stuck, or whether he will go to the court. This is more oppressive on the taxpayer than we proposed, but it is not unreasonable.

It is fair enough that the taxpayer has to elect whether he will have a simple appeal to the Treasurer or whether he will go to the court. If it is a serious matter he will elect to go to the court; otherwise, he will not. That does not in principle detract much from what the Council is trying to do.

I refer to one other important matter. It is quite clear from the words of the amendment agreed to, and this has been agreed by the Parliamentary Counsel and all other persons with whom the matter has been discussed, that if the judge of the Local Court held that he had no jurisdiction to deal with the appeal on the ground that the decision of the Commissioner did not involve a question of law, then the taxpayer could still lodge an objection to the Treasurer. This is because, if the judge held that he had no jurisdiction to deal with the appeal, the appeal to the court would have been null and void and without any legal effect.

If the judge of the local court held that he had jurisdiction to deal with the appeal but, in fact, found against the taxpayer, of course that would be final. In a case where a taxpayer intended to appeal to the court and where there could be any doubt as to whether or not the decision of the Commissioner involved a question of law it would be essential for the taxpayer to lodge within the prescribed time an objection expressed to be subject to the court finding that it had no jurisdiction. It seems that the compromise arrived at is in spirit in accordance with the amendment we moved. I support the motion.

Motion carried.

#### PERSONAL EXPLANATION: ELECTORAL COMMISSION

**The Hon. R. C. DeGARIS (Leader of the Opposition):** I seek leave to make a personal explanation.

Leave granted.

**The Hon. R. C. DeGARIS:** Yesterday during the Address in Reply debate, the Hon. Mr. Foster made certain allegations which I will quote from *Hansard*, as follows:

I believe the Leader should take the first available opportunity to apologise—

I interjected:

What for?

The Hon. Mr. Foster replied:

Because if there is any skerrick of principle in him he should apologise to the State Electoral Commissioners for using the term "gerrymander" in respect of the last election.

Later, the Hon. Mr. Foster said:

The Leader hinged his whole argument on one word—"gerrymander".

I interjected:

No.

The Hon. Mr. Foster then said:

The Leader is a liar.

I interjected:

I did not accuse the commission.

The Hon. Mr. Foster then said:

The Leader said it was a gerrymander, and he reflected on the commission.

Later, the Hon. Mr. Foster quoted from a speech by Senator Hall, who was replying to a speech by Mr. Staley, as follows:

These criteria are the only criteria which govern the deliberations of three honest men and they have produced a redistribution on that basis. The Minister has charged them with gerrymandering the boundaries in South Australia—

The Hon. Mr. Foster then said:

In the same way as the Hon. Mr. DeGaris did in this Council.

I would like to make a personal explanation in this connection. The allegation made by the Hon. Mr. Foster yesterday that I have accused the Electoral Commissioners of any malpractice in a speech in this Council or outside, or in any statement or paper I have prepared on the A.L.P. gerrymander in South Australia, is quite false. In my Address in Reply speech, I said:

The commission is governed by the terms of reference which substantially governed the final boundaries.

I would also point out that all distributions in Australia are carried out by independent commissioners. Therefore, to carry the Hon. Mr. Foster's statements on gerrymandering to their logical conclusion, the honourable member has accused previous commissions in South Australia and commissions in Queensland of deliberately gerrymandering, an allegation that I refute as strongly as I refute his allegation that I have imputed any dishonesty to the present South Australian Electoral Commissioners. I have never accused the Commissioners, nor reflected on them, but I am accusing the A.L.P. of gerrymandering.

*Members interjecting:*

**The Hon. N. K. Foster:** You look like a duck; you quack like a duck; and you are a duck.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R. C. DeGARIS:** The gerrymander was not brought about by any order of the commissioners, but through the Act, which was initiated by and was the prime responsibility of the Government.

**The Hon. D. H. L. BANFIELD (Minister of Health):** Can it be noted that the terms of reference were approved by this Council, where the Liberal Party had a majority?

**The PRESIDENT:** Order! Everyone in this Council and the public at large knows that the legislation was passed by this Council.

**The Hon. N. K. FOSTER:** I seek leave to make a personal explanation.  
Leave granted.

**The Hon. N. K. FOSTER:** I am aggrieved to think that in my short space of time in this place I have been taking unfair advantage of such a man of such integrity as Ren DeGaris, Leader of the Opposition in this place! I did accuse him yesterday of a number of things which are

believed to be correct. Inherent in my personal explanation is the fact that again the cunning of a rather senseless person attempts to prevail over reasonable thinking, even in this Chamber. I draw your attention, Mr. President, and that of the House, to the fact that before I launched into my speech yesterday—in regard to any criticism or, indeed, hardly in reference to the honourable gentleman—I dealt explicitly with the definition of a gerrymander.

I purposely did that to ensure that before I commenced reading Senator Hall's speech, I would make it clear to this House that the matter hinged on the definition of the word "gerrymander", which came from the highest source, the Commonwealth Parliamentary Library, Canberra. The Hon. Mr. DeGaris agreed with that. If he reads *Hansard*, he has no reason for complaint today. My language was much too temperate in its description of him yesterday, towards his attitude, and the commission.

## QUESTIONS

### LEASEHOLD LAND

**The Hon. C. M. HILL:** I ask the Minister of Lands: what is the present Government's attitude and policy towards the freeholding of leasehold land?

**The Hon. T. M. CASEY:** At the present time there is not a definite policy laid down by the Government on the freeholding of leasehold land. Freeholding, as far as my department is concerned, has always been allowed in regard to blocks which are residential, and also where secondary industrial areas are concerned. The Lands Department has never been very tolerant towards freeholding broad acres. It is done in certain cases and in certain circumstances, taking into account all the factors relevant to the situation at the time. However, at the moment, there is no definite Government policy covering this matter.

### PUBLIC SMOKING

**The Hon. JESSIE COOPER:** I ask leave to make a statement prior to asking a question of the Minister of Health on the matter of public smoking.

Leave granted.

**The Hon. JESSIE COOPER:** In yesterday's *Advertiser*, the following item appeared :

Public smoking ban, Paris, Tuesday—A new anti-smoking law went into effect in France yesterday with some of the stiffest fines in Europe facing offenders. The law bars smoking in lifts, post offices, banks, schools, Government offices dealing with the public and any public place frequented by those under 16. Violators are liable for fines from \$A7 to \$A14, depending on where the offence happens. The anti-smoking measure is part of a year-long Health Ministry campaign which includes \$A450 000 publicity drive and plans for warnings on cigarette packets.

In the interests of health and efficiency, will the Minister consider the possibility of such a law in similar fields in South Australia?

**The Hon. D. H. L. BANFIELD:** At present the Government is not considering introducing such a law. There has been no real public pressure on the Government to introduce such laws in this State, but it is watching the position. As the honourable member would know, the Government has already put a prohibition on persons smoking in buses. It is watching the position to see what the public demands.

### REFRIGERATOR HEATING

**The Hon. R. A. GEDDES:** I seek leave to make a statement prior to asking a question of the Minister of Health in regard to refrigerator heating.

Leave granted.

**The Hon. R. A. GEDDES:** On the Australian Broadcasting Commission programme, *The Inventors*, screened last night, the winning entry was awarded to a person who has found a way to heat water in a domestic hot water service by transferring to that service the heat generated in a domestic refrigerator. The application of this principle would obviate a considerable amount of waste energy in the home. Would the Department of Economic Development, or its equivalent, investigate the practical application of this system, with a view to encouraging local refrigerator manufacturers to provide the necessary equipment so that a householder would be able to purchase as a unit a refrigerator and a hot water service operated by the waste heat from that refrigerator?

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

### TRANSLATORS AND INTERPRETERS

**The Hon. C. M. HILL:** I seek leave to make a short statement before asking a question of the Minister of Health, representing the Minister of Immigration and Ethnic Affairs, regarding an accreditation body for translators and interpreters.

Leave granted.

**The Hon. C. M. HILL:** I have received a copy of a joint statement dated October 14, 1977, emanating from a conference of Commonwealth and State Ministers of Ethnic Affairs, at which conference South Australia was represented by the Hon. D. A. Dunstan. One of the paragraphs of that joint release is as follows:

Ministers welcomed the establishment of the National Accreditation Authority on Translators and Interpreters, in particular, its role in setting standards and conditions leading to professional status for interpreters and translators. There was support for the aim that within five years the profession assume full formal responsibility for standards and accreditation. State Ministers offered to lend their support when required to the furtherance of these aims and objectives.

As the Hon. Mr. Sumner well knows, a course for translators and interpreters has already commenced this year on a part-time basis at the Adelaide College of Advanced Education. Next year, the course will be a two-year one. People attending that course are naturally looking forward to having proper professional status in this area of translating and interpreting.

I understand the Government has said that it intends to establish an accrediting body in this area in South Australia. Having received this report, I wonder whether the national body will be accepted by the Government, and the fact that the Minister has approved this press release indicates that that is so, or whether the State Government intends to stand on its own feet and care for South Australian ethnic people in providing its own authority. Does this press release mean that in South Australia the Government will support the proposed national authority, or does the South Australian Government intend to establish its own accreditation authority?

**The Hon. D. H. L. BANFIELD:** As the honourable member has requested, I shall refer the matter to my colleague.

### COMPULSORY UNIONISM

**The Hon. F. T. BLEVINS:** I seek leave to make a short explanation before asking the Minister of Agriculture a question regarding compulsory unionism.

Leave granted.

**The Hon. F. T. BLEVINS:** This Government is accused, quite wrongly, of wanting to introduce compulsory unionism in this State.

**The Hon. C. M. Hill:** You aren't going to try to put that over us, are you?

**The PRESIDENT:** Order! Interjections are out of order. I ask the Hon. Mr. Blevins to ignore interjections.

**The Hon. C. M. Hill:** What about the bashings up on the—

**The Hon. Anne Levy:** Throw him out!

**The PRESIDENT:** Order! I warn all honourable members, and ask the Hon. Mr. Blevins to continue.

**The Hon. F. T. BLEVINS:** The Labor Government is constantly being accused (quite incorrectly) by Opposition members of wanting to introduce compulsory unionism in this State.

**The Hon. A. M. Whyte:** We've already got it.

**The Hon. Anne Levy:** He's interjecting.

**The Hon. D. H. L. Banfield:** Throw him out!

**The PRESIDENT:** Order!

**The Hon. D. H. L. Banfield:** I think that the Hon. Mr. Whyte ought to be given one more chance, Mr. President.

**The PRESIDENT:** I was about to say that. I warn honourable members that I am determined that the Hon. Mr. Blevins will be heard in silence. I wish that the honourable member would not offer opinions on whether the Government is right or wrong.

**The Hon. F. T. BLEVINS:** It was not my opinion, Sir: I was merely stating that the Opposition accuses the Government of trying to introduce compulsory unionism in this State. Of course, that is not the case. I was interested today to receive in the post a magazine which is put out monthly by United Farmers and Graziers of South Australia Incorporated (and a copy of which, I presume, was sent to all other honourable members) entitled *The Farmer and Grazier*. Having read the magazine, and particularly this issue of it, I was certainly enlightened. On page 6 thereof is the following brief letter to the editor entitled "No whingeing":

U.F.G. members should be grateful for the way the farmers' case is put when our leaders are interviewed on TV or make press statements to the media. Inevitably, the case is argued logically without using the old-fashioned whingeing approach. A good example was the General Secretary's reply to Mr. Chatterton on the tax averaging plan.

The U.F.G.'s arguments to the Premier on death duties show the Government's case to be very weak. Many might not agree with me but, as farmers are only 7 per cent of the population, we should have compulsory membership of our union if we are to have an even more effective voice. This already exists in two primary producer organisations in Queensland.

That letter was signed by a Mr. Dawkins of Gawler River.

**The Hon. M. B. Dawkins:** You might say that it was signed by Mr. S. L. Dawkins.

**The Hon. C. J. Sumner:** Is he related to you?

**The Hon. M. B. Dawkins:** He is, but I do not agree with him.

**The Hon. F. T. BLEVINS:** I did not draw any inference whatsoever from the man's name being "Dawkins". Does the Minister agree with the sentiments expressed in that letter written by Mr. Dawkins that farmers should be made to join a union such as that which, he states, already exists in two primary producer organisations in Queensland?

**The Hon. B. A. CHATTERTON:** I was surprised by the letter, which caught my eye because it was signed by Mr. S. Dawkins of Gawler River. I accept the Hon. Mr. Dawkins's assurance that he does not agree with the sentiments contained in the letter.

**The Hon. C. J. Sumner:** It's strange that they come from the same place.

**The Hon. B. A. CHATTERTON:** It is.

**The Hon. Anne Levy:** He doesn't agree with his relative in Perth, either.

**The Hon. M. B. Dawkins:** I most certainly do not!

**The Hon. B. A. CHATTERTON:** I think the honourable member agrees even less with his relative in Perth than he does with the one here. The letter did surprise me, even though it has been suggested to me on other occasions not only that farmers should compulsorily join a union but also that the Government should take action to enforce this. I do not agree with those sentiments, and it would surprise me if what the writer of the letter says regarding primary producer organisations in Queensland having compulsory unionism was correct. It would indeed surprise me if that was so in a State that purports to champion individual freedoms.

### REPLIES TO QUESTIONS

**The Hon. C. M. HILL:** I ask leave to make a brief explanation before directing a question to the Leader of the Government in this Council, dealing with members' questions.

Leave granted.

**The Hon. C. M. HILL:** I ask whether the Government can expedite replies to questions asked in this Council and, generally, improve the record as far as replies to questions are concerned. I have not received any replies to questions asked so far this session on matters on which replies were to be obtained. Also, on checking my records today, I find that I have not yet received a reply to an important question I asked last session. On page 2 of this afternoon's *News*, there is a reply to a question that the Hon. Mr. Foster asked in this Council. I do not think that it is satisfactory for members to have to read, in newspapers, replies to questions. A reply should be given in the proper place to matters raised at Question Time, and I ask the Minister of Health whether he will look into the matter to find out whether there can be an improvement.

**The Hon. D. H. L. BANFIELD:** The honourable member should be aware that the South Australian Parliament (and this applies to all Governments) gives the best question period in terms of time of any Parliament in Australia.

*Members interjecting:*

**The Hon. D. H. L. BANFIELD:** The honourable member asked me a question, and I think he should allow me to reply. Frivolous questions are often asked, and further, instead of one question being asked, three or four questions are sometimes asked under the one heading.

**The PRESIDENT:** Also, many questions could be put on notice.

**The Hon. D. H. L. BANFIELD:** That is correct. It is also true that, when Parliament is sitting, with the number of

frivolous questions asked not only in this place and not only from one side, public servants must trace the matter right through, which is a costly process. I am not saying that members are not entitled to ask questions. I think that they are, but I also think that they should exercise restraint regarding some questions that they ask, because, as I have said, it is a mighty task for public servants to get full and comprehensive replies to all questions. However, they do their best.

It may be said that the number of questions asked in the other place has nothing to do with questions asked here, but the same public servant must do the research. Because of that, replies to questions have been delayed from time to time. We are concerned about the delay with some replies, but the delay is not entirely the fault of the Government. If members in both places gave a little more thought to some questions, they would realise that they could get the information themselves, because research officers are available. However, members take the easy way out. The Opposition has the research officer in the Parliamentary Library tied up. Members opposite could get many of the replies to their questions. The Government also receives from members questions that have nothing to do with the Government but concern private organisations. Surely that is not the Government's responsibility.

**The Hon. C. M. Hill:** Give us examples of that.

**The Hon. D. H. L. BANFIELD:** I gave you a free go, so let me have a fair go.

**The Hon. M. B. Cameron:** You've always got answers to the Dorothy Dixers.

**The Hon. D. H. L. BANFIELD:** What about throwing him out, Mr. President? If you direct me, I will move for that. We will do our best to get replies to members' questions as soon as possible, and I ask members of both places to be more responsible regarding some questions that they ask.

**The Hon. N. K. FOSTER:** I rise on a point of explanation regarding the matter raised by the Hon. Mr. Hill.

**The PRESIDENT:** Does the Hon. Mr. Foster seek leave to make a personal explanation?

**The Hon. N. K. FOSTER:** Certainly.

Leave granted.

**The Hon. N. K. FOSTER:** There is nothing on page 2 of the *News* today about me. True, I asked a question of the Minister regarding a rumble strip near a school in an eastern suburb.

**The Hon. C. M. Hill:** And that was at Norwood. Be honest about it. You did not say that it was at Norwood, because if you did you would be in trouble with your Premier.

**The PRESIDENT:** Order! The Hon. Mr. Hill is out of order.

**The Hon. N. K. FOSTER:** Why don't you toss him out? A moment ago you said you would. You are not a man of your word. My name is not mentioned in the report, but surely, when a question is asked in this place, that does not inhibit any press reporter from pursuing that matter, regardless of whether the information given in this place spurs him on to make the inquiry. I do not know Peter Farrell; I have never met him. However, I have noticed his report in the newspaper, but he did not get in touch with me. Only one reporter did. Surely it is the right of a member to probe that matter here if he desires, and surely just because a report submitted by Peter Farrell appears in the *News* it should not be said that that is a reply to a question I asked in this place. That question has not been replied to yet.

**The PRESIDENT:** Is the honourable member complaining about that?

**The Hon. N. K. FOSTER:** I am pointing out to you that a member's complaint about a newspaper report being a reply is quite false. It is not a reply. The honourable member also implied that the Minister was giving a report to the press, not to this Council. The member ought to know that that is not correct and, if he does not know it, I am damn-well telling him.

## CHIROPRACTORS

**The Hon. M. B. DAWKINS:** I ask leave to make a short statement before asking the Minister of Health a question about chiropractors.

Leave granted.

**The Hon. M. B. DAWKINS:** A report in the afternoon newspaper, headed "Chiropractor law is near", states:

Adelaide's chiropractors could become registered just like doctors within six months. This was forecast today by the President of the South Australian Branch of the Australian Chiropractors Association, Dr. Graham Morris.

I am aware that over the years there have been discussions about whether chiropractors should be registered. I understand that they are registered in another State. In the past, the problem has involved a difference of opinion amongst the chiropractors as to their proper qualifications. I understand that some chiropractors are very competent and that probably it is desirable that, if they have finally come to some consensus about qualifications, such chiropractors should be registered. I ask the Minister whether the report that a chiropractor law is intended is correct.

**The Hon. D. H. L. BANFIELD:** For some time, the matter of registering chiropractors has been considered by the Government and, as honourable members know, a Federal committee of inquiry was set up, under the chairmanship of Mr. Webb. The Health Ministers agreed that nothing could be done in the States until the Webb report had been received. This report has now been received, and this State is studying it. We will be introducing registration for chiropractors, but I doubt that it will be done within six months. I am in the throes of setting up a working party to see that the right people are registered and to make recommendations concerning their qualifications. I said before the recent election that, during the life of this Parliament (I did not say during this session), legislation would be introduced to register chiropractors. That is the present position.

**The Hon. C. M. Hill:** You're definitely committing yourself to registration?

**The Hon. D. H. L. BANFIELD:** I am definitely committing myself to the registration of chiropractors within the life of this Parliament. This is what I said before the election and, of course, we carry out our election promises.

**The Hon. C. M. Hill:** You're actually—

*Members interjecting:*

**The Hon. D. H. L. BANFIELD:** I think I am being interjected on—

**The PRESIDENT:** I think you are, too.

**The Hon. D. H. L. BANFIELD:** How many times have you warned the honourable member?

**The PRESIDENT:** The honourable member was probably carried away.

**The Hon. D. H. L. BANFIELD:** We are looking at this matter, and within the life of this Parliament we will be bringing down legislation for the registration of chiropractors.

### BOATING FEES

**The Hon. J. C. BURDETT:** I seek leave to make a brief explanation before directing a question to the Minister of Health, representing the Minister of Marine, concerning boat registration fees.

Leave granted.

**The Hon. J. C. BURDETT:** I refer to the report in today's *News* under the heading "S.A. Boat Licence Fees Go Up Soon", as follows:

Registration fees for powered pleasure craft and operators' licensing fees will rise from Tuesday week. Licences will go up from \$2 to \$3 and registration fees from \$5 to \$7.

Section 37 of the Boating Act, 1974, provides:

(2) Before registration fees in respect of motor boats are prescribed by regulation the Minister shall submit to the Governor an estimate of the expenditure to be incurred in the administration of this Act, and of the number of registration fees he expects to be paid or recovered pursuant to the provisions of this Act.

(3) In making regulations prescribing registration fees in respect of motor boats the Governor shall have regard to the estimates submitted pursuant to subsection (2) of this section, and the fees prescribed shall not exceed such amounts as will, in the opinion of the Governor, result in sufficient revenue to meet that expenditure.

Will the Minister make available to Parliament the estimates that he is required by this section to submit to the Governor before the registration fees are fixed?

**The Hon. D. H. L. BANFIELD:** I shall refer the honourable member's question to my colleague.

### CEDUNA AREA SCHOOL REPLACEMENT

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Ceduna Area School Replacement.

### ADDRESS IN REPLY

Adjourned debate on motion for adoption.  
(Continued from October 19. Page 281.)

**The Hon. D. H. L. BANFIELD (Minister of Health):** I support the motion for the adoption of the Address in Reply so ably moved by the Hon. Mr. Creedon. I thank other honourable members for the attention they have given to this debate and for the remarks they have made. True, I do not agree with everything that has been said in the debate, and obviously members opposite would not expect me to do so.

I offer my congratulations to the Governor, Mr. Keith Seaman, on his assumption of office. As has been pointed out, Mr. Seaman has a fine record in the social welfare field, and he is well suited for the position. From the response of the public it is undoubtedly a most popular choice, and we wish Mr. and Mrs. Seaman a long stay in office. It goes without saying that they will carry out their duties in a manner befitting the office.

I also express my appreciation to Mr. Walter Crocker, who has carried out the duties of Lieutenant-Governor most admirably since the time when Sir Douglas Nicholls was forced to retire. That was most unfortunate. The Lieutenant-Governor did a good job during that period,

and I express my thanks to him for the manner in which he carried out his task.

Whilst I have already indicated that we are pleased to see you back, Mr. President, after your recent illness, I want now to put that welcome in the context of this address. We are pleased to see you back and to see that you will be firm in the future. You know, Sir, that you will have my backing when it is necessary to throw out a member of the Opposition from time to time. I should also like to pay credit to the Hon. Mr. Geddes, who carried on in your place and maintained the dignity of that office as only the honourable member could do.

I should now like to refer to the matters raised during the debate. We started off with the Hon. Mr. DeGaris whose first words were something like this: "Guess what I am going to speak about?"

**The Hon. C. J. Sumner:** We didn't have to guess much.

**The Hon. D. H. L. BANFIELD:** True. Once before the Leader said, "Perhaps we ought to throw the Estimates out; I have given some thought to it." Obviously, over the years he has given thought to electoral reform. The Leader implied that everyone but himself was out of step. Indeed, we were treated to the latest instalment of the continuing saga of "Democracy according to DeGaris". Obviously, he could not get his ideas published. During the election or just after it he implied that he would be writing a book on this matter. Obviously, he found that he could not get a backer for his book. Doubtless, he hawked it around from door to door and from publisher to publisher, but no-one would have him on. I think the Leader confused them, he being the only person in South Australia who knew what he was talking about. The Leader could not get backers, because they knew his book would finish up the same way as the book written by a Mr. Jones which was being thrown out at about 5c a dozen. So the Leader did the next best thing: he put an instalment in *Hansard*, copies of which he will doubtless purchase and distribute. That is much cheaper than publishing a book under his own name. We are not anxious to increase the price of *Hansard* but, if this sort of thing continues, we will have to consider increasing the price of *Hansard*.

I could not help being amazed when the Leader said that he was making his speech to assist the average voter who admires electoral democracy. Actually, all the Leader's speech did was to confuse the average voter further. The Leader has confused Jeremy Cordeau on the radio and also Dr. Dean Jaensch. The Leader leaves the average member of the public for dead. He confuses us and even his own Party.

Even though he claims to be independent and an individual, he is a member of this Council only because he is a member of the Liberal Party and because he gained preselection. We hear of the independence of members of this Council, yet from time to time we see them close ranks, becoming one body of independents with one mind and one thought—and that one thought is future preselection!

**The Hon. C. J. Sumner:** They will be in trouble next time.

**The Hon. D. H. L. BANFIELD:** Already there is a split in the Party opposite. The Hon. Mr. Hill is vying with the Hon. Mr. DeGaris for the position of Leader of the Opposition. The Hon. Mr. Hill gets five votes, while the Hon. Mr. DeGaris gets six votes. What confidence there is in the Hon. Mr. DeGaris! Even when his own vote was included, he received only just over half the votes. I do not blame him for voting for himself, because I would do the

same thing in the same circumstances. Of course, perhaps the Hon. Mr. DeGaris and the Hon. Mr. Hill agreed to vote for each other.

It is unfortunate that the Hon. Mr. DeGaris has advanced certain views about electoral distributions, because the people will get the impression that those views represent Liberal Party policy. Actually, the Hon. Mr. DeGaris cannot convince even his own Party that his attitude should be Liberal Party policy. If the members of the public were sure that it was Liberal Party policy, they might give it more thought.

When the Liberal Party was in Government from 1968 to 1970, and when the then Premier (Mr. Hall) was going to amend the Electoral Act, the Hon. Mr. DeGaris and Mr. Hall fell out. Mr. Hall was supported by the Hon. Mr. Cameron, who is now sleeping while democracy burns under the leadership of the Hon. Mr. DeGaris. The Hon. Mr. Hill also deserted his Party on one occasion and put pressure on it. He even put a paragraph in a book saying how crook the Liberal Party system was.

The most confusing thing about the Leader's yearning for democracy is that he brings forward figures relating to House of Assembly electoral distributions. He can cite two or three occasions when the Labor Party was denied Government, but nowhere in his speech did he refer to the electoral system that used to apply in this august place. If the Leader had been fair dinkum he would have referred to the way in which this bastion had been firmly held by the Liberal Party since the time the State was founded. Did the Leader reform this Council when Mr. Hall, the then Premier, wanted to improve the electoral system?

The time came when Mr. Hall and the Hon. Mr. DeGaris could not bear to speak to one another in the Cabinet room. The Hon. Mr. DeGaris sought to frustrate the wishes of the majority by imposing a minority view. This afternoon, in making a personal explanation, he said that he was not condemning the commissioners responsible for electoral redistributions: according to the Leader, he was condemning the terms of reference. Who approved those terms of reference? None other than the Hon. Mr. DeGaris himself, and his Party.

**The Hon. R. C. DeGaris:** That is not true.

**The Hon. D. H. L. BANFIELD:** It is. The Liberals had the majority of votes in this Council and they could have thrown out the Bill and the terms of reference. Why did they not do it?

**The Hon. R. C. DeGaris:** I tried to.

**The Hon. D. H. L. BANFIELD:** The Liberals have the numbers, and they have used those numbers when it suited them, but that did not happen on the occasion to which I have referred. They agreed to the Bill's going through which set out the terms of reference. Can the Hon. Mr. DeGaris honestly say that this was a Labor Party gerrymander forced through only by the Government?

**The Hon. R. C. DeGaris:** Yes.

**The Hon. D. H. L. BANFIELD:** How can the Hon. Mr. DeGaris tell us that the Labor Party forced this so-called gerrymander through? In this Council the Liberal Party has the numbers. Does the Leader have an answer?

**The Hon. R. C. DeGaris:** Certainly.

**The Hon. D. H. L. BANFIELD:** If the Liberal Party had the numbers, why could it not stop the Bill's going through? Either, the Liberals were dishonest with themselves or they agreed with the terms of reference. It seems that the Liberals were not honest with themselves, because they did not agree with the terms of reference while allowing them to go through this Council. The Leader has said he will introduce a Bill at some time to ensure that there will not be a gerrymander, but he does

not have the backing of his Party or the group on North Terrace, which supplies his instructions, to do it.

When the time comes, I hope the Leader will say, "I am doing this merely as an individual," so that the people will not be fooled by what he is trying to do. The last election was the first time that the concept close to one vote one value had been established. The Hon. Mr. DeGaris stood up and told the Council that there was a gerrymander, forgetting the number of times he had abused the Hon. Mr. Sumner in this regard. At one stage, the Liberal Party had six Ministers in its Cabinet elected by fewer people than resided in one metropolitan electorate. The Hon. Mr. DeGaris says that that is democracy.

Labor members must answer the Hon. Mr. DeGaris each time he speaks on this subject, because his theme song in the Address in Reply debate is this gerrymander business. His point of view is different in the Address in Reply debate from when he debates Government Bills. It was he who fought very hard against giving spouses the right to vote for the Legislative Council and against other people having the right to vote for representatives in this august place. He tells us what a democrat he is. He did better than that in 1968, at the time of the Millicent by-election. Shortly after that, on June 25, 1968, I asked the following question in this Council, as reported in *Hansard*:

Recently I had the doubtful pleasure of spending a few days in the Millicent area. I might add that members of my Party were delighted with the result of the efforts we put in there.

At that stage, "Question" was called, which prevented me from continuing. One of the members opposite, who say they want to protect freedom of speech, yelled "Question" on me. I then put the question:

My question is: will those people who resented objection being taken to their names having been objected to on the electoral roll be assured that before any further objections are taken the electoral roll will be thoroughly investigated with a view to seeing whether the people, before their names are objected to, are still living in the area? Secondly, can the Minister ascertain for me the number of objections lodged since March 2 against names of electors appearing on the roll for the House of Assembly District of Millicent and the number of objections not upheld? Lastly, can he ascertain by whom the objections were officially made?

The reply was as follows:

I have no objection to receiving this question, which I shall be pleased to pass on to the Attorney-General. I will obtain a reply for the honourable member as soon as possible.

That question was asked on June 25, and it is most interesting to see that on July 23 I received a reply from the then Minister, the honourable member who this afternoon complained that he had not received an answer to a question he asked in this session of Parliament.

**The PRESIDENT:** It must have been a hard question.

**The Hon. D. H. L. BANFIELD:** It was a hard question because the Liberal Party knew that it was in trouble. The Hon. Mr. Hill, who was then Minister of Local Government, said:

My colleague the Attorney-General advises as follows:

The question of the honourable member about the Millicent electoral roll raises three separate questions. The answers to them are:

1. The Registrar at Millicent has been instructed by the Commonwealth Electoral Officer to investigate all information which comes into his hands before lodging objections. He is obliged to act on information which in his opinion originates from a reliable source.
2. Since March 2, 1968, the Electoral Registrar has issued 168 objections for the Assembly District of

Millicent. Of this number, 36 objections were dismissed by the Registrar.

It does not matter to the Liberal Party how many people are caught in the net: as long as one or two names are taken off the roll, it is well worth while. The Liberal Party does not say, "It is better for one person to be able to exercise his democratic right and we will overlook others." It takes the opposite view: that it is better to scrub them all off, rather than be doubtful and give one person the right to exercise his right to vote. It seems that 36 were objections dismissed by the Registrar. The reply to the third question is set out in *Hansard*, as follows:

In each case the objections were made by the Electoral Registrar. The information to originate the objections came mainly from the Hon. R. C. DeGaris and the Hon. F. J. Potter.

This is the man who gets up in this Council and says that we must have democracy at any price. Yet he was the instigator of 168 objections at that time, 36 of which were not upheld. The Leader tried to have their names taken off the roll, merely to ensure that they could not exercise their right to vote. The Hon. Mr. Potter was also involved, led by the Hon. Mr. DeGaris.

**The Hon. C. J. Sumner:** The Hon. Mr. DeGaris did not get his vote in the Party room for the Ministry.

**The Hon. D. H. L. BANFIELD:** No, he did not. Then the Hon. Mr. Hart said:

Does the Minister of Local Government, representing the Attorney-General, agree that the objections raised by the Hon. Mr. DeGaris and the Hon. Mr. Potter in connection with the Millicent roll were justified as 120-odd of them were upheld?

Let us examine what the other democrat, the Hon. Mr. Hill, the man who is always thinking of the little people, said. He said that it was justified. He said, "We got rid of 120, and were about to deny another 38 the right to vote."

**The Hon. C. M. Hill:** There's nothing wrong with that. It was a part of the democratic process.

**The Hon. D. H. L. BANFIELD:** That is just what the Hon. Mr. Hill would think. He would think that he and his colleagues had the privilege to try to deny people the right to vote. They said, "Let us object to anyone."

*Members interjecting:*

**The PRESIDENT:** Order! Both the Hon. Mr. Sumner and the Hon. Mr. Hill are out of order in conversing across the Chamber.

**The Hon. D. H. L. BANFIELD:** It was significant that at the time of the Court of Disputed Returns it was found that a number of people who had been well known to the Hon. Mr. DeGaris and the Hon. Mr. Potter had left Millicent years before. Although the names of those people were still on the roll, no objection was raised. The Hon. Mr. Hill is leaving the Chamber, because he knows that what I am saying is correct: he knows that people had previously left Millicent and were living in New South Wales, Tasmania or Victoria. Despite that, no objection was raised. The Hon. Mr. Hill says, "It was well worth while as regards those people." So much for democracy as referred to by the Hon. Mr. DeGaris and his Party!

**The Hon. M. B. Cameron:** What about the sewerage workers?

**The Hon. D. H. L. BANFIELD:** We know all about that. One can see just how low members opposite have sunk.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. D. H. L. BANFIELD:** What I am saying certainly hurts members opposite. They are so embarrassed that they are trying to drown out what I am saying so that it will not appear in *Hansard*. Of course, the Leader was ably supported by his No. 1 enemy, the man

who is his heir apparent, provided that he can stick the knife far enough into his Leader. If democracy is left in the hands of these two people, thereby enabling them to continue doing what they have done in the past, I can only say, "God help the people of this State."

The Hon. Mr. Burdett referred to the whittling away of the powers of and dignity associated with the office of Chief Secretary. However, when the Opposition announced its shadow Ministry, it had the Chief Secretary No. 8 on the list. So, it was whittling away the prestige of this great office of Chief Secretary.

**The Hon. C. M. Hill:** They were in alphabetical order on that list.

**The Hon. D. H. L. BANFIELD:** What has happened in the other States regarding the position of Chief Secretary? Queensland, for example, does not even have a Chief Secretary. New South Wales does not have one either and, indeed, it did not have such a portfolio during the term of office of the former Liberal Government. The Hon. Mr. Burdett has said that the power and dignity of the Chief Secretary has been whittled away. However, it has been removed completely in Queensland, which has a Liberal Government, and there was no such office when the Liberal Government was in power in New South Wales.

**The Hon. J. C. Burdett:** Who is the Leader of the Liberal Government in Queensland?

**The Hon. D. H. L. BANFIELD:** Members opposite wish they knew that. If that man is Leader of the Liberal Government in Queensland—

**The Hon. M. B. Cameron:** You sound like Alf Garnett.

**The Hon. D. H. L. BANFIELD:** And the honourable member looks like him, and that's a damn sight worse. Alf Garnett does not have any hair, either. We have a Chief Secretary in South Australia.

**The Hon. J. C. Burdett:** But you have downgraded his position.

**The Hon. D. H. L. BANFIELD:** However, members opposite would not have a Chief Secretary if they followed the lead of the other States. Dealing now with another matter, the Hon. Mr. Dawkins said that, because the Family Planning Association had \$12 000 left in kitty at the end of June, the Federal Government was justified in reducing its allocation from the \$72 000 that it received in 1976-77 to a miserable \$18 000 this year. That is only slightly more than the \$12 000 that the association had in kitty. Not one business man sitting on the benches opposite can budget to ensure that every cent of an allocation is spent in any financial year. In fact, the \$12 000 that the Family Planning Association had in kitty would have covered its operations for only about a fortnight.

Does the Hon. Mr. Dawkins begrudge the association this sort of assistance? He tried to justify what the Federal Government had done in reducing the association's allocation. Being a responsible body, and appreciating the assistance that it had received from the Federal Government, the Family Planning Association did not ask for the same allocation of \$72 000 that it had received previously. Instead, it asked for the reasonable sum of \$58 000. Despite that, it received only \$18 000, which involves a far greater reduction than the \$12 000 to which the Hon. Mr. Dawkins has referred. I do not think the Hon. Mr. Dawkins cares about the association. However, the amount of subsidy that is paid for superphosphate is a different matter: he thinks that it can be increased.

The Hon. Mr. Dawkins obviously agrees with the Federal Government's cutting the allocation to the Family Planning Association from the \$72 000 that it received in 1976-77 to a miserable \$18 000 this year, as he did not say a word about this massive 69 per cent cut. He does not

deny that he agreed with it. The cut was far greater than the cut for the Family Planning Association in any other State. No Opposition member commented on another aspect of what the Hon. Miss Levy said when she referred to the suggestion by the Commonwealth Minister for Health that abortion operations should be removed from the medical benefits, so we can say that the condition of women concerned or the circumstances surrounding the pregnant woman do not matter to members opposite. Apparently, they agree with the Federal Minister that the Federal Government ought to cut out abortion operations from medical benefits. There is silence from members opposite, so we can infer that they agree with him.

**The Hon. D. H. Laidlaw:** The President has gagged us from saying anything.

**The Hon. D. H. L. BANFIELD:** In half the time that it took the honourable member to say that, he could have said whether he agreed with the Federal Minister. This suggests that members opposite agree, and that is outrageous discrimination. This Labor Party certainly does not support it. Abortion in South Australia is legal, because the Bill introduced as a private member's Bill by a member of the Liberal Party was passed in this Council, yet members opposite want to take away medical benefits for abortion operations.

I think the Hon. Mr. Dawkins made a bad choice of words when he said, "We look after the little people," because the actions of members opposite do not show that they do. Their actions show that they are thinking all the time about how they can keep people small and down under. They say, "We will not give unemployment benefits to school leavers and we will delay the payment of unemployment benefit for 14 days." The people who are unemployed are the little people to whom members opposite refer as people that they are looking after.

Not one member opposite disagreed with the reintroduction of the superphosphate bounty, which reintroduction helped the big man. Do not let us hear statements that they are looking after the little man unless they commence their speeches by saying, "We have our tongues in cheek when we say we are looking after the little man." During the recent election campaign, the Hon. Mr. Tonkin said that he was going to bring up a list of broken promises.

**The Hon. R. C. DeGaris:** The Hon. Mr. Tonkin?

**The Hon. D. H. L. BANFIELD:** Yes. He is the Leader of the Opposition. We assume that he is honourable. Some of his actions do not indicate that, but I am giving him that title. I may have made a mistake: the Hon. Mr. DeGaris has put a doubt in my mind. Mr. Tonkin did not bring up the list of broken promises, because he knew that every alleged broken promise by this Government would have been outnumbered two to one by Mr. Fraser's broken promises. Mr. Fraser said that he would not interfere with taxation or with Medibank. His Party prevented the Labor Government from introducing a levy for Medibank, and in Government his Party immediately introduced one. The Fraser Government also stated that it would look at unemployment. It has 300 000 unemployed to look at, as a result of its actions.

**The Hon. C. M. Hill:** What about inflation? Have you seen the *News*?

**The Hon. D. H. L. BANFIELD:** I have read the *News* and it refers to the figure when medical charges are removed from the consumer price index. Some figures were taken out to give a deflation figure, because the figure was getting too high.

I condemn members opposite for their action today. They knew that I was the last speaker in this debate and the only speaker to reply to what had been raised in the

debate. They did everything in their power to extend Question Time to as close to 3.15 p.m. as possible, because they knew that we were going to Government House at 4 p.m. Yesterday, when they had at their disposal all the time they needed to ask questions, they did not ask any after 2.45 p.m. Today they have gone well after 3 p.m., simply to deny me the opportunity to rebut and refute what they said. They talk about freedom of speech! It surprised me that they did not put pressure on me today to extend Question Time beyond 3.15 p.m., whereas yesterday they took up only 24 minutes asking questions.

**The Hon. M. B. CAMERON:** I rise on a point of order. I pointed out to the Council that Government members also extended Question Time. If the Minister was concerned about that, he could have shut his own members up.

**The Hon. D. H. L. BANFIELD:** It is not my job to shut members up. The Opposition members tried to give me less than half an hour to reply.

**The Hon. M. B. CAMERON:** I rise on a point of order.

**The Hon. D. H. L. BANFIELD:** There is no point of order. The honourable member has just tried to take a point of order.

**The PRESIDENT:** The Hon. Mr. Cameron has a point of order?

**The Hon. M. B. CAMERON:** The Minister is fully aware that there is a set time for Question Time. If he wanted more time to rebut what we have said, he should have set a later time to go to the Governor.

**The PRESIDENT:** That is a comment, not a point of order.

**The Hon. D. H. L. BANFIELD:** This is another tactic by a member opposite to stifle me and prevent me from going on with my speech. Members opposite should look at the number of questions they asked yesterday and today. The questions today did not result from anything that happened overnight. Those questions could have been asked at any time.

**The Hon. J. C. Burdett:** How could my question have been asked when the subject matter was in tonight's *News*?

**The Hon. D. H. L. BANFIELD:** Those questions could have been asked at any time. In summary, the Leader is nothing worse than a reformed gerrymanderist. He is like a man who has given up smoking and who just cannot bear anyone else smoking. The Hon. Mr. Hill backs up the Leader, whilst the Hon. Mr. Dawkins supports the cutting back by 75 per cent of funds for the Family Planning Association. The Hon. Mr. Cameron did all he could to stop me from replying adequately in this debate. Finally, it is the greatest lot of baloney I have heard from the Opposition.

Honourable members: Hear, hear!

**The Hon. D. H. L. BANFIELD:** The Hon. Mr. DeGaris has agreed that it was the greatest lot of baloney, and it will be nice to go to Government House and assure the Governor that we are on the same wave length. I support the motion.

Motion carried.

**The PRESIDENT:** I have to inform the Council that His Excellency the Governor has appointed 4 o'clock this afternoon as the time for the presentation of the Address in Reply. As it is now almost 3.55 p.m., I ask all honourable members to accompany me to Government House.

*[Sitting suspended from 3.55 to 4.32 p.m.]*

**The PRESIDENT:** I have to inform the Council that, accompanied by the mover, seconder, and other

honourable members, I proceeded to Government House and there presented to His Excellency the Address in Reply to His Excellency's Opening Speech adopted by the Council this afternoon, to which His Excellency was pleased to make the following reply:

I thank you for your Address in Reply to the Speech with which I opened the first session of the Forty-Third Parliament. I am confident that you will give your best

attention to all matters placed before you. I pray for God's blessing upon your deliberations.

**ADJOURNMENT**

At 4.35 p.m. the Council adjourned until Tuesday, October 25, at 2.15 p.m.