LEGISLATIVE COUNCIL

Tuesday, November 29, 1977

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

QUESTIONS

MINERAL SEMINAR

The Hon. R. C. DeGARIS: I seek leave to make a brief statement prior to directing a question to the Minister of Health, representing the Premier, on the question of a seminar to be conducted on December 8 and December 9.

Leave granted.

The Hon. R. C. DeGARIS: I refer to the Australian Mineral Foundation Seminar, a circular about and registration form for which have been forwarded to me, advising of a two-day seminar on December 8 and December 9 on the topic "South Australia, exploration potential." The pamphlet commences by stating:

> This seminar, which is to be presented by officers of the South Australian Department of Mines, and been conceived as a means of presenting to mineral and energy exploration and development companies the current potential for exploration and development in South Australia. In making this presentation emphasis will be placed on recent concepts and developments. The project is planned as the forerunner of regular Australian Mineral Foundation presentations on exploration and development potential in the various Australian States. Reaction to this initial programme will determine the extent and frequency of future seminars of this nature.

I ask the Minister whether, if the seminar is successful, the Government, in organising its next seminar, will consider the potential in South Australia for a uranium treatment plant and consider the industrial base that we have in this State for the manufacture of centrifuges and other equipment required for such an industry.

The Hon. D. H. L. BANFIELD: I will refer the question to my colleague.

The Hon. C. M. HILL: I ask a supplementary question. In the programme that is set out for the opening day of this seminar, the agenda shows "11 a.m., welcome and opening remarks". It does not state who was to open the seminar and express a welcome to those present. Then, in the afternoon programme, the brochure states that at 2 p.m. there will be the following:

> Series of short technical presentations, including summaries of recent energy and mineral developments in South Australia.
>
> Topics include: The onshore and offshore potential for petroleum and natural gas. Recent coal discoveries. The potential for mesozoic and tertiary uranium deposits. The Stuart shelf and Torrens hinge zone. The mineral potential of the Gawler craton, the Olary Province and the Adelaide geosyncline. Non-metallic minerals and the future.

I ask whether it was a fact that, in the original draft of this brochure, the Minister of Mines and Energy was set down to give the welcome and opening remarks but, owing to certain happenings in the past few weeks on the question of uranium, his name has now been excluded from the brochure. Secondly, is it a fact that the Stuart shelf and Torrens hinge zone, the mineral potential of the Gawler craton, the Olary province, and the Adelaide geosyncline involve about 50 per cent of all minerals in those regions?

The Hon. D. H. L. BANFIELD: It is amazing what the honourable member can read into something that is not there.

The PRESIDENT: He was using very technical terms.

The Hon. D. H. L. BANFIELD: True, and he did not even pronounce them correctly. I am not sure what his question was, but I hope that *Hansard* was able to pick it up so that we can know what question the honourable member asked. Nevertheless, I shall refer the honourable member's question to my colleague.

STATE CORONER

The Hon. J. C. BURDETT: I seek leave to make a short statement before directing a question to the Minister of Health, representing the Attorney-General, regarding the office of the State Coroner.

Leave granted.

The Hon. J. C. BURDETT: I understand that the State Coroner is shortly to take his annual leave and that there is an officially appointed Deputy Coroner. How will the Coroner's duties be discharged during his absence? Will the services of the Deputy Coroner be used and, if they are not, how will the Coroner's duties be carried out?

The Hon. D. H. L. BANFIELD: I am sure that the Government will ensure that the State can carry on when officers are on annual leave, but I shall refer the honourable member's question to my colleague.

WALLAROO

The Hon. F. T. BLEVINS: Has the Minister of Health a reply to my question concerning the recent wharf incident at Wallaroo?

The Hon. D. H. L. BANFIELD: Notwithstanding the seriousness of the consequences of the recent incident at Wallaroo, it is a matter of conjecture as to whether a tug being in attendance would have been of any real assistance in the circumstances that occurred. In cases of wrong engine movements, or failure of engines to respond at a critical moment to movements ordered, so much would depend on the positioning of the tug, its movements and the time taken by it to respond to a sudden change in the berthing procedure.

Given favourable weather conditions, there are normally no problems in berthing vessels at Wallaroo under their own power without tug assistance. However, if the master of a vessel, or its owner's representatives, required a vessel to berth in adverse conditions, the pilot would, undoubtedly, advise that tug assistance should be obtained. The decision would then be one for the vessel's representatives to decide, taking into account the economics involved, the cost of delay to the vessel while waiting for favourable weather and the cost of obtaining the services of a tug from another port. In this State, tugs are operated by private companies and, no doubt, it would be uneconomical to have a tug stationed permanently at the port.

NUCLEAR TESTING

The Hon. N. K. FOSTER: I seek leave to make a brief statement prior to directing a question to the Leader of the Government regarding nuclear testing.

Leave granted.

The Hon. N. K. FOSTER: At what might seem a late hour to raise in this Council the matter of atomic testing and the testing of nuclear weapons within South Australia and areas adjacent to this State as was prevalent in the early 1950's, I point out that such activities have caused

much concern to the surviving population in this State today. People have been kept in total ignorance of this abuse by Governments, and their misguided efforts to do all they possibly could against the best interests of the public were sustained probably because they had wide powers under the Defence Act. True, that Act gives wide powers to the national Parliament, yet irresponsibility by that Parliament can never be condoned however late it may be now to raise this matter in this Chamber.

Therefore, in spite of the Official Secrets Act, will the Minister try to ascertain who were the members of the Australian Cabinet of the Government that made the decision permitting testing of atomic weapons and the movement of the test equipment through public areas in this State, namely, passing through wharves and the like in the years preceding the testing and thereafter? Will he determine on what authority and on what right those members of Cabinet allowed such tests to be carried out on behalf of the Government of another country when no direct benefit whatever could accrue to the Australian Government?

I further ask that the Minister does not treat the matter lightly, but with great seriousness. It is evident, from matters raised in Parliaments in Australia in the past few weeks, that there has been some danger and death resulting from this testing of weapons in the atmosphere and underground in South Australia, and adjacent areas.

The Hon. D. H. L. BANFIELD: I will endeavour to get the information requested.

WATER RATIONING

The Hon. R. A. GEDDES: I understand that the Minister of Health has a reply to my recent question on any possible water rationing.

The Hon. D. H. L. BANFIELD: My colleague, the Minister of Works, has informed me that there will be no water restrictions in the metropolitan area this summer. It is anticipated that the expected total demand for the supply of water to the northern country systems can be satisfactorily met without the need for rationing during the coming summer months. Pumping from Uley-Wanilla and Polda Basins is still being carried out, together with combination pumping from Lincoln and Uley South Basins, to augment supplies to the Tod Trunk main and the East Coast main on Eyre Peninsula. With the proposed pumping programme from these basins, the estimated demand for water from departmental mains on the whole of Eyre Peninsula will be able to be met.

FIRE BREAKS

The Hon. C. M. HILL: I seek leave to make a personal explanation, before asking a question of the Minister of Lands, about his department's policies regarding fire breaks and controlled burning.

Leave granted.

The Hon. C. M. HILL: When I was in Keith last Saturday, I was approached by a constituent whose property abuts the unallotted Crown lands in the vicinity of the Mount Rescue Reserve. According to this morning's *Advertiser*, I think this area is to be converted to a vast national park. This person was gravely concerned at the fire risk from the Mount Rescue Reserve area and the adjacent Crown land, which adjoin his farm. He said that the Department of Lands did not provide fire breaks on its land, nor have there been any controlled burnings, which adjacent private landowners believe to be necessary. Can the Minister state his department's policy towards landowners in the vicinity of that region, and what is the department's policy in general as to provisions for fire breaks and controlled burning activity on such Crown lands?

The Hon. T. M. CASEY: There has not been any controlled burning on unallotted Crown land in the past. The area specifically mentioned by the honourable member was acquired by the Environment Department, and will now become an area of conservation bordering on the national parks existing in the region. It is adjacent to the Victorian border, and I understand that the Minister for the Environment has consulted with his counterpart in Victoria to see whether joint action can be taken for the preservation of both sides of the border in a huge national park or conservation area.

The Hon. R. A. Geddes: Is this what Victorians call the Little Desert?

The Hon. T. M. CASEY: Yes. I understand that my colleague, the Minister for the Environment, today made a statement in another place regarding national parks and conservation areas generally. I refer the member to the Minister's statement. I believe that will answer his question.

REPLY TO QUESTION

The Hon. J. C. BURDETT: I have a slip of paper on my desk saying that a reply is now available to a question I asked of the Chief Secretary. The slip of paper does not say what the question was about, and I do not recall having asked a question of the Chief Secretary. I presume that the Minister who has the reply is the Minister of Health, and I therefore ask him to give that reply.

The Hon. D. H. L. BANFIELD: I will see whether the Chief Secretary has that reply, and I will try to bring it down tomorrow.

BLUE TONGUE

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to my question of November 15 about blue tongue?

The Hon. B. A. CHATTERTON: There is no likelihood of the blue tongue virus being physically transported by migratory birds, or by people returning from South-East Asia or the Northern Territory. Blue tongue is primarily a clinical disease of sheep, with cattle, goats, buffalo and wild ruminants being "unapparent" hosts. Humans, solipedes (horses and donkeys), dogs, cats, pigs, ferrets, rabbits and birds are not known to harbour the virus. Accordingly, there is no point in imposing quarantine restrictions on these latter species. The blue tongue virus can be transmitted from animal to animal only by blood-sucking insects. The insect (the vector) must bite an infected animal to become itself infected. It may then transmit the virus by biting another animal.

SOCIAL SECURITY

The Hon. N. K. FOSTER: Has the Minister of Health a reply to my recent question about social security?

The Hon. D. H. L. BANFIELD: The information provided by the honourable member with regard to means testing for sickness benefits is correct except that the changes came into effect on November 11, 1977. From November 1, 1977, advance unemployment benefits will

not be made to new applicants. Persons in receipt of benefits prior to that date will not be affected. There has been no change as far as benefits payable on behalf of severely handicapped children are concerned. However, benefits are now also available to parents of children who are not classed as severely handicapped. These benefits are subject to a means test in relation to the income of the parents and the allowance payable is limited to the actual expenditure incurred in caring for the child.

VINEYARDS

The Hon. A. M. WHYTE: Has the Minister of Agriculture a reply to my recent question about building developments on vineyards?

The Hon. B. A. CHATTERTON: The Minister for Planning informs me that in the past few months the only land acquired by the Government in the Modbury and Hope Valley areas has been part sections 829, 714 on Grand Junction Road, Hope Valley. The land of area 15·01 hectares is zoned for residential development under the Metropolitan Development Plan. It is one of the four remaining suitably zoned parcels of land available to meet housing demand in the Hope Valley area over the next few years. The land was purchased by agreement from Douglas A. Tolley Proprietary Limited with settlement on May 25, 1977. No other vineyards in the Tea Tree Gully municipal area have been purchased or acquired this financial or calendar year. On the general question of vineyards in the metropolitan area, the following should be noted:

1. The Government has shown its concern and intent with regard to the preservation of vineyards by establishing the Committee for Preservation of Land for Horticultural and Viticultural Uses.

2. Since consideration of the matter by the committee, the following steps have been taken:

(a) Preparation of a supplementary development plan for the Willunga Basin. That plan aims at encouraging further development of grape and almond growing in the Southern Vales area and also preventing an increase in urban and semi-urban uses.

(b) In areas zoned for future living in the Morphett Vale East area and being sought for acquisition by the Government, those land owners wishing to have their land retained as permanent open space were offered the facility of doing so by declaration under section 61 of the Planning and Development Act.

UNEMPLOYMENT

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking a question of the Leader of the Government in this Council concerning the lack of unemployment benefits.

Leave granted.

The Hon. N. K. FOSTER: One of the most despicable and disgusting acts—

The PRESIDENT: Order! I wish the honourable member would not use those expressions.

The Hon. N. K. FOSTER: Even you, Mr. President, would use such expressions in these circumstances. Do you not want me to continue in that vein?

The PRESIDENT: No.

The Hon. N. K. FOSTER: Would you like me, in prefacing my remarks to the honourable the Leader of the Council, if one may use the term "honourable" in that way, after seeking leave of the Council and having been granted such leave, not to preface my question with the remarks you have accused me of making, saying that I should not use them? It is hard to restrain oneself in these circumstances.

The PRESIDENT: One of the first duties of—

The Hon. N. K. FOSTER: You should not protect people in your position as President of this Council. They are disgusting acts.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: What's the matter now?

The PRESIDENT: To whom is the honourable member referring?

The Hon. N. K. FOSTER: Fraser, and his Government.

The PRESIDENT: I call upon the honourable member to withdraw that.

The Hon. N. K. FOSTER: I withdraw it and say they are withholding from the public vital, honest information to which the public is entitled. How is that for prefacing a question?

The Hon. C. M. Hill: Question!

The PRESIDENT: "Question" has been called.

The Hon. N. K. FOSTER: Of course "question" has been called. Let me ask the question if the honourable member will shut up for a moment.

The PRESIDENT: Ask your question.

The Hon. N. K. FOSTER: I will, if they shut up. In view of the Minister's reply to a question just asked in this place, if I may put the question in its proper perspective, from November 1, 1977, it appears that advance unemployment benefits will not be granted to new applicants, but persons receiving benefits prior to that date will not be affected. First, does this, then, apply to the new school leavers? One would think the answer to that would be "Yes". Secondly, as at what date can school leavers make proper and official application for unemployment benefit, and what date will the present Federal Government regard as the proper date for the purpose of assessing the commencing date of unemployment benefit? Thirdly, is the date to be the date on which the children leave school or is it the policy of the present Federal Government to force them to wait until the beginning of the 1978 school year?

The PRESIDENT: I do not know what the honourable member is asking.

The Hon. N. K. FOSTER: I will repeat it.

The PRESIDENT: The form of the question is not such that a Minister in this place can answer it. If the honourable member asks, "Will the Minister inquire of the Minister for Social Services?", that is all right.

The Hon. N. K. FOSTER: We cannot believe those Ministers.

The PRESIDENT: That is the closest we can get to it; is that what the honourbale member is asking?

The Hon. N. K. FOSTER: Will the Minister seek the proper information from the appropriate Commonwealth department? I will not trust the Minister. I have spoken to the department myself.

The Hon. D. H. L. BANFIELD: It is probably later than the honourable member thinks because, if we refer this question to the Federal Government, by the time we get an answer back, we may not have the same Federal Government. In these circumstances, I will inquire about the position at the time the inquiry was made.

POTATO DISEASE

The Hon. C. M. HILL: Has the Minister of Agriculture

a reply to a question I asked recently about a suggested outbreak of a potato disease in the Adelaide Hills?

The Hon. B. A. CHATTERTON: Without delving too deeply into the history of phoma of potatoes, it should be noted that the disease is widespread in the Eastern States. It is soil-borne and cannot be eradicated from soil, and Victoria, for example, makes no claim that seed potatoes produced under the scheme will be free of soil-borne diseases. South Australian potato growers have relied for many years on Victoria for a part of their annual seed requirements, the balance being supplied by locally grown seed, generally from crops grown from Victorian seed. To keep the disease from entering South Australia in seed potatoes, regulations under the Vine, Fruit and Vegetable Protection Act prohibited the import of seed potatoes into the State from phoma affected areas unless they had been dipped, within a specified time after digging, in a mercuric dip. These particular regulations came into force in 1961. Similar treatment could not be specified for ware (table) potatoes since the dip is poisonous, and my department has known that phoma-affected ware potatoes were being marketed for table consumption in South Australia.

There is nothing to stop growers from using ware potatoes for seed, although it is not recommended practice, so the phoma regulations could not be made water tight. There is evidence that in about 1969 some leading South Australian potato growers purchased undipped seed in Victoria and did not submit it for inspection. At the same time Victorian seed growers were opposing the requirement to dip seed for sale to South Australia, and in recent years they have been supported in this by the Victorian Government, which was opposed to the use of mercuric chemicals in agriculture.

An occurrence of phoma in imported seed potatoes was detected in the Adelaide Hills in 1969. A further regulation was then introduced to control the planting of infected seed, but no further cases came to notice until October of this year, when there was the first discovery of locally-grown infected potatoes. In the meantime, Victorian seed potato growers finally refused to dip seed for sale in South Australia and, in recognition of the threat to local seed requirements, the dipping regulations have not been enforced since 1974.

The outcome of all these developments is that an extension programme will be directed towards encouraging growers to select disease-free seed for planting and to observe any cultural practices that will help to minimise the effects of the disease.

Many potato growers and the consumers will not be seriously affected by the disease. The major symptom is a firm rot on the tubers which is not evident at harvest but develops in storage, particularly at temperatures below 10°C. Potato seed that is cool stored is particularly liable to develop the disease, while ware crops that are marketed soon after harvest will not be affected.

Susceptible varieties stored for late marketing and processing can develop high levels of infection, and this will be the main area of economic loss. Probably the industry will adapt its management practices in time to minimise the effect that phoma will have on production and marketing of potatoes. My department's emphasis will correspondingly change from quarantine which has proved ineffective to advice on crop management and marketing.

SHEEP SHEARING

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Minister of Agriculture a question regarding the chemical method of shearing sheep.

Leave granted.

The Hon. N. K. FOSTER: Only a few days ago, we saw in Rundle Mall a demonstration of a sheep being denied its wool by the use of chemicals. I am not sure what the process is or in what way the chemical is applied. Will the Minister tell the Council whether the chemical is administered externally or orally? Also, how long is it before the wool is removed, what type of chemical is involved, and are there any limitations regarding whether or not the sheep involved can be slaughtered? If it can be slaughtered thereafter, is there any likelihood of ill-effects on the carcass when the sheep is to be used for human consumption? Also, have any laboratory tests been conducted and, if they have, are the results of those tests available and can they be put into simple language so that members of the public can be assured that there is no danger to their health as a result of removing wool from sheep by this method?

The Hon. B. A. CHATTERTON: I will obtain a detailed report for the honourable member on whether tests have been carried out. This is an experimental process and not one that we consider to be economic at this stage. There has over a number of years been experimentation with chemical methods of removing wool. These involve stopping the wool growth, causing a break in the wool.

There are many problems associated with this method, not the least of which is the fact that the sheep, after the fleece has been removed, has absolutely no wool on it, although with hand shearing there is a fraction of an inch of wool remaining, and this provides protection to the sheep from sunburn and the possible effects of exposure to the weather. A chemically shorn sheep is absolutely bare, and this is one problem associated with this method. The honourable member has asked several questions about possible effects of the chemical on the human consumption of meat, and I will get the information for him.

FEDERAL ELECTION

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to directing a question to the Minister of Health, representing the Attorney-General.

The PRESIDENT: The subject matter?

The Hon. J. R. CORNWALL: It is on the subject of electoral malpractice.

Leave granted.

The Hon. J. R. CORNWALL: Recently it has come to my attention that there is a considerable degree of misrepresentation occurring at the Alwyndor Nursing Home, at Hove. This misrepresentation apparently is being made by workers for the Liberal Party. Members would be aware that Alwyndor comprises two parts, one section for the infirm aged and another comprising about 80 units in which persons are quite fit, quite active, and quite able to get about. Members would also be aware that, although for State elections we have provision for electoral visitors, there are no electoral visitors for Federal elections, so the system is quite open to abuse. It has been brought to my attention that Liberal Party workers have gone through on a door-knocking operation in the area where the residents are quite fit and have told them that there are no polling booths in the area and that it is necessary, if they want to record a vote, that they should apply for a postal vote. They then follow that up, and what happens is anyone's guess, but, going on past records, one may well think that there will be coercion in the manner—

The Hon. R. C. DeGaris: What right have you to say that?

The Hon. N. K. Foster: I will give you plenty of evidence of that. They have been at it for years.

The Hon. J. R. CORNWALL: This is occurring at Alwyndor Nursing Home. There is no question about that at all.

The Hon. C. M. Hill: What about in the past?

The Hon. J. R. CORNWALL: It is definitely happening at this moment.

The Hon. N. K. Foster: They're guilty, and they don't like it.

The Hon. F. T. Blevins: They're as guilty as hell.

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: I have stated categorically that this is going on at Alwyndor Nursing Home.

The Hon. R. C. DeGaris: You cannot prove it.

The Hon. J. R. CORNWALL: I certainly can.

Members interjecting:

The PRESIDENT: The honourable member does not want any assistance from anyone.

The Hon. J. R. CORNWALL: Can the Attorney-General inquire into these attempts to subvert and pervert the democratic process?

The PRESIDENT: The question is out of order. It has nothing to do with the portfolio of any Minister in this State.

The Hon. N. K. Foster: What about law and order? Where is the law and order?

The PRESIDENT: It is a matter concerning a Federal Act.

The Hon. J. R. CORNWALL: If this misrepresentation is occurring, surely it must be a matter for the Attorney-General.

The PRESIDENT: It has nothing to do with State law.

The Hon. D. H. L. BANFIELD: On a point of order, surely, if something crook is going on within the State, the State has a right to look at it. I ask you under what Standing Order you have ruled that question out of order. If there is misrepresentation, if something that is going on is not in the interests of the people of this State, it is the concern of this Government to look at it and to take it up with Federal colleagues to find out whether it can be rectified.

Members interjecting:

The PRESIDENT: Order! I do not have to be told by the Hon. Mr. Foster what I am to rule or not to rule. The purpose of Question Time in this Parliament is to allow members to ask questions of Ministers on the administration of their respective portfolios. If the honourable member can convince me that any misrepresentation or problem arising under the administration of the Federal law has anything to do with the State Minister, I will allow his question. Otherwise, I disallow it.

The Hon. D. H. L. BANFIELD: I ask you whether, on any matter that refers to a Federal Act or to anything else that comes under the jurisdiction of the Federal Government, such questions will be disallowed. If the Federal Government does something for the benefit of this State, are questions of that sort to be ruled out in future?

The Hon. C. M. Hill: This is a State House.

The PRESIDENT: This is a State House.

The Hon. D. H. L. BANFIELD: Will the Hon. Mr. Hill be quiet? You are embarrassed about the fact that your Liberals are coercing people, and you just do not like it. My point is whether any question regarding Federal matters under any Federal law, irrespective of what effect it has, will be ruled out of order in future by you because it involves a grant from the Federal Government?

The Hon. N. K. Foster: Throw the book out the window, where the bloody thing ought to be.

The PRESIDENT: I rule the question asked by the Hon. Mr. Cornwall out of order in the form in which it has been asked. If the honourable member wants to rephrase his question, he may bring it within Standing Orders, but it was definitely not in order in the way he put it.

The Hon. N. K. FOSTER: Will you deal with the point of order? Your ruling, when you read it in *Hansard* tomorrow, will astonish even a person such as you, because you are denying the right to any person in this place to raise any matter for which there is not a State counterpart so far as a Federal portfolio is concerned. Now I seek leave to ask a question of the Leader of the Council.

The PRESIDENT: Does the honourable member want me to rule on the point of order?

The Hon. N. K. FOSTER: No, I would not expect you to do so.

REFUGEES

The PRESIDENT: You are seeking leave?

The Hon. N. K. FOSTER: To ask a question on refugees, with the leave of this Council.

The PRESIDENT: I will put the question: that the honourable member have leave.

Leave granted.

The Hon. N. K. FOSTER: Members of this Council are aware that quite a number (and some people may consider it to be a large number) of most unfortunate people are making their way to the northern shores of Australia by various sorts of nondescript seacraft. They are permitted to land, as they should be, in Darwin. They are not being held in the Northern Territory but are being dispersed to several States. I know that, in asking this question, I may transgress your previous ruling. I consider it one which would be inhibiting in this place and one which, if I took it seriously, would not allow me to ask questions of the kind I am going to ask. My question deals with a portfolio area that has no counterpart so far as the State Parliament is concerned. Read into that the correct interpretation, and you will understand what I am talking about.

I ask the Minister of Health how many refugees have been held at Pennington Hostel, and whether the State Government has some say in that place as a hostel, not necessarily on the matter of refugees in themselves. Secondly, can the Minister tell the Council how many refugees this hostel will be able to take in the foreseeable future and whether public statements are being made that the hostel is at the stage where it cannot undertake responsibility for any more arrivals? Now, is the question in order?

The PRESIDENT: I think the question is in order. The honourable member has referred to the matter of whether South Australia is involved in the Pennington Hostel. I do not know. The Minister can find that out, I suppose.

The Hon. D. H. L. BANFIELD: I will find out, and I would also like to know what authority the Hon. Mr. Hill has to question the Hon. Mr. Foster's rights in this matter. Although the honourable member cannot get the leadership of his Party, he is now trying to take over from you, Mr. President, during Question Time, and that is completely out of order, especially as it has been continuing for some time. I will refer the honourable member's question to my colleague.

FEDERAL ELECTION

The Hon. J. R. CORNWALL: Although deferring to

your previous ruling, Mr. President, I wonder where this matter starts and ends. For example, in future will it be in order for me to direct a question to the Minister of Agriculture concerning blue tongue or any other exotic disease which is primarily the concern of the Federal quarantine authorities? That is more a comment than a question, but—

The PRESIDENT: Order! Honourable members know that Standing Orders require questions to be directed to Ministers of the Crown in connection with the public affairs of their offices. Ministers are not here to answer questions involving public affairs of the offices of Ministers in the Commonwealth Parliament. If honourable members want Ministers here to refer to their counterparts in the Commonwealth sphere on questions involving South Australia, that will be in order, but Ministers cannot answer other questions unless the subject matter is within the ambit of their office.

The Hon. J. R. CORNWALL: With due deference to your opinion as a lawyer, I will have to rephrase the question and, without going through the preamble again concerning electoral malpractice, unless you would like me to go through that—

The PRESIDENT: No, I do not think anyone wants you to do that.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr. Cornwall.

The Hon. J. R. CORNWALL: Will the Minister of Health ask the Attorney-General to take up this matter with his Commonwealth colleague with a view to having an investigation at Alwyndor into electoral malpractice?

The Hon. D. H. L. BANFIELD: Contrary to the statement by members opposite that this sort of thing does not occur, I, too, have received a complaint about elderly people being coerced into obtaining postal votes. I will refer the honourable member's question to my colleague.

ANIMAL CLINIC

The Hon. C. M. HILL: Has the Minister of Health a reply to my question concerning aid to establish an animal clinic in South Australia?

The Hon. D. H. L. BANFIELD: The provision of animal welfare services has been under investigation for quite some time and submissions have been received from a wide cross-section of the community. The information covers matters such as the provision of first-aid and desexing facilities, the extent of veterinary services, the incidence of stray and feral animals and other related problems. It is too early to indicate what action the Government will take on these matters, because the inquiry is not yet completed as there appears to be some inconsistency in the arguments which have been presented.

QUARTER-HORSES

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to directing to the Minister of Tourism, Recreation and Sport a question (which I am sure lies within his portfolio) about quarter-horse races.

Leave granted.

The Hon. J. R. CORNWALL: Honourable members are aware of the rapidly growing number of classified quarter-horses throughout Australia. I was interested to read in an interstate paper at the weekend that Bob Jane is spending a considerable sum on installing a sprinting track at Calder Raceway in Melbourne. I was also interested to hear that Kerry Packer, who would be well known to honourable members, recently invested about $600 000 on quarter-horses that he is importing to Australia. When Mr. Packer becomes interested in a sport, one can expect some pressure being brought to bear in one form or another. Does the Government intend to legislate for the conduct of registered meetings for quarter-horse racing, or does it intend to bring them under the control of the principal racing body in South Australia, namely, the South Australian Jockey Club?

The Hon. T. M. CASEY: The answer to both questions is "No". I have had discussions with people in this State interested in quarter-horses and, as the honourable member knows, race tracks in South Australia are owned or leased from the City Council by the S.A.J.C., which has full control over the tracks. The Government has nothing to do with granting permission to race: that is a matter between the quarter-horse people and the racing fraternity. There was some talk of Mr. Bjelke-Petersen allowing quarter-horses to be raced in Queensland, but I do not know how far that has proceeded. However, I do know that the A.J.C. in Sydney has already told people interested in quarter-horses that it is not interested in running quarter-horse races on Sydney race tracks. That is the situation as I see it at present.

BEEF EXPORTS

The Hon. F. T. BLEVINS: Has the Minister of Agriculture a reply to my question of November 2 about beef exports?

The Hon. B. A. CHATTERTON: The South Australian abattoirs affected by the Swedish Food Board's ban on Australian beef are Samcor, Charles David Proprietary Limited, Murray Bridge and Metro Meat, Noarlunga. It is considered that the effects on South Australian meat sales will not be of major significance. The international meat trade is a most fluid industry and today's profitable market may be lost tomorrow. The cuts and offal which were formerly sold to Sweden are finding ready sale in other markets at prices not markedly below the Swedish offers. Therefore, it is reasonable to assume that the impact on employment within the industry will be minimal. The honourable member's third question related to the steps which might be taken to ensure the lifting of the ban by raising abattoir standards to Swedish requirements.

Because of the ubiquitous nature of salmonella organisms, and their not uncommon occurrence as contaminants of meat, the Primary Industry Department embarked on a vigorous education campaign of all persons associated with the meat industry in 1976. While this will not produce miracles, it is expected that increased awareness amongst all people handling meat before, during and after processing will result in reduced contamination. It is pertinent that Swedish authorities have been actively sampling imported meat for the presence of salmonellae for some time. It is also pertinent that the recent outbreak of human salmonellosis in Sweden was traced to Swedish, not imported, meat.

FREEDOM OF INFORMATION

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Health, representing the Attorney-General, on the question of freedom of information legislation.

Leave granted.

The Hon. J. C. BURDETT: At a public meeting held on

October 31 by the Freedom of Information Lobby, the Attorney-General stated that the Government intended to introduce freedom of information legislation during the life of this Parliament. Since that meeting many people have stated that there is an urgent need for such legislation. Is it intended to introduce such legislation during the current session? If that is not the case, what is the Government's intention in this matter?

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

CLASSIFICATION OF PUBLICATIONS

The Hon. R. C. DeGARIS: Can the Minister of Health say whether there have been any prosecutions under section 33 of the Police Offences Act since the introduction of the Classification of Publications Act?

The Hon. D. H. L. BANFIELD: That is a question for the Chief Secretary, to whom I shall refer the question.

LOCAL GOVERNMENT FUNDS

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

The Hon. D. H. L. BANFIELD: In the preamble to his question, the honourable member referred to certain remarks by His Excellency the Governor concerning the responsibilities of local authorities in the area of social welfare. He went on to ask whether the Government would make funds available to the Local Government Grants Commission so that the commission could allocate larger sums to local authorities for welfare purposes. I point out that section 18 (4) *(b)* of the South Australian Local Government Grants Commission Act prohibits the commission from recommending grants for specific purposes in the manner suggested by the honourable member. Any assistance given by the Government to local authorities through the avenue of the Grants Commission would, therefore, be in the nature of general financial support and could not be directed towards welfare projects.

Local authoritites are, of course, responsible for the expenditure of well over half the funds made available by the Government under the State unemployment relief scheme. In this way the Government has ensured that local authorities have been directly involved in one particularly important welfare measure—unemployment relief. The significance of this scheme extends beyond the immediate benefits gained from the provision of employment opportunities, however. Many of the projects carried out by councils with funds provided under the scheme are oriented towards providing facilities for welfare activities and youth activities in the local community. Considerable sums, therefore, are being made available by the Government to local authorities for expenditure in precisely those areas advocated by the honourable member.

ARTS DEVELOPMENT BRANCH

The Hon. C. M. HILL: Has the Minister of Health a reply to the question I asked on October 27 about the Arts Development Branch?

The Hon. D. H. L. BANFIELD: The following information is provided regarding staff in the Arts Development Branch:

	Salaries 1976-77 (Actual payments) $	Salaries 1977-78 (Estimated) $
M. Vassalo	—	5 000
A. W. Cooper (transferred to Hospitals Department 1976-77)	1 743	—
D. A. Brown	9 743	10 500
T. E. Hobart	7 792	7 900
A. J. Welsh	13 212	14 600
R. L. Wright	10 866	12 000
W. A. Fairlie	4 889	5 900
L. L. Amadio	18 472	20 100
M. G. Lloyd	8 129	9 000
C. R. Rankin	—	*12 700
New positions—1977-78		
Senior Development Officer	—	7 900
Project Officers (2)	—	14 000
Office Assistant (to replace temporary position held by M. Vassalo (see above)	—	—
	$74 846	$119 600

*Salary paid elsewhere within Premier's Department.

EDUCATION DEPARTMENT ACCOUNTING

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply to my recent question about Education Department expenditure?

The Hon. B. A. CHATTERTON: During the debate on the Appropriation Bill, the honourable member commented on accounting procedures within the Education Department, and suggested that certain officers should be disciplined for their alleged laxity in such matters. Reference to the printed Estimates of the past two years will show that the Education Department is restructuring its organisation and, with this, its accounting responsibilities. During 1976-77, funds were transferred between items according to approved Treasurer's instructions, to match changed organisation. The cause of the large difference to which attention has been drawn was the charging of costs of transporting handicapped children ($457 000) to Special Education, whereas the original budget for the item occurred in Education Services.

JOINT COMMITTEE ON CONSOLIDATION BILLS

A message was received from the House of Assembly requesting the concurrence of the Legislative Council in the appointment of a Joint Committee on Consolidation Bills. The three persons representing the House of Assembly on such a committee would be Mrs. Adamson, the Hon. Peter Duncan, and Mr. Groom.

The Hon. D. H. L. BANFIELD (Minister of Health) moved:

That the request contained in the message from the House of Assembly seeking the appointment of a Joint Committee on Consolidation Bills be agreed to and that the members of the Legislative Council to be members of such committee be the Hons. D. H. L. Banfield, T. M. Casey, and R. C. DeGaris, of whom two shall form the quorum of Council members necessary to be present at all sittings of the committee, and that a message be sent to the House of Assembly informing that House accordingly.

Motion carried.

PRICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 1008.)

The Hon. C. M. HILL: In objecting to several provisions in this Bill, I intend to support it at the second reading stage so that amendments on file can be fully debated in Committee. I also intend to support those amendments, which carry out the points I want to make in this debate. There is no reason why a prospective purchaser of land should come under the provisions of the Prices Act, or be put in a position to complain to the department administering this Act, so that investigations can be carried out. I am in no way against land purchasers being able to lodge such complaints, but at present machinery exists for this procedure to take place. The Land Agents Board and its investigatory staff, to the best of my knowledge have always carried out their work well. The board and its staff have been established for many years.

Therefore, it would seem to be absolute duplication in the Public Service for there to be two separate channels of investigation and two separate groups of people in a position to investigate these complaints. The definition of "consumer" in clause 2 means that some purchasers of land (and I stress the word "some") may make complaints to the Commissioner for Consumer Affairs. Those who purchase land for resale, letting, trading, or carrying on a business are not involved in this provision. The Government obviously intends to restrict the right to those who purchase land, generally speaking, for private occupation. Of course, such people can complain to the Land Agents Board, which will investigate complaints. So, it seems to be unnecessary to duplicate this process.

The second aspect of the Bill to which I take strong exception is the provision which gives the Commissioner for Consumer Affairs himself the right to initiate investigations into activities of businesses. Previously, the right to investigate had to be initiated by a complaint from a citizen to the Commissioner; that procedure is quite proper in all areas of business dealt with by the Commissioner. If consumers have complained and sought aid from the Government, it is proper that they should have the right to go to the department and state their case, but in this Bill the Government is greatly expanding its opportunity to make investigations. One can foresee that this procedure will involve over-government; it will involve Big Brother, whereby business people will be plagued by investigators entering their premises and seeking information, despite the fact that no individual complaint had been lodged.

I am not saying that this will happen during the term of the present Government. I am not introducing a political flavour into my comments, but we could reach the stage where the Government of the day, a Minister of the Crown, or a senior public servant could for one reason or another be very upset by a business man and, as a result of this Bill, the Commissioner would have the right to enter premises and question the business man, despite the fact that a consumer had not made a complaint against that business man.

In addition, the provision means that a business man's records can be noted by a Government department, despite the fact that no citizen has complained about the firm. If it agrees to legislation of that kind, this Council is forgetting all about civil liberties and it is opening the door for Big Brother to enter. Therefore, this Council should not pass such a provision. Having read the Minister's second reading explanation to ascertain the Government's real intent, I believe that the Government has not made out a case for changing the law on this point. The second reading explanation states:

> The Bill removes the present restriction in the principal Act to the effect that before the Commissioner may investigate any unlawful practice he must first have received a complaint from a consumer. This restriction has tied the hands of the Commissioner to a certain extent, in that he has not been able to investigate practices or prosecute offences that have come to his attention indirectly from the complaint of a consumer or by other means.

That is what the Minister said about his reasons for wanting to make such a radical change to the Prices Act. I take it that the Minister's words mean that, in the event of the Commissioner's hearing a rumour about a manufacturer, retailer, or some other business man, in the past the Commissioner has not been able to investigate the matter any further: he could do so only if a consumer lodged a complaint. If we are to allow the Commissioner to carry out investigations based simply on rumour, where are we going in connection with giving powers to Government departments?

We can assume that the Commissioner's records would be available to his Minister, and those records would, in turn, become available, generally speaking, to the Government of which the Minister was a member. It is therefore a very serious matter for the Government to expect Parliament to widen the scope of the legislation to allow investigations into the affairs of business people without an initial complaint being made by a consumer.

The Hon. R. C. DeGaris: It could be used by unscrupulous Governments for a number of purposes.

The Hon. C. M. HILL: Yes. This aspect must not be overlooked. I am referring not necessarily to this Government's getting information about businesses, but any future Government would have the opportunity.

The Hon. J. R. Cornwall: Are you saying that it is all right to be crook, so long as you are not found out?

The Hon. C. M. HILL: I cannot follow that interjection. Until a citizen lays a complaint, the Commissioner ought not to be given the right to go into business premises, question the businessman for possibly days or weeks on end, take records from him, including all his books of account and details of his turnover and business affairs, file those records in a Government department, and cause the person a tremendous loss of time, particularly to himself or his senior personnel, because they are the only people who can deal with such investigators when they go into business premises. That right should not be given unless, in the first instance, a citizen of this State complained against such a businessman or firm.

The Hon. Mr. Cornwall, who upholds civil liberties in this State, must have some doubts in his mind about any legislature being asked to give this power to its Public Service and, through the Public Service, to this Government and any subsequent Government because, once a person's affairs are placed on record in that way, they are available to future Governments. I have dwelt long on that point because it is serious.

The third issue in the Bill to which I object is clause 6, which seeks to repeal section 53 of the original Act, dealing with the annual amendment that has applied to the prices legislation; the Government is seeking to repeal section 53 to place this Act on the Statute Book indefinitely. Previously, it had to be renewed every 12 months, and I think that renewal was a proper and wise check for Parliament to insist upon.

I make those points in regard to those three matters; I do not intend to support the Bill in its present form in the Committee stage, but I will support amendments that will

improve those matters I have raised.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

FILM CLASSIFICATION ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

It has two objects. First, it seeks to increase the maximum penalty for exhibiting an unclassified film from the present rather low $200 to $1 000. Unfortunately, some time ago certain sex shops in Adelaide were abusing the freedom they had been allowed in the exhibition of films that have not been classified under the Film Classification Act, 1971-1974. It was the practice to allow sex shop proprietors to exhibit such films to prospective customers who were genuinely interested in purchasing the film. But some shops virtually operated as theatres, and the various subterfuges employed made it extremely difficult for the police to etablish whether or not the audience were prospective customers. Proprietors have been advised that the concession by virtue of which they exhibited films not classified under the Film Classification Act has been withdrawn. It is essential that higher penalties be imposed so that it will be unprofitable for offenders to exhibit pornographic films.

The Bill also seeks to widen the Minister's power to prohibit the exhibition of certain R films in drive-in theatres. There are some R films that are, in the Government's opinion, far too explicit in matters of sex and sadism for exhibition in drive-ins. At the moment the Minister has power to issue notices to individual drive-in theatres prohibiting the exhibition of a particular R film where he considers that the film may be seen from outside the theatre. This necessitates issuing approximately 40 notices. The Act has been widened so that the Minister can issue general or particular notices of prohibition in relation to drive-in theatres, whether or not the drive-in theatre is constructed in such a way that people outside can see the screen.

Clause 1 is formal. Clause 2 increases the penalty for an offence against the section from an amount not exceeding $200 to an amount not exceeding $1 000. Clause 3 enables the Minister to prohibit the exhibition of all R films in all drive-in theatres or any specified drive-in theatres, or of any particular R film. The prohibition may be imposed by a general notice in the *Gazette* or by individual notices served on drive-in theatre proprietors. Clause 4 enables the Governor to prescribe fees in respect of an application for classification of a film and other related matters. There is, of course, a good deal of work involved in assessing a film for classification, and the imposition of a fee seems entirely justified.

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

INDUSTRIAL COMMISSION JURISDICTION (TEMPORARY PROVISIONS) ACT AMENDMENT BILL

(Second reading debate adjourned on November 24. Page 1009.)

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Expiry of Act."

The Hon. D. H. LAIDLAW: I move:

Page 1, line 11—Leave out "This " and insert "(1) Subject to subsection (2) of this section, this".

After line 11—Insert—

"(2) If a proclamation referred to in subsection (1) of this section has not been made before the thirty-first day of December, 1978, this Act shall expire on that day."

As I mentioned in my second reading speech, this amendment is, except for the year, the identical amendment that the Minister of Health moved last year. On this occasion, the Act shall expire on a date to be fixed by proclamation, which means that the Act can apply indefinitely. In 1975, when the Bill that became the principal Act was introduced, it was pointed out by the Minister that it was a temporary Bill, its object being to enable the State Industrial Commission to apply the eight guidelines laid down by Sir John Moore in the Australian Conciliation and Arbitration Commission and to allow a flow-on into State awards. In the principal Act there is provision for the State Industrial Commission to vary or modify these guidelines, and it is possible that the Australian Conciliation and Arbitration Commission in other States may apply wage indexation partially but that the State Industrial Commission, in its wisdom, may apply the full provisions, with higher wage increases occurring here than in other States. Therefore, it is important for this Parliament to be able to examine the performance of the State Industrial Commission on a year-to-year basis. For that reason, I move this amendment.

The Hon. D. H. L. BANFIELD (Minister of Health): The Government strongly opposes this amendment. As I said in my second reading explanation, the Government believes it will be necessary to keep this Act in operation as long as the wage indexation system survives and, therefore, it is appropriate that the life of the Act be prolonged indefinitely.

The Hon. R. C. DeGaris: It can be anyway.

The Hon. D. H. L. BANFIELD: Of course it can; we have to come back to this place every 12 months. Why is that necessary when it can be done by other means? The Government is not just saying this: it is telling you that that is its position. Let there be no misunderstanding about that. However, as its title indicates, the Act is a temporary provision, which the Government considers should be terminated by proclamation at a time when that appears to be appropriate.

The effect of the Hon. Mr. Laidlaw's amendment is simply to extend by one year the period of the operation of the present Act. This will mean that, if wage indexation is still in operation this time next year, it will once again be necessary to introduce a Bill further to extend the life of the Act. There is no need to seek Parliament's approval each year to continue the life of an Act that can be terminated by proclamation. Surely, the Government is in the best position to decide this.

The Hon. R. C. DeGaris: Why is it?

The Hon. D. H. L. BANFIELD: Of course the Government is in the best position to decide it, because it must administer the Act. Parliament would still have to agree to the Act's being continued next year if wage indexation was still operating. The Government is merely saying that it should have the right to decide this matter. That is what the Government is saying it is going to do. Otherwise, the Act will go out the window.

Surely the Government is in the best position to decide when the Act should be terminated. It is not possible to give a definite date. The decisions first to introduce and then to continue wage indexation were made by the

Australian Conciliation and Arbitration Commission, and not by the Australian Government. It is not, therefore, appropriate to include a provision for it to expire when the Commonwealth provision ceases to operate.

In any case, the Australian Conciliation and Arbitration Commission is currently involved in a major review of the indexation guidelines. It is possible there may be some change in the indexation conditions or in the guidelines, or alternatively indexation could be continued in a different form. It seems logical that the Government should be left with the discretion to decide when the application to the State jurisdiction of the Federal guidelines should be terminated. As I said previously, the Government is not willing to accept the Hon. Mr. Laidlaw's amendment.

The Hon. D. H. LAIDLAW: Why did the Minister want to put a limit on it last year?

The Hon. D. H. L. BANFIELD: That was done because indexation had not then been in operation for very long. However, we have now had experience of it, and the Government now considers that it should not have to introduce a Bill every 12 months when something can be terminated by proclamation. The legislation will be terminated when wage indexation ceases to operate.

The Hon. R. C. DeGARIS: Will the Minister explain to me why, the Government having had 12 months experience with wage indexation, that should alter the question of it's bringing this Bill back to Parliament for an extension? That does not seem to be at all logical.

The Hon. D. H. L. BANFIELD: Whether or not it is logical, the fact remains that the Bill will expire unless the term is extended. The State Government is in the best position to decide when the Act shall be terminated. It would merely be wasting this Council's time if the Government had continually to reintroduce the Bill.

The Committee divided on the amendment:

Ayes—(10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw (teller), and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The CHAIRMAN: There are 10 Ayes and 10 Noes. To enable the amendment to be considered by the House of Assembly, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

PAY-ROLL TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 1009.)

The Hon. R. C. DeGARIS (Leader of the Opposition): Although the Bill once again contains some rather forbidding formulae in many of its clauses, it applies, as far as I can see, the more simple explanation given in the second reading explanation. Before I deal with the Bill, I should like to examine part of the second reading explanation, the opening three paragraphs of which are as follows:

> At present the Pay-roll Tax Act provides that, in calculating his liability for pay-roll tax, an employer may deduct the sum of $48 000 from his annual pay-roll. However, once his annual pay-roll exceeds $48 000, the permissible deduction reduces by $2 for every $3 by which the pay-roll exceeds $48 000 to a minimum deduction of $24 000. This has been the position since January 1, 1977.
>
> It is now proposed that the maximum annual deduction be increased to $60 000 and the minimum annual deduction to $27 000. There is inevitably a considerable element of judgment necessary when limits of this kind are set, but honourable members will notice that the minimum deduction is to be increased by 12½ per cent, which is roughly in line with recent movements in average weekly earnings.
>
> The maximum deduction, which is of benefit chiefly to small businesses, is to be increased by 25 per cent. This means that it is to go well beyond a form of indexation and will afford such enterprises a measure of real tax relief. These changes are planned to take effect from January 1, 1978, and are expected to cost about $1 600 000 in a full year and about $700 000 in 1977-78.

It appears to me to be a strange exercise to apply, to the question of deductions, the principle of indexation, because, as I see it, if the principle of indexation is to be taken into account, that principle should be applied to the whole of the tax collected, not to the degree of deduction. If one examines the size of the deduction and the size of pay-rolls, one sees that the size of the deduction is only a very minor part of the total amount of the pay-roll.

For example, the Minister has spoken of the minimum deduction being increased from $24 000 per annum to $27 000 per annum, an increase of 12½ per cent, which is roughly in line with recent movements in average weekly earnings. Then the Minister speaks of the maximum deduction being increased from $48 000 per annum to $60 000 per annum, an increase of 25 per cent, and adds,"This means that it is to go well beyond a form of indexation".

I question the logic of applying any form of the principle of indexation to such deductions. The only way in which one can apply such a principle is to the total of tax collected, and, as the second reading explanation anticipates, the Budget estimates receipts from pay-roll tax for 1977-78 as being $153 000 000. With these new deductions, the Government expects to receive $152 300 000. The estimated increase is $15 400 000 and the estimated loss of revenue due to these amendments will be about $700 000, so the actual reduction will be between ·3 per cent and ·35 per cent, and the reduction in the proposed increase in tax collection will be less than 5 per cent ($700 000, or $15 400 000 increase). Therefore, I hope the House is not too carried away by the generosity of the Government in indexing its pay-roll tax collection, because clearly that is not the case. It is not a case of indexation, and that word should not be used in connection with this measure.

I do not put this argument forward as a criticism of the Bill, but rather as a criticism of the logic of the second reading explanation. Under the existing Act, the minimum deduction is $24 000 and the maximum amount set is $48 000, which means that no tax is payable on a pay-roll of $48 000. Then, the actual deduction of $48 000 decreases by $2 for every $3 above $48 000, until at $84 000 the minimum of $24 000 is reached as a deduction. In relation to the Bill, the maximum deduction is $60 000, which declines to $27 000 at $109 500 of pay-roll.

Clause 3 poses several problems to me and I am still not clear about why the Bill has been worded in this way. Nevertheless, I cannot see any reason to complain much about it, because I do not think that has much effect anyway. In clause 3, the minimum amount is spelt out in three ways. Clause 3 *(a)* (i) applies the period before the last amending Bill. Clause 3 *(a)* (ii) applies following the last amending Bill, and clause 3 *(a)* (iii) applies after January 1, 1977. I do not know of any pay-roll people who will be paying pay-roll tax on a measure that was amended

in January, 1977. Perhaps there may be some, but I do not see any real reason for that to be there. There may be some reasons for it, however, and it does not do any harm.

I have checked at some length the formula given in the Bill, and I cannot find any difficulty about it. As far as I can see, it interprets the second reading explanation of what the Bill is said to do. The only comment I make is that there is a slight reduction in the tax that would be collected of $700 000 out of $153 000 000 to the end of the financial year 1977-78. The deduction will benefit the very small employer but, apart from that, the Government is not losing much revenue, and I criticise very much the use of the word "indexation" so far as the deductions are concerned. I have pointed out that indexation has nothing to do with the matters contained in the Bill. Some taxpayers will be receiving benefits over others, depending on the date of the pay period: in other words, if the pay period comes early in January or late in January. I do not think this can be avoided.

Finally, probably one of the most significant amendments yet seen in any Government Bill is in clause 6, and I congratulate the Government on this most progressive step. It removes the requirement that returns of pay-roll tax be in triplicate. I congratulate the Government on reducing this to a single form. That is a remarkable achievement for this Government! I support the second reading.

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

BULK HANDLING OF GRAIN ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 1011.)

The Hon. A. M. WHYTE: This Bill is complementary to the Barley Marketing Act Amendment Bill and deals with a form of oat marketing that we have never previously experienced in South Australia. The barley marketing Bill to which I have just referred provides for the handling of the oat crop under barley marketing provisions for export and other purposes, and this Bill provides for the Bulk Handling of Grain Act to be amended to cover the marketing of oats through the Barley Board. The original Act was entitled "The Bulk Handling of Grain Act" and it is strange, as oats are usually regarded as a grain, that that Act did not provide for the handling of oats.

Clause 4 amends section 12 of the principal Act, which stipulated "wheat and barley" and which now covers the handling of oats. Clause 5 amends section 14 of the Act and is consequential on the previous amendment. Regarding section 14, perhaps the Minister might say whether it is still necessary for South Australian Co-operative Bulk Handling Limited to submit to the Public Works Committee its programme for extension or building of silos at port terminals. Over the years the co-operative has served a wonderful purpose and has been well administered. It has been able to finance its own contracts through grower contribution and, although the Act provides for the right of the co-operative to approach the Government for a financial guarantee, it handles its own affairs so well that it seems hardly necessary that it should seek the approval of the Public Works Committee before proceeding with its plans.

It would still be necessary for such works to be approved by the appropriate Minister, because of the many factors relating to ports which need to be considered in relation to silo expansion. Indeed, I refer to the fiasco at Port Lincoln, where one of our biggest grain storage facilities exists. Everyone, including Ministers, Governments, and people concerned with that facility now wish that it had been built away from the heart of the town as there is plenty of water just around the bend and it would have taken much of the heavy traffic out of the town. People are concerned about the siting of that facility.

I accept the need for this Bill, which hinges around the Oat Marketing Act recently introduced to this Council. I hope the controversy which has raged around the export of oats has been sorted out to allow for orderly marketing by the Australian Barley Board. It will also be necessary for the bulk handling system in this State to have authority to handle such grain in bulk. I support the second reading.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

BARLEY MARKETING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 1010.)

The Hon. M. B. DAWKINS: I rise to support this Bill and I commend it to honourable members as I believe it is a good Bill. It enables the Australian Barley Board to engage in the statutory marketing of oats. I welcome the move which, in my view, is a much better solution in every way than the previous attempts to regulate marketing of oats in this State in 1967 or possibly 1968, and attempted again in 1972, when the Oats Marketing Act was introduced. That Act is repealed by clause 4 of this Bill because, as the Minister said, it was never brought into operation and is no longer required.

In previous attempts to regulate oats marketing, an Oats Board on its own was scarcely a viable proposition. Some restrictions have been suggested in previous legislation which were not acceptable in some areas, particularly in the Mid-North and in the South-East of the State, which has been able to market its oats through the Victorian marketing association. (I cannot remember the exact name of that body.) Some people have marketed their oats across the border in that way.

This Bill overcomes the objections to previous attempts to market oats. When the previous Bill was introduced in 1972 it was envisaged that the services of that distinguished Australian, Sir Allan Callaghan, a previous Director of Agriculture in this State, and a Principal of Roseworthy Agricultural College for 17 years, would have been used as Chairman of the Oats Board, but it was still not a viable proposition. The present proposal is to enable the Australian Barley Board to market oats, and as the Minister indicated in the second reading debate, it will be possible for the board to market other grains when required. I refer members to clause 5 (2) in this context.

I want to pay a tribute to the Australian Barley Board, which has been very successful and efficient in marketing barley here and in Victoria for some 30 years. The name the "Australian Barley Board" is something of a misnomer because it has been a two-State board. The object has always been to secure an all-Australia barley marketing board, which would cover all States. Unfortunately, that has not happened. Nevertheless, our own Australian Barley Board, as we know it, has been very successful and efficient. By no means should the least credit for that success go to the distinguished chairmen of the board, who have been outstanding men, and successful in their oversight of the Barley Board. I refer first to Mr. Walter Spafford, who I think was the first Chairman. He was an Acting Principal of Roseworthy Agricultural College, and a former Director of Agriculture. He exercised a very beneficial oversight of that board for a

number of years, and was followed by another former Director of Agriculture, the late Mr. A. G. Strickland, who was succeeded by the present Chairman, Mr. A. J. K. Walker, better known to his friends and many members of this Parliament as Lex Walker. He, too, has been a very successful Chairman of the Australian Barley Board in South Australia and Victoria.

The board has been efficient; well over 90 per cent of its gross proceeds are returned to the grower (although it is not possible to do this all in one year) relatively quickly, particularly when compared with the operations in this respect of the Australian Wheat Board in past seasons. However, the Wheat Board has more recently improved its record considerably in that respect. Possibly it is too much to expect, but I hope for a similar success story with oats marketing, which is vastly different from marketing barley, which is largely an export crop. In the 1976 *South Australian Year Book*, at page 433, it is stated:

> The milling qualities of most oats grown in South Australia do not meet the requirements of overseas markets and only a small proportion of the harvest is exported; most of the crop is used as animal fodder. As is the case with barley, some of the area sown for grain and hay is grazed until June or July then closed to sheep to allow re-growth to a crop. Part of the area sown for forage is left to stand until it is used as dry grazing in autumn, when other fodder is not plentiful. In 1973-74, 81 per cent of the total area of oats was sown in four varieties—Swan, 115 000 hectares; Avon, 43 000 hectares; Irwin, 31 000 hectares; and Kherson, 17 000 hectares.

The two varieties of Swan and Avon, as I remember it, are almost identically bred but selected in different areas and, therefore, even though they are like twin brothers, they have slightly different characteristics. Swan is regarded as the more successful of the two.

I referred to those varieties to show the progress in oat breeding. They are used widely in this State and have improved the yield, made it more regular and less subject to disease. The varieties I mentioned are prominently in use today, instead of the varieties sown widely in years gone by, such as Algerian, New Zealand Cape, and a variety known as Fulghum, known for its regrowth after being fed off; that was its main attribute.

I am happy that this Bill is not unduly restrictive, unlike earlier attempts at regulating oats marketing, which were objected to with some validity in certain areas of the State. That is an important part of the Bill, and I am pleased to see the provision printed in clause 11, the operational clause, which seeks to insert into the Act a new section, 14aa, which states:

> 14aa. (1) Subject to this section, a person shall not after the appointed day sell or deliver oats to any person other than the board.
>
> (2) Nothing in this section shall apply to—
>
> *(a)* oats retained by the grower for use on the farm where it is grown;
>
> *(b)* oats which have been purchased from the board;
>
> *(c)* oats sold or delivered to any person with the approval of the board;
>
> *(d)* oats sold at any auction market in accordance with a permit granted by the board;
>
> *(e)* oats the subject of trade, commerce or intercourse between States or required by the owner thereof for the purpose of trade, commerce or intercourse between States; or

and this is one of the main parts of the Bill—

> *(f)* oats sold to a person where those oats are not resold by that person otherwise than in a manufactured or processed form including, without limiting the generality thereof, the processed form of chopped, crushed or milled oats.

This means that, under that new paragraph *(f)*, the power is provided for a farmer, for example, to negotiate with his neighbour to provide him with quite a large quantity of oats, if desired, for feed purposes. He is also able to sell oats to a person who will process them into chopped, crushed, or milled oats. This largely removes the objections that were previously raised.

The Hon. R. A. Geddes: Previously, couldn't a farmer sell his oats for feed purposes to his neighbour without a permit?

The Hon. M. B. DAWKINS: Clause 12 provides:

> Section 14a of the principal Act is amended—
>
> *(a)* by striking out subsection (1) and inserting in lieu thereof the following subsection:—
>
> (1) A person shall not—
>
> *(a)* buy barley from the grower thereof without the written approval of the board;
>
> or
>
> *(b)* buy oats from the grower thereof where the sale of those oats by that grower would be a contravention of section 14aa of this Act.;

New section 14aa will enable the farmer to deal with his neighbour without the sort of restriction to which the honourable member has referred. I commend this excellent Bill to honourable members because it is a great improvement on previous attempts to regulate the marketing of oats, in that it leaves considerable room for manoeuvre between farmers themselves and in connection with the farmers being allowed to sell to people who will process the oats in specified ways. I support the Bill.

The Hon. A. M. WHYTE secured the adjournment of the debate.

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 1010.)

The Hon. C. M. HILL: This Bill puts in order a rather unique position in which a number of persons who applied to be registered as land salesmen under the old Land Agents Act were registered under the provisions of the present Act just after it came into operation in 1974. The Bill makes clear that these persons are, and always have been, entitled to be registered under the Act. I support the Bill.

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

MINORS (CONSENT TO MEDICAL AND DENTAL TREATMENT) BILL

Adjourned debate on second reading.

(Continued from November 24. Page 1009.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill has a good deal of merit, and I am not opposed to the general concept, but there are many questions arising from the concept needing close examination. How far Parliament is prepared to go can be better determined by referring the Bill to a Select Committee than by general debate in this Chamber. The question of the liability of a medical practitioner, who may be acting in an emergency, to an action for assault on a minor is not covered fully by the Bill, nor is the question of the degree of medical and surgical procedure that a minor may agree to.

Further, the question of donation of human tissue and organs by a minor for transplant purposes deserves examining. Also, the question surrounding transplants and artificial insemination is relevant to the general thrust of the Bill. Noting these issues illustrates the need for a more detailed examination of the Bill. I congratulate the Hon. Miss Levy on introducing the Bill, which has merit. The points raised in the Bill have caused much concern among professional people, and they have been legislated for in New South Wales and the United Kingdom. The best way to approach the matter is to refer the Bill to a Select Committee. I therefore support the second reading of the Bill.

The Hon. J. C. BURDETT: I, too, support the second reading of the Bill. I support the principle that it should be made clear that it is possible for minors to receive necessary medical treatment. Any confusion about the ability of a minor to give consent obviously ought not to deprive the minor of urgent or necessary medical treatment, nor is it fair to the medical practitioners or dental practitioners concerned that they should run the risk of action for assault in providing the necessary treatment. However, there are ample grounds to justify the Hon. Mr. DeGaris's suggestion that the Bill ought to be referred to a Select Committee. The mere fact that there is confusion as to the present position is, in itself, sufficient to warrant a Select Committee.

But there is another matter which I think warrants the kind of examination which a Select Committee makes possible. All would agree, I think, that a person over the age of 14 years ought to be able to consent to medical treatment to avert danger to life or limb or to the general health and well-being of the minor. But honourable members should bear in mind that this Bill would extend to treatment for contraceptive purposes, abortions, plastic surgery, surgery to implant tissue in the breasts of girls for cosmetic purposes, leucotomies, and so on. These are matters where many believe, in regard to, say, a 14-year-old, that parents ought to have some say as to whether or not the treatment is carried out. It should not be left to a 14-year-old person to decide whether or not he or she needs this kind of treatment and many other kinds of treatment where preservation of life or limb is not an issue and where moral and general psychological matters are involved. A very young person may be easily persuaded to have treatment of this kind, to which the parents may have some legitimate objection. Even today, many 14-year-olds may be easily persuaded by adults, especially those with expertise in a particular field.

One thing that I would like a Select Committee to examine is the possibility, in regard to the 14-year to 16-year age group, of making a distinction between necessary and reasonably urgent treatment, on the one hand, and treatment of the kind which I have mentioned, on the other hand. The draftsmanship would be difficult, but more tenuous distinctions than this have been drafted in legislation. Where, as I say, moral and general behavioural matters are in issue, I believe that parents have a right and duty to exercise general control. Obviously, the age of the child in question is material and it is often difficult to draw the line, but the line must be drawn; in fact, this Bill draws two lines—one at the age of 14 and one at the age of 16. I note that the English Act provides for an age of 16, and I have no argument with this age limit; but, where the age is as low as 14, there are some kinds of treatment where, it seems to me, the parents' consent should be obtained or at least they should be consulted.

This is not merely a moral or a social issue. The law has always been concerned as to what control, authority and oversight parents may exercise over children, as to what responsibility parents have for their children, and as to the circumstances in which parents may be liable for the actions of children. It is also fair comment, I think, that in regard to the under-16-year-olds, in practice, the consent will be transferred from parents not so much to the juvenile as to the medical practitioners, social workers, and others whose advice the minor will find it hard to resist.

I acknowledge that at present the medical profession usually goes to great lengths to see that patients fully understand treatment of the kind I have outlined. The Hon. Anne Levy specifically referred to minors seeking advice about contraception. Mere advice does not, of course, require consent at present, and assault and battery could not be sustained merely because advice had been given. Consent would be necessary only if an examination or other form of contact was involved.

The Hon. Anne Levy has properly noted that the Bill deals only with consent and that all it does is to prevent actions for assault, in proper circumstances; it does not interfere with actions for negligence. The Bill does not make parents liable for the cost of medical treatment. It may well be that the use of the wider powers of consent given in this Bill may be inhibited for this reason. I do not suggest that parents should be made liable for the cost, but I note this point in passing. The Hon. Anne Levy in her speech stated that her Bill followed the New South Wales legislation almost verbatim. She told me privately that she had omitted some of the words in the New South Wales Act because no-one could tell her what they meant. I think she is referring to section 49 (3) *(a)*, which states:

> This section does not affect such operation as a consent may have otherwise than as provided by this section.

I think I know what the words mean but I agree they are redundant and should be omitted. The subclause is a standard saving clause. The legislation is designed to make consents valid where they may not be at present. It is not intended to restrict the operation of any consents that may be valid at present.

The purpose of the subsection is to make it clear that, if there is some consent which is effected outside the ambit of the Act, it shall retain its validity. However, I cannot conceive any consent that would have any legal validity which would be effective, so I agree that, in this instance, the saving provision is redundant. The Hon. Mr. DeGaris said he thought a Select Committee should be appointed, notwithstanding that the matter had been considered by two other Parliaments—the United Kingdom and the New South Wales Parliaments. This is sustainable because in New South Wales this provision was a small and ancillary part of a Bill which dealt mainly with minors' property rights and contracts. The Minister, in explaining the New South Wales Bill, when he came to this clause in the Bill said:

> The Government has no firm view on this matter, which is ancillary to the main object of the Bill, but agrees with the Commissioner's view that there are obvious advantages in laying down standards which will remove the existing uncertainty.

Thus, this legislation has not previously been fully canvassed in Australia. The Hon. Anne Levy referred to the article by Skegg entitled "Consent to Medical Procedures on Minors" in the *Modern Law Review*. I agree with the learned author and the Hon. Anne Levy that there is confusion, although my view has always been that of the author, that consent to a touching of some kind is not an act of law in the same way as entering into a contract or a bond is, and that a minor may consent to such a touching. He says, at page 372:

> The view that, at common law, all minors are incapable of consenting to surgical operations results from a fundamental misconception of the position of such procedures in relation to the crime and the tort of battery. Surgical operations are not in a different category from other medical procedures, nor are medical procedures in a different category from other applications of force.

Then, after a gap, the report continues:

> So, too, would anyone who embraced a girl who was still a minor—unless, on one view, her father's consent had first been obtained.

However, it is agreed that not all lawyers take the reasonable view expressed by the learned author. I agree with the principle of this Bill.

The Hon. Anne Levy has said that the New South Wales legislation passed in 1970 has apparently given no trouble. I am not aware that it has, but I am also not aware that there has been much trouble in South Australia in minors obtaining medical treatment. For this last reason and because of the matters I have raised earlier in this speech, and those separate matters raised by the Hon. Mr. DeGaris, I will support a reference to a Select Committee. I support the second reading.

The Hon. C. W. CREEDON secured the adjournment of the debate.

ADJOURNMENT

At 4.33 p.m. the Council adjourned until Wednesday, November 30, at 2.15 p.m.