

## LEGISLATIVE COUNCIL

Tuesday, February 7, 1978

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

## QUESTIONS

## POLICE DEPARTMENT

The **Hon. R. C. DeGARIS**: My question is directed to the Minister of Health as Leader of the Government in the Council. Will the Minister seek the following information from the Premier:

1. When did the Premier become aware of the existence of the Special Branch of the South Australian Police Force?

2. When did the Premier become aware that the Special Branch kept files?

3. When did the Premier become aware of the nature of the Special Branch files?

Will the Minister inform the Council of the reply given by the Premier?

The **Hon. D. H. L. BANFIELD**: I will refer the question to my colleague. I point out that, if the honourable member wants the replies in a hurry, they have been given already in another place.

The **Hon. A. M. WHYTE**: I ask the Minister of Health, representing the Chief Secretary, whether he can tell this Council whether there is a direct telephone link between either the Premier's office or the Chief Secretary's office and the Police Department. If there is such a link, to which police officer is the telephone directly connected?

The **Hon. D. H. L. BANFIELD**: During my period as Chief Secretary, I was not aware of a direct line. We could always contact the police through normal lines. I do not know that there has been any change in that regard, but I will inquire.

The **Hon. J. C. BURDETT**: My question is directed to the Minister of Health, as both a former Chief Secretary and the Minister representing the present Chief Secretary. The question, in two parts, is:

1. When did the Minister of Health first become aware of (a) the existence of the Special Branch files and (b) the nature of the Special Branch files?

2. When did the present Chief Secretary first become aware of (a) the existence of the Special Branch files and (b) the nature of the Special Branch files?

The **Hon. D. H. L. BANFIELD**: We became aware that files existed. We were not aware of the extent of them, because this knowledge was denied to the Government. I think the honourable member will find in the White Report reference to the replies received from the Commissioner. If not, they are available in *Hansard*, and the honourable member can see for himself that we were not aware of the extent. We were aware that files were kept there.

The **Hon. J. C. BURDETT**: In a supplementary question, I still ask the Minister of Health whether he will say when he first became aware of the existence of the files and their nature, and whether he will inquire from his colleague in another place, the present Chief Secretary, when he first became aware of (a) the existence of the files and (b) their nature.

The **Hon. D. H. L. BANFIELD**: I first became aware during my term as Chief Secretary that some files existed. Of course, I do not keep notes of time, place, and what have you of conversations that I have had, so I cannot give

the exact date on which I knew about these things.

The **Hon. M. B. DAWKINS**: I seek leave to make a short statement prior to asking a question of the Leader of the Government in this place concerning the White Report.

Leave granted.

The **Hon. M. B. DAWKINS**: In the course of his report Mr. Acting Justice White claimed that some of the information he saw on Special Branch files was "scandalously inaccurate", but he gave no reasons or evidence to back up his claim. In making such a serious claim His Honour must surely have sought evidence to justify such a serious charge. Will the Minister inquire from His Honour what grounds he had for claiming that the information that he saw on Special Branch files was "scandalously inaccurate"?

The **Hon. D. H. L. BANFIELD**: Any person more bright than the honourable member, if he had the same access as His Honour to peruse the files, would have been able to come to that decision on his own accord.

The **Hon. M. B. DAWKINS**: Are you going to ask for the information?

The **PRESIDENT**: The honourable member did ask whether the Minister would obtain that information.

The **Hon. D. H. L. BANFIELD**: I am willing to refer the matter to the Chief Secretary.

The **Hon. J. A. CARNIE**: I seek leave to make a brief explanation prior to directing a supplementary question to the Minister of Health, as Leader of the Government.

Leave granted.

The **Hon. J. A. CARNIE**: At page 15, the White Report states:

I should also disclose that there is no card or file relating to myself, and I was informed that there never had been.

Will the Minister ascertain from His Honour whether any members of his family were recorded on Special Branch files?

The **Hon. D. H. L. BANFIELD**: The matter will be referred to the Chief Secretary or the Premier to take up with His Honour, although he indicated that he did not go through all the records that existed. Indeed, how could he go through all the 40 000 files, which included most honourable members on this side and none from the other side of this Council—

*Members interjecting:*

The **PRESIDENT**: Order! Interjections are out of order. I cannot even hear the Minister give his reply.

The **Hon. D. H. L. BANFIELD**: I point out to the honourable member that His Honour said that he did not find his own name on file, so it did not influence him in his report.

The **Hon. R. A. GEDDES**: I wish to ask a question of the Minister representing the Premier.

*Members interjecting:*

The **PRESIDENT**: Order! Interjections are out of order during Question Time. I warn the Hon. Mr. Sumner.

The **Hon. D. H. L. Banfield**: Be fair dinkum! Fair go!

The **Hon. R. A. GEDDES**: When was the Minister first made aware of any link between ASIO and the Special Branch of the South Australian Police Force?

The **Hon. D. H. L. BANFIELD**: I will direct the question as required.

## LIBERAL PARTY OFFICERS

The **Hon. N. K. FOSTER**: I seek leave to direct a question to any front-bench member of the Opposition.

The **PRESIDENT**: What is the subject matter?

The **Hon. N. K. FOSTER**: It is a matter of very great

concern—a matter of dismissal.

**The PRESIDENT:** Whose dismissal?

**The Hon. N. K. FOSTER:** It is a dismissal for which members of the Liberal Party are responsible. Do I get leave to direct my question, or not?

**The PRESIDENT:** I have previously ruled that an honourable member who is not a Minister cannot answer a question unless he is responsible to the Council for a particular matter. Unless the Hon. Mr. Foster can give further details, I do not think he can ask the question.

**The Hon. N. K. FOSTER:** If the Chair is in difficulty as a result of previous rulings, I will direct my question to the Leader of the Council.

**The PRESIDENT:** Is leave granted? Leave is granted.

**The Hon. N. K. FOSTER:** I seem to have in the back of my rather obscure mind—

*Members interjecting:*

**The Hon. N. K. FOSTER:** I purposely made that remark to turn on honourable members during a dreary afternoon in this Chamber, not being the centre of political activity that is usual for this august place. That is enough of frivolity, because I may well incur the wrath of the President, and I cannot afford to take that risk (so I am informed by some Liberal Party members through your good offices, Mr. President). I wish to ask the Minister of Health whether he can inform this Council whether any valid reason has been given for the immediate dismissal without notice of a prominent salaried member of the Liberal Party. Mr. Vial was sacked without any notice, without any regard for his future employment, and without any opportunity to acquaint members of the Liberal Party with the reason for his dismissal. I also ask the Leader of the Council whether he has any information whatever on the abrupt dismissal of Mr. Taylor, who during the recent State election campaign was acclaimed by the Hon. Mr. Hill in this Chamber in connection with Mr. Taylor's activities in the Liberal Party.

**The Hon. C. M. Hill:** I never mentioned Mr. Taylor.

**The Hon. N. K. FOSTER:** What right of appeal did the Liberal Party executive give to Mr. Taylor with regard to his right to object to his immediate dismissal without notice, and what recourse did Mr. Taylor, a previous employee of the Liberal Party, have to the courts of the land to defend himself in regard to such a dismissal without reason?

**The PRESIDENT:** I rule the question out of order. It has nothing to do with the Minister's portfolio.

**The Hon. N. K. FOSTER:** I rise on a point of order, Mr. President. Are you still a card-carrying member of the Liberal Party?

**The PRESIDENT:** That question is out of order, too.

#### ROSEWORTHY AGRICULTURAL COLLEGE

**The Hon. R. A. GEDDES:** I seek leave to make a short statement before asking a question of the Minister of Agriculture about Roseworthy Agricultural College.

**The Hon. C. M. Hill:** The Communist Party—

*Members interjecting:*

**The Hon. N. K. FOSTER:** I rise on a point of order, Mr. President. An honourable member on this side of the Chamber has been grossly insulted by the Hon. Mr. Hill.

**The PRESIDENT:** What is the honourable member talking about?

**The Hon. N. K. FOSTER:** I am glad that you, Mr. President, rose to your feet to quieten honourable members. The Hon. Mr. Hill shouted across this Chamber that we are communists here.

**The Hon. M. B. Dawkins:** He did not say that.

**The Hon. C. M. Hill:** I did not say that at all.

**The Hon. N. K. FOSTER:** Read *Hansard*. Mr. Hill is a past master at being corrected in *Hansard* within the meaning of what one is able to do and cannot do.

**The PRESIDENT:** Order!

**The Hon. N. K. FOSTER:** Have I the floor?

**The PRESIDENT:** What is the honourable member's complaint?

**The Hon. N. K. FOSTER:** I know you are not deaf but you are being deafened by the Opposition's catch-calls.

**The PRESIDENT:** Every honourable member should be quiet so that I can hear what Mr. Foster has to say.

**The Hon. N. K. FOSTER:** Mr. Hill has accused members on this side of the Chamber of being card-carrying members of the Communist Party.

**The Hon. C. M. Hill:** No.

**The Hon. M. B. Dawkins:** What the Hon. Mr. Foster said was rubbish.

**The Hon. N. K. FOSTER:** I take most insults lightly but I think because of the mentality of the honourable member that remark should be drawn to the attention of the Chair, and you should seek that that remark be withdrawn.

**The PRESIDENT:** Listening to what the Hon. Mr. Geddes had to say, I did not hear any remarks from Mr. Hill.

**The Hon. F. T. Blevins:** You never do.

**The PRESIDENT:** Order! I cannot have my eye and ear on every member at once.

**The Hon. F. T. Blevins:** But—

**The PRESIDENT:** Order! I warn the Hon. Mr. Blevins. I am listening to the Hon. Mr. Hill.

**The Hon. F. T. Blevins:** But Mr. Hill—

**The PRESIDENT:** Order! The Hon. Mr. Blevins will keep quiet now. There is a complaint about remarks that Mr. Foster said he thought Mr. Hill made.

**The Hon. C. M. Hill:** I seek leave to make a personal explanation.

Leave granted.

**The Hon. C. M. Hill:** What I said by way of interjection was that Liberals do not carry cards; only the Labor Party and Communist Party carry cards.

**The Hon. M. B. Dawkins:** That's correct.

*Members interjecting:*

**The Hon. N. K. Foster:** That is not true.

**The PRESIDENT:** Order! We will not have an inquisition into what is true and what is not. The Hon. Mr. Hill has made a personal explanation, and the matter should rest there.

**The Hon. N. K. FOSTER:** On a point of order, I should dearly like Mr. Hill to deal with the fact that he said he did not say what he did say; I should like him to inform the Council what he considers a communist to be.

**The Hon. C. M. Hill:** A member of the Communist Party.

**The Hon. F. T. BLEVINS:** On a point of order, it can be quite clearly understood by somebody who did not hear what Mr. Hill said by way of interjection. You did not name other members of the Liberal Party who also interjected but you named three members on this side.

**The PRESIDENT:** I did not name anybody. I did not hear one word of the alleged interjection of Mr. Hill.

**The Hon. F. T. Blevins:** You never do.

#### PRAWNS

**The Hon. A. M. WHYTE:** I seek leave to make a short statement prior to directing a question to the Minister of Fisheries.

Leave granted.

**The Hon. A. M. WHYTE:** An article of January 14 attributed to the then Acting Minister of Fisheries (Hon. Mr. Casey) stated, "Most of the gulf is now open to prawn trawling." This article has caused much controversy among not only prawn fishermen but, I believe, line fishermen and the general fishing industry concerned with the gulf, which has now been left open except for a small portion at the northern tip which runs between Point Lowry and Ward Spit, near Port Germein. Previous to this, there had always been two areas that were prohibited, allowing prawns a certain amount of time to move down the gulf.

The people most concerned in this industry have raised all sorts of queries regarding why this action has been taken. My questions are: on what scientific or economic grounds was the decision made to open Spencer Gulf to prawn trawling, and who was consulted before such a decision was made? I ask these questions because practically the whole industry (processors and fishermen alike) is concerned that this could represent the death knell of prawn trawling, no protection being given for small prawns.

**The Hon. B. A. CHATTERTON:** I point out, first, that the Government is extremely concerned about small prawns finding their way on to the market. We are well aware that the price per kilogram received for small prawns is lower than that received for the larger ones, and that they do not find a ready export market. We consider that it is important, for management reasons, to try to allow the smaller prawns to grow to a stage at which the return to fishermen is considerably greater than it would be if the prawns were caught when they were smaller. The question arises how to do this most effectively. Restrictions imposed on the top part of the gulf were not as effective as the Government would have liked them to be.

**The Hon. R. A. Geddes:** Is that because you were unable to police or patrol the area?

**The Hon. B. A. CHATTERTON:** That is the point I was about to make. Indeed, the Hon. Mr. Whyte raised it last year, when he drew to my attention the terrific dissatisfaction that existed in the northern Spencer Gulf area. Allegations were made that there was considerable poaching in that area, and the department did what it could in relation to enforcement. However, it is virtually impossible to try to enforce any sort of line on the open sea in that way. Prawn trawlers legitimately cross the area, and it is extraordinarily difficult to ascertain whether or not those people have been trawling for prawns in that area.

The other way of achieving the same end result of allowing time for the smaller prawns to grow is to close the whole area for a certain period of time. Some fish processors asked the Government to do this, that is, close the whole area. Although the Government supports in principle the concept of closing the gulf for a period to allow smaller prawns throughout the gulf to grow, it could not see how that programme could be implemented this season. There are two major obstacles: first, the need to conduct more research on the growth rate of prawns and, secondly, the processors themselves. Although some processors supported such a suggestion, others made legitimate claims that the imposition at short notice of a closure would disrupt their factories. They said that they should be given ample opportunity to stock up on prawns to cover them through the time during which the gulf was closed. These arguments seemed to be quite powerful ones.

Therefore, I said that we would be considering closure

of the gulf next year for a total ban on prawn trawling and a decision would be made this year, probably by the middle of the year, to give processors ample opportunity to gear their activities to meet such closure. During this year, we will be using a vessel in that area to gather more data on the growth rate of prawns so that we can talk to the industry about the length of time for which the gulf will require to be closed to ensure that the prawns grow to a marketable size. That is the sort of discussion we have had with processors and representatives of the industry, and we believe that that sort of approach will result in future in getting the prawns to a larger and more marketable size.

#### ROSEWORTHY AGRICULTURAL COLLEGE

**The Hon. R. A. GEDDES:** I desire to direct a question to the Minister of Agriculture, representing the Minister of Education, but I also ask that the Minister of Agriculture take particular note of the question, as I hope that he can become personally involved in it. I ask leave to make a short statement dealing with Roseworthy Agricultural College.

Leave granted.

**The Hon. R. A. GEDDES:** The following report appeared in the *Sunday Mail* last weekend regarding Roseworthy Agricultural College:

Priorities for allocation of student accommodation for 1978 are as follows: 1. First-year students. 2. Interstate and long-distance South Australian students. 3. Second-year agriculture students. 4. Others.

Because of the large number of first-year enrolments, no accommodation will be available in priorities 2 to 4.

In other words, only the first-year students going to Roseworthy this year will be able to have living-in accommodation. I ask whether the authorities at the college intend to assist students to find accommodation in nearby towns. Further, will the curriculum for living-away students be altered to allow them reasonable travelling time? Will the college provide transport for those students who are unable to afford to own a motor vehicle or who are unable to afford the running costs of a motor vehicle being used daily? Will the authorities plan to provide living-in accommodation for the increased number of students in future years?

**The Hon. B. A. CHATTERTON:** I will refer the question to the Minister of Education and bring down a reply as soon as possible. I know that the college runs a bus daily from Gawler to the college for staff but I am not aware whether that bus is available for students.

#### NORMANVILLE SAND DUNES

**The Hon. N. K. FOSTER:** I seek leave to make a statement prior to directing a question to the Leader of the Council and Minister of Health, representing the Minister for the Environment, on the question of the Normanville sand dunes.

Leave granted.

**The Hon. N. K. FOSTER:** I am sure that most members of this Chamber are aware of the range of sand dunes that did extend in the area of land north of Lady Bay adjacent to Normanville and to Carrickalinga Beach. That line of sand dunes is almost halved by Bungala Creek, which runs from near Lady Bay to Normanville. North of this, the dunes have been subjected to mining by A.C.I. over the years, and it is obvious that all of those sand dunes unfortunately will be used for this purpose. South of Bungala Creek, virtually untouched, there still exists a very fine range of sand dunes, extending almost to Lady

Bay. Lady Bay is a low-lying portion of the gulf, almost tidal, and there is a rocky area before one starts to climb.

**The Hon. R. A. Geddes:** Is Lady Bay south of Normanville, or north?

**The Hon. N. K. FOSTER:** It is south of Normanville.

*Members interjecting:*

**The Hon. N. K. FOSTER:** It does not stink, unless one's nose is unfamiliar with the natural smells of incoming and outgoing tides and with the smell of the crustaceans there. I understand that the area south of the creek was subdivided about 50 years ago, and I fear that those subdivisions may well be used for housing. This would be most deplorable. In addition, I understand that because of what is regarded as a shortage of a suitable type of sand in that area, A.C.I. may cast its eye on the sand dunes south of Normanville, as they have done regarding those north of Normanville. Therefore, I ask the Minister whether he will seek information from the Environment Department, and maybe from the department administered by the Minister for Planning (Mr. Hudson). I ask that information be sought particularly from the Environment Department, because the Coast Protection Board is anxious, I understand, to give some clear defined policy on the future needs of industry generally for the type of sand available there. I also ask the Minister whether he can find out what alternative action may be necessary so that people interested in defending those sand dunes may be given information that they can use to protect that lovely area of the South Coast from erosion by industry on the false cry that industry must mine that area because the sand is a scarce commodity. I would ask that the Minister take an interest in the retention of those sand dunes.

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

#### SCHOOL TEACHERS

**The Hon. D. H. LAIDLAW:** I seek leave to make a brief statement prior to directing a question to the Minister of Agriculture, representing the Minister of Education, dealing with the employment of school teachers.

Leave granted.

**The Hon. D. H. LAIDLAW:** The President of the South Australian Institute of Teachers (Mr. J. Gregory) made a statement, as reported in the *Advertiser* this morning, that more than 1 400 teachers in South Australia are unemployed at present and that by 1985 this figure could increase to more than 7 000. Mr. Gregory suggested several ways of overcoming this situation, and one was to make teachers take their long service leave when it becomes due. I ask the Minister:

1. Does the Education Department try to make teachers take their long service leave when it becomes due, or are they allowed to accrue their leave even until retirement, when it can be taken as a lump sum and when only 5 per cent of the amount is taxable?
2. If the department does not insist on teachers taking long service leave when it is due, why not, because the aim of long service leave legislation was to give employees a decent break during their working lives? Furthermore, such a policy would enable more teachers to be employed during this period of recession in the teaching profession.

**The Hon. B. A. CHATTERTON:** I will refer the matter to my colleague and bring down a reply.

#### ANTI-CANCER FOUNDATION

**The Hon. C. M. HILL:** I ask leave to make a short statement prior to directing a question to the Minister of

Health regarding health matters that have been raised by the Anti-Cancer Foundation and also regarding the proposed interstate Health Ministers' Conference.

Leave granted.

**The Hon. C. M. HILL:** I have received correspondence from the University of Adelaide Anti-Cancer Foundation in the form of a plea for representations to be made to the Minister of Health to see whether more can be done to reduce the smoking rate among children, and seeking a total ban on the promotion of cigarettes at State level. The foundation's Secretary refers to the report of the Senate Standing Committee on Social Welfare and states:

Both the Liberal and Labor Parties in Canberra have taken substantial steps towards adopting such recommendations of this committee as lie within their power, but it is unlikely that much further progress will be made to reduce smoking among young people until State Governments exercise their authority in the field of advertising controls over the non-broadcast media.

The Secretary also states that there is a State Health Ministers' Conference tomorrow (February 8). First, does the Minister intend at the conference to initiate any discussions on behalf of South Australia on the subject of taking action to reduce the smoking rate among children and whether this problem warrants further action; and, secondly, does the Minister intend to make any move at State level to bring about a total ban on the promotion of cigarettes?

**The Hon. D. H. L. BANFIELD:** The honourable member's concern is absolutely laughable. It was members from his side of the Council who took action regarding a Bill I introduced to place a warning on—

**The Hon. N. K. Foster:** That's right.

**The PRESIDENT:** Order! The Hon. Mr. Foster should resume his seat. The Minister is giving his reply, and I wish the honourable member would contain himself and not be so rude as to interrupt the Minister.

**The Hon. D. H. L. BANFIELD:** Are members opposite fair dinkum in their concern expressed through the shadow Minister of Health, in view of their attitude to a Bill I previously introduced in this Chamber dealing with the inclusion of warnings on advertisements? The Government of this State was denied that right by members opposite. I have not stopped being concerned about the effect on children of smoking, and I shall continue to do my best in this area. I hope in the future that there will be a change of policy on this matter by members opposite.

**The Hon. C. M. Hill:** Why didn't you answer my question?

**The Hon. D. H. L. BANFIELD:** I did.

**The Hon. C. M. Hill:** Are you going to raise the matter tomorrow, or not?

*Members interjecting:*

**The PRESIDENT:** Order! Does the Hon. Mr. Hill wish to ask a supplementary question, or is he satisfied with the answer given?

**The Hon. C. M. HILL:** I am dissatisfied with it, because the Minister did not give me a reply.

**The Hon. D. H. L. BANFIELD:** I wonder whether the honourable member will allow me to attend the conference tomorrow knowing I have the full support of members opposite. If I can get that assurance I will be that much more confident in putting a case on behalf of the people concerned. The matter is already listed on the agenda for tomorrow.

**The Hon. C. M. HILL:** If the Minister is asking me a question, I can tell him in reply that if he wants support and help from the Opposition before forming his policies and to help him before he goes to the conference

tomorrow, I am willing to have discussions with him after the Council has adjourned.

**The Hon. D. H. L. BANFIELD:** Can I then assume that if I present my Bill again I will get the support of Opposition members to allow the Bill to be proclaimed in South Australia before the legislation is proclaimed in other States? If I have that assurance I can attend the conference knowing that we can have the Bill passed through this Chamber, which is dominated by members of the Liberal Party who obtained only about 40 per cent of the vote.

*Members interjecting:*

**The Hon. D. H. L. BANFIELD:** Can I get that assurance from the honourable member?

**The PRESIDENT:** He might give you that assurance privately; I do not know.

### EMERGENCY TELEPHONES

**The Hon. N. K. FOSTER:** I seek leave to make a brief statement prior to directing a question to the Leader of the Council concerning emergency telephones.

Leave granted.

**The Hon. N. K. FOSTER:** Members are aware of the adequately spaced emergency telephones existing on the South-Eastern Freeway. However, a person whose vehicle recently broke down on that freeway late at night on the other side of Bridgewater could obtain no satisfaction in contacting his home through the use of that emergency telephone. I tried to use such a telephone on that same night, only to be told that the emergency telephone existed for the express purpose of providing assistance in the case of vehicle breakdowns, and that it would cost \$35 or \$40 to obtain such assistance. This amazed me. Therefore, will the Minister consider having the public informed of its rights in relation to using emergency telephones to call private telephone numbers, including possibly a private doctor? Indeed, it is rough to be bluntly told (after ringing three times) that, if one has had a breakdown that one cannot repair, a towing service is available from a garage at a cost of \$35 or \$40. I would appreciate information about the position.

**The Hon. T. M. CASEY:** I shall refer the honourable member's question to the Minister of Transport and bring down a reply.

### PRAWN FISHING

**The Hon. A. M. WHYTE:** My question is supplementary to my earlier question concerning the opening of Spencer Gulf to prawn trawling. Does the Minister of Fisheries realise that it is suggested that the opening of the gulf is merely a softener to cover the introduction of a petro-chemical works at Redcliff? The Minister is being blamed for what will ultimately be the end of prawn fishing in that area.

**The Hon. B. A. CHATTERTON:** That furphy had not been reported to me. I was not aware of such a rumour, but I can assure the honourable member that it has absolutely nothing to do with the reason behind opening that portion of the gulf. As I stated earlier, it was done solely because we no longer regarded that area as being important in achieving our aim of seeking to reduce the number of small prawns on the market. If the honourable member knew of the reports of processors about the number of small prawns coming on to the market even with the closure of that portion of the gulf, he would understand how ineffective the closure was. I pointed out

the difficulty of enforcing such a closure in the area. Hopefully we can act in time to reduce the number of small prawns. There are many problems associated with processors adjusting their factories to work on a different basis when they do not have prawns to process in the earlier months of the year. We are seeking to have undertaken more research so that we can tell the industry more exactly how long a closure is necessary for the growth of prawns to take place. Some people in the industry have an inaccurate idea of the time needed for an effective closure. Many of the leading people in the industry who have discussed the matter with me understand the situation.

**The Hon. J. A. CARNIE:** I seek leave to make a brief explanation before asking a question of the Minister of Fisheries about prawn trawling in Spencer Gulf.

Leave granted.

**The Hon. J. A. CARNIE:** The Hon. Mr. Whyte quoted from a newspaper article published when the then Acting Minister of Fisheries announced the opening of the northern section of Spencer Gulf to prawn fishing. Within a week or two of that announcement, a meeting was held in Port Lincoln at which the Port Lincoln prawn fishermen agreed themselves to ban prawn fishing in northern Spencer Gulf. The newspaper article states:

The President of the Western Waters Prawnboat Owners Association (Mr. B. Delongville) said from Port Lincoln last night the fishermen were unhappy about the department's passing of the responsibility for fisheries management to them . . . Mr. Delongville said the decision had been taken to protect young prawns in a vital stage of their life cycle, between January 31 and March 15 . . . Mr. Delongville said . . . that he expected some fishermen would break the agreement.

I will accept what the Minister says: that it is difficult to police fishing in the northern section of the gulf. Following this, the Western Waters Prawnboat Owners Association received support from the processors. An article in the *Advertiser* of February 2, 1978, headed "Safcol backs prawning ban", states:

South Australian fish processors will refuse to buy prawns caught in northern Spencer Gulf.

The reason for that statement is obvious. If anyone poaches in the area, catches small prawns, and cannot sell them, he will very soon stop poaching. The Minister said the industry was consulted before the decision was made. In view of this statement from the prawn fishermen and the processors, will the Minister say what section of the industry was consulted? As the Western Waters Prawnboat Owners Association is the body most directly concerned, why was that body not consulted? It could not have been consulted because, if it had been consulted, it would not have come out so promptly and imposed its own ban. The Minister also said that the processors were consulted, but I have quoted a report stating that the processors were going to impose their own ban. Therefore, does the Minister still say that the processors were consulted? In view of the responsible decision made by the fishermen and the processors, will the Minister reverse the irresponsible decision taken by his department?

**The Hon. B. A. CHATTERTON:** I shall take the points in order. First, the processors approached me and I was delighted they took the attitude of not buying small prawns. I do not know how they will identify small prawns from that area, because such prawns come from other areas, too.

**The Hon. J. A. Carnie:** Not to the same extent.

**The Hon. B. A. CHATTERTON:** If the processors do that, it will be a very forward step. The processors

originally came to see me to discuss the whole question of the total closure of the gulf to prawning, to increase the size of the prawns. The reason they came was related to the ineffectiveness of the present closure system; it was just not working. That has been obvious for some time. The point I made earlier was that, when they came to see me, it was impossible to announce a total ban over the whole of the gulf at such a late stage. It was two weeks or three weeks (I cannot recall exactly, but it was not longer than a month) before such a ban would be imposed and, because of their stocks, it would have been impossible for other processors opposed to this move to get through the period. That was the reason why a ban on the total area of the gulf was not imposed. The prawn processors approached me on the question of the total closure. The industry certainly has been consulted, and discussions were held at the management meeting of the Australian Fishing Industry Council on this very issue. The honourable member said that they imposed their own ban. If that is the way they feel, there are no worries as far as we are concerned. Some honourable members raised the question last year of the potentially explosive situation in that area. I can recall the Hon. Mr. Carnie asking questions in this Council on possible violence and all sorts of other things that could occur in the area because people were poaching in the closed area. We realised it was impossible, no matter how much effort we made, to achieve effective enforcement. Because of the ineffectiveness of the situation, we thought this would be an opportunity to put a new system into operation.

#### FAMILY LAW

**The Hon. J. C. BURDETT:** I seek leave to make a brief explanation before asking a question of the Minister of Health, representing the Attorney-General, about the Federal and State jurisdictions of family law.

Leave granted.

**The Hon. J. C. BURDETT:** The best way to explain this question is to give an example. A constituent recently divorced his wife, and there were children of the marriage and also a child of the wife by a former marriage. The husband sought custody of the children, but he found that he had to seek custody of the children of the marriage from the Federal Family Court as part of the divorce proceedings. Because of the amendment resulting from the High Court challenge to the Family Law Act, he could not seek custody of the child of the wife by a previous marriage. The State Supreme Court had the jurisdiction to consider the matter, and it thought fit to grant such an order. The constituent was faced with the situation that he had to bring one action in the Federal Family Court to seek custody of the children of the marriage and another action in the State Supreme Court under the Guardianship of Infants Act to seek custody of the child of the wife by a previous marriage. There was obviously a duplication of costs and trauma and everything else in having to bring the two actions. The jurisdiction in the State Supreme Court under the Guardianship of Infants Act was by a 1975 amendment, where in broad terms jurisdiction was given to the court to consider applications by any person having a proper interest in the welfare of the child. In 1975, in Western Australia, there was passed a State Family Courts Act, which set up a State Family Court and invested the judges of the Federal Family Court in Western Australia with jurisdiction as State Family Court judges so that they were able to exercise both the Federal and the State jurisdiction. If a case such as that which I have mentioned (there could be many diverse examples in the same area)

came up in Western Australia, it could be referred to the one court, to the one judge, who would have the jurisdiction both under the Federal Family Law Act and under the State Family Law Act and would be able to exercise both jurisdictions and deal with the whole case. In the case I mentioned, the judge would have been able to deal with the application by the husband for custody of the children by the present marriage and for the custody of the child of his wife by a former marriage. It seems there is some advantage in being able to do that in what is a family law matter, that the one court and the one judge should have the necessary jurisdiction. Will the Government consider giving the Federal Family Court judges State jurisdiction in family law matters so that the duplication of proceedings can be avoided?

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

#### VICTORIA SQUARE RALLY

**The Hon. J. E. DUNFORD:** I seek leave to make a short explanation before asking a question about the Victoria Square rally held last Wednesday week in relation to ex-Police Commissioner Salisbury.

**The PRESIDENT:** I hope it is within the Minister's jurisdiction to answer the question.

**The Hon. J. E. DUNFORD:** I want to ask a question of the Chief Secretary about the rally.

Leave granted.

**The Hon. C. J. Sumner:** It was a demonstration, not a rally.

**The Hon. J. E. DUNFORD:** A demonstration and a rally. People with a certain viewpoint try to have as many as possible attend. I can give an example to the Council of a case where an insurance company directed its employees to go to a rally in 1975 and paid them wages for doing so. The same thing happened at the time of the nationalisation of insurance companies debate before the Federal House. I do not believe that people should be coerced into these sorts of rallies. Brigadier Willett had his say last night on television when he made an appeal, although it did not seem to have done much good today. I believe persons should not be coerced by their employers against their will. It is easy enough for people opposite to say, "You should tell the boss you won't go, and if you get the sack we will protect you."

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J. E. DUNFORD:** This is the first time I have heard a member of Parliament suggest that a person should be reinstated in his position while an inquiry is held. The boss has always had the undeniable right to sack, and there is no appeal. I have dealt with hundreds—

**The PRESIDENT:** Order! I think the honourable member should return to the question.

**The Hon. J. E. DUNFORD:** There is evidence in *Hansard* of people being coerced, against their will, to attend these rallies. Can the Minister representing the Chief Secretary say whether it is true that off-duty policemen in country areas were directed to come to Adelaide last Wednesday week to attend the rally support for ex-Police Commissioner Salisbury? If it is true, what were the details of the instructions they received from their superior officers? When I ask for details of those instructions, I want to be specific about this. Were instructions given to go there to swell the numbers in support of Salisbury? I know a lot of policemen are not interested in these rallies but they have to appear to be interested, because of fear of victimisation. This is

important. If people are told to attend these rallies to swell the ranks or go there to enforce law and order, I want the exact details of their instructions from their superior officers.

**The Hon. D. H. L. BANFIELD:** It appears that if it is a Labor Party gathering it is called a demonstration but, if the Liberal Party organises such a thing, it is a rally. I am not too sure how many were there. The figures fluctuated from 3 000 to about 15 000 people, so it could have been anything. However, I will refer the honourable member's question to the Chief Secretary.

#### SENATE VACANCY

The **PRESIDENT** laid on the table the minutes of the joint sitting of the Houses held on Wednesday, December 14, 1977, for the choosing of a senator to hold the place rendered vacant by the resignation of Senator Raymond Steele Hall, by which Mrs. Janine Haines was duly chosen to be a senator.

#### OVERSEAS STUDY TOUR: HON. R. A. GEDDES

The **PRESIDENT** laid on the table a report on an overseas study tour by the Hon. R. A. Geddes.

#### OVERSEAS STUDY TOUR: MR. ARNOLD

The **PRESIDENT** laid on the table a report on an overseas study tour by Mr. Arnold (Chaffey).

#### PUBLIC WORKS COMMITTEE REPORTS

The **PRESIDENT** laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Christies Beach Sewage Treatment Works (Stage II),  
Heathfield High School (Alterations and Additions),  
Meningie Area School Replacement,  
Renmark High School Redevelopment.

#### ADJOURNMENT

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

That the Council at its rising do adjourn until Tuesday, February 14, at 2.15 p.m.

I will outline the reasons for moving this motion. A conference of Ministers of Health in Melbourne commences tomorrow which it is wise that I should attend. The conference had been arranged for a later date but, for the convenience of other Ministers, the date was brought

forward. Before I thought I would be attending, I noted that there was nothing on the Notice Paper for today. There are Orders of the Day for tomorrow for private business, in which there are seven items. The majority of them relate to regulations and, had there been any real urgency regarding them, those matters could have been debated, as the regulations involved were laid on the table of this Council on July 19, October 18, and November 15, 1977. Had those been urgent matters, they could have been processed by now.

**The Hon. C. M. Hill:** What about my Bill?

**The Hon. D. H. L. BANFIELD:** The Council does not have the Bill before it. Referring to the urgency of the matter placed on the Notice Paper for tomorrow by the Hon. Mr. Hill, I understand that it involves an amendment to the Police Regulation Act, which Act goes back to 1975. So, that illustrates the urgency of that matter. However, the Hon. Mr. Hill contends that it should be fixed up on the very next sitting day.

I point out that it is not unusual for this Council to adjourn for a day or two at the beginning of a sitting until business comes before it from another place. We know what is to happen in another place during the next one or two days, during which time we will not see a Bill coming from it. It is not unusual, when the Council resumes its sittings after the Christmas break, to adjourn for a day or two. Because, in the interests of the people of this State, I must attend a Ministerial conference tomorrow, I seek the co-operation of honourable members in this matter.

**The Hon. R. C. DeGARIS (Leader of the Opposition):** I am a little concerned that the Minister has moved that, at its rising, the Council adjourn until next Tuesday. There is a public issue that has caused considerable concern in the community. Indeed, a great number of people in South Australia have expressed concern about it. I do not suggest that the motion that the Council adjourn until next Tuesday has been moved purely to avoid questioning or any action that may seem necessary to be taken by any member of this Council. Rather, the reason given by the Minister is that he wishes to attend a Health Ministers' Conference, which is an annual affair and over the sitting times of which the Minister has no control. However, with the Salisbury affair still an extremely prominent issue, I think that the Council should be sitting this week. If it does not do so, it means that until next Tuesday no further action can be undertaken by the Council or any honourable member of it who may wish to put a viewpoint to the Council.

I accept that in most circumstances the Government should be able to determine the sittings of the Council. In the circumstances, as outlined by the Minister, I reluctantly accept the motion that he has moved. However, I still consider it necessary for me to express my feelings and those of my colleagues that the Council should sit during this week.

Motion carried.

At 3.24 p.m. the Council adjourned until Tuesday, February 14, at 2.15 p.m.