

## LEGISLATIVE COUNCIL

Tuesday, February 14, 1978

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

## ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Barley Marketing Act Amendment,  
Bulk Handling of Grain Act Amendment,  
Classification of Publications Act Amendment,  
Eight Mile Creek Settlement (Drainage Maintenance) Act Amendment,  
Film Classification Act Amendment,  
Industrial Commission Jurisdiction (Temporary Provisions) Act Amendment,  
Industries Development Act Amendment (No. 2),  
Legal Practitioners Act Amendment,  
Local Government Act Amendment (No. 2),  
Planning and Development Act Amendment,  
Prices Act Amendment,  
Regional Cultural Centres Act Amendment,  
Savings Bank of South Australia Act Amendment,  
South Australian Health Commission Act Amendment,  
South Australian Oil & Gas Corporation Pty. Ltd. (Guarantee),  
State Clothing Corporation,  
Statutes Amendment (Rates and Taxes Remission),  
Vertebrate Pests Act Amendment (No. 2).

## QUESTIONS

## FORMER COMMISSIONER OF POLICE

**The Hon. J. C. BURDETT:** I seek leave to make a brief explanation prior to directing a question to the Minister of Health, as Leader of the Government in this Council. The question is: what are the terms of reference of the Royal Commission into the dismissal of Harold Hubert Salisbury from the office of Commissioner of Police?

Leave granted.

**The Hon. J. C. BURDETT:** The *Gazette Extraordinary* of February 10 reports:

His Excellency the Governor in Council has been pleased to appoint the Hon. Roma Flinders Mitchell, C.B.E., a justice of the Supreme Court of South Australia, as a Royal Commissioner to inquire into and report into the dismissal of Harold Hubert Salisbury from the office of Commissioner of Police, and certain related matters.

I understand it has been the practice in recent times for *Gazettes* that report the setting up of a Royal Commission to be short and not to contain the full terms of reference. Whether or not that is the proper practice is another matter, but the terms of reference have been reported in the press, and reported differently. The reports have not all been identical. What are the terms of reference? Have they been notified to the Royal Commissioner and, if so, in what manner?

**The Hon. D. H. L. BANFIELD:** The terms of reference are as follows:

1. Whether Harold Hubert Salisbury, the former Commissioner of Police misled the Government by his communications to it as to the nature and extent of the activities of the Police Special Branch.

2. Whether the dismissal of Harold Hubert Salisbury from the office of Commissioner of Police was justifiable in the circumstances.

3. Whether there is reason to modify the prerogative rights of the Crown to dismiss the Commissioner of Police.

Just what the form is in which the Commissioner has been notified I am not aware of. However, she has obviously been notified because the first meeting of the commission is to be held on Friday.

## MEMBERS' CORRESPONDENCE

**The Hon. J. C. BURDETT:** I seek leave to make a brief statement before asking a question of you, Sir, regarding papers that are placed in members' boxes.

Leave granted.

**The Hon. J. C. BURDETT:** Last week, a two-page paper, duplicated on both sides, was placed in, I believe, most members' boxes. The paper, which was not in an envelope but open, related to the White Report on Special Branch security records. There is no indication whatever on that document regarding who placed it there, who wrote it, or who was responsible for it. This is in gross breach of the Imprint Act, which requires that any document circulated or distributed in any way shall contain on it the name and address of the printer, publisher, or person responsible for it.

**The Hon. F. T. Blevins:** What's wrong with it?

**The Hon. J. C. BURDETT:** I suggest that this action was improper and that I am not raising a mere technicality. When documents are circulated, people should know who is responsible for them. There may be something defamatory in such documents, although I am not suggesting that that is so in this case.

**The Hon. F. T. Blevins:** The press forced DeGaris—

**The PRESIDENT:** Order! The Hon. Mr. Blevins is out of order in interjecting.

**The Hon. J. C. BURDETT:** It is necessary, when documents are distributed, that there be some sort of information regarding where they come from. Would you, Sir, inquire as to who authorised the placement of this document in members' boxes, and who is authorised to place papers, particularly papers such as these that were not in an envelope but open and without any kind of address on them, in members' boxes?

**The PRESIDENT:** I will make inquiries about the paper to which the honourable member has referred. It has been the practice in this Parliament to allow honourable members access to any material that members of the public or other honourable members wish to place before them. I agree that some indication ought to be given on a document regarding its origin and who prepared it. I will not comment on the matter of the Imprint Act at this stage, but will make inquiries and let the honourable member have a reply.

**The Hon. N. K. FOSTER:** I do not think you need to make any inquiries, Mr. President. I am an honest person, which is more than I can say for other members opposite. I put the paper in members' boxes, but the honourable member did not have the guts to say that I did so, even though he knew it.

**The Hon. J. C. Burdett:** I did not.

**The Hon. N. K. FOSTER:** I make no apology for having put it there. My reason for doing so was the blatant misuse by the Opposition on both sides of this House in absolutely commandeering almost every item of equipment in this House.

**The Hon. M. B. CAMERON:** On a point of order—

**The Hon. N. K. FOSTER:** Never mind about the point

of order.

**The PRESIDENT:** I take it that this is a personal explanation?

**The Hon. N. K. FOSTER:** Never mind about that lot of rot, either, as far as he is concerned. Why didn't he have the guts to start on me, because I have the courage of my convictions?

**The PRESIDENT:** The honourable member has exhausted leave to make a personal explanation.

**The Hon. N. K. FOSTER:** I seek leave to make a further personal explanation. There is more that I could tell you.

**The PRESIDENT:** The honourable member would get on much better if he did not shout. Does the honourable member have leave to make a further explanation?

**The Hon. M. B. Dawkins:** No.

**The PRESIDENT:** Leave is not granted. There is a dissentient voice.

**The Hon. F. T. Blevins:** It was by Dawkins.

**The Hon. N. K. FOSTER:** I ask a question of the Leader of the House and seek leave to make a short statement prior to asking the question. The question relates to the use of Parliamentary equipment, such as gestetners, roneo machines, and the use of staff by the Opposition.

**The PRESIDENT:** Is leave granted?

**The Hon. N. K. FOSTER:** They cannot really knock me back on that, can they? It was I who put that document in the boxes of every member on this side of the House. I am prepared to table the document. I am prepared to read it into *Hansard* but I do not want to unduly waste the time of the Council with that. I will seek leave later—

**The PRESIDENT:** The honourable member seems to be on the wrong track. The Hon. Mr. Burdett did not complain about the document. He merely complained that the authorship of it or where it originated was not there.

**The Hon. N. K. FOSTER:** The fact is that I put it there and I felt it ought to go there, because during that week, whenever one tried to get anything done downstairs as far as printing was concerned, one found Mr. Tonkin running off petition forms in that Salisbury campaign.

**The PRESIDENT:** Order! The honourable member has leave to make an explanation prior to asking a question.

**The Hon. N. K. FOSTER:** Is the Minister aware that the Liberal Party, a minority in this Parliament, has seen fit to commandeer, quite unfairly, the facilities of members of this place during the week before this, when it was running off petitions for the Save Salisbury Campaign? Does the Minister consider that that is proper? What action will be taken in future to ensure that facilities are not used or misused by politicians?

**The PRESIDENT:** I think it is a matter that should be directed to me, not to the Minister.

**The Hon. N. K. FOSTER:** I want something done.

**The PRESIDENT:** I will have a look into it.

#### MATTERS SUB JUDICE

**The Hon. J. R. CORNWALL:** I ask leave to make a statement before asking a question concerning matters that are *sub judice*.

Leave granted.

**The Hon. J. R. CORNWALL:** Erskine May, 1976, at page 427, comments as follows:

*Members interjecting:*

**The PRESIDENT:** Order! The Minister is out of order in interjecting.

**The Hon. D. H. L. BANFIELD:** I did not interject, and I refute the accusation that I did. You are a bit toey this afternoon, and I can understand why.

**The PRESIDENT:** The Minister spoke while another

member was speaking.

**The Hon. D. H. L. Banfield:** That is not what you said.

**The PRESIDENT:** I am sorry.

**The Hon. D. H. L. Banfield:** So am I.

**The Hon. J. R. CORNWALL:** Erskine May states, among other things:

In exercising its discretion, the Chair should not allow reference to such matters if it appears that there is a real and substantial danger of prejudice to the proceedings: the restriction on reference in debate—

and I assume from a previous reference on page 427 that it refers also to motions and questions—

also applies in the case of any Judicial body to which the House has expressly referred a specific matter for decision and report from the time the resolution of the House is passed.

It is common knowledge that the idea of a Select Committee in the Legislative Council was your brainchild, Mr. President, despite opposition from the Hon. Mr. DeGaris and others. In the circumstances it may be that your partiality in the Chair could be in question. In such circumstances, do you believe it is appropriate to occupy the Chair during Question Time once the motion establishing a Royal Commission has been passed by another place?

**The PRESIDENT:** I do not propose to give a ruling on that.

#### FORMER COMMISSIONER OF POLICE

**The Hon. M. B. CAMERON** (on notice):

1. What time was the Executive Council held at which the dismissal of Mr. Salisbury, the Police Commissioner, was decided on?

2. What time on that day were the media notified and what newspapers, television stations and radio stations were notified at this time?

3. What individual reporters were briefed on the dismissal at the above time and who briefed the reporters?

4. If all major media outlets were not notified, why not?

5. What time was Mr. Harold Salisbury notified of his dismissal, and by whom?

6. Were the media notified of the dismissal before Mr. Salisbury and, if so, why?

7. Were the media who were notified of the dismissal informed that Mr. Salisbury had not been notified?

8. Were overseas news agencies informed of the dismissal of Mr. Salisbury before Mr. Salisbury was officially informed?

**The Hon. D. H. L. BANFIELD:** It would not be proper to canvass issues comprehended by or related to the terms of reference of the Royal Commission during the life of the Commission.

#### FORMER COMMISSIONER OF POLICE

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

That Standing Orders be so far suspended as to enable me to move a motion without notice.

**The Hon. D. H. L. BANFIELD** (Minister of Health): I second the motion, but I indicate that a little later there may be a problem. I point out that honourable members from this side did not start questions.

Motion carried.

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

That, in the opinion of this House, the terms of reference

to the Royal Commission into the facts surrounding the dismissal of Mr. Harold Salisbury, Commissioner of Police, should be expanded to include the terms of reference intended by the Liberal Party to be referred to a Select Committee of the Legislative Council, namely:

1. the propriety of the Government's actions in summarily dismissing the Commissioner of Police on January 17, 1978;
2. the Government's failure to institute a formal inquiry into the alleged misconduct of the Commissioner of Police before so dismissing him;
3. the terms of appointment and employment of the Commissioner of Police and any desirable changes thereto;

and the House of Assembly agree thereto.

In moving this motion I indicate that the history of the demands made by the general public for a Royal Commission into the Government's action in dismissing the former Commissioner of Police are well known, and nothing can be gained from their repetition. Clearly, there is a clear public demand for such an inquiry.

Following the Government's flat refusal for such an inquiry, I, on behalf of the Liberal Party in the Legislative Council, announced that we would seek to have appointed a Select Committee of the Legislative Council to inquire into the affair. The terms of reference for that committee were announced to the media soon after a decision was taken by the Party in the Legislative Council.

The terms of reference, to any fair-minded person, would give any committee of inquiry or Royal Commission reasonable terms to inquire into the whole affair.

In particular, we were careful not to include in those terms of reference any reference to Special Branch, or to the files. I think it was Aneurin Bevan who said of a certain Labour Party Minister in England, "Poor fellow, he suffers from files." Perhaps that comment can be reasonably applied to the Premier at this time. What we have been concerned with is not the files, but the propriety of the Government's action, and why there was no inquiry prior to dismissal; and to examine the position as far as guaranteeing a reasonable degree of independence for any Commissioner of Police in the future.

When I announced on behalf of the Liberal Party the intention of the Party in the Legislative Council, the Premier engaged in a heavy media promotion to denigrate, smear, and unjustly criticise the announced move. The degree of bias he indulged in can be assessed from his statement in the House of Assembly, when he claimed his actions in the dismissal of the Commissioner of Police were based on the highest principles of the Westminster system—or words to that effect.

When the Legislative Council Liberal Party announced its intention to establish a Select Committee (once again, I would think, in the highest principles of the Westminster system) the Premier resorted to his usual political tactics—a heavy media programme to denigrate any action that the Upper House might take. He acted the lie (armed, as he is, with the most efficient media system in Australia—at, of course, taxpayers' expense). He acted the lie in portraying the basest of political motives to the announcement. He acted the lie, as he is so skilled in doing, and has done on previous occasions, but failed on this occasion. He failed, because the telephone survey done by the Government early in the week showed that the Salisbury dismissal was a political disaster for the Government.

The Liberal Party in the Legislative Council had two options at that stage: to leave the matter alone—to leave the Premier with the public disfavour which, from a purely political point of view, would have been the correct thing

to do; or to put our heads on the chopping block, to try to do what we could to expose the truth of the dismissal, and to take up the cudgels of public demand for such an inquiry. I have no doubt in my mind that, when the Liberal Party in this place announced its intention, the Premier breathed a sigh of relief. He had the power to frustrate that inquiry; he had the media operation at taxpayers' expense to denigrate the Legislative Council's announced proposal. And for two days the tirade raged!

The telephone surveys undertaken by the Government after those two days of attempted influence of public opinion previously so successful (let us grant the Premier full marks for his histrionic capacities)—after two days of denigration, abuse, and political brain washing—showed that the Labor Party had lost further ground. There was only one course of action left: a Royal Commission had to be appointed.

**The Hon. J. E. Dunford:** What about the treachery of the Upper House?

**The PRESIDENT:** Order! The honourable member is out of order.

**The Hon. J. E. Dunford:** Why? You are upset only because I am stating the truth.

**The Hon. R. C. DeGARIS:** I object to words such as "treachery" being used. But the Premier is still in the box seat: the terms of reference are his. I submit that the terms of reference spelt out by the Liberal Party in the Legislative Council should now form part of the terms of reference to the Royal Commission.

I do not mind if the Premier adds further terms of reference to what he may require. In that brief history of the affair I have related, I believe that the motion of this Council is justified. By his steadfast denial of a Royal Commission, then his change of mind after the announcement of the move for a Select Committee in this place, I believe that the terms of reference put forward for the Select Committee should form, in their entirety, part of the terms of reference to the Royal Commission. Not only should Harold Salisbury be on trial (and that, I believe, is one interpretation that can be made of the Premier's terms of reference) but also the Government's action, in every possible facet, should be under investigation.

**The Hon. F. T. Blevins:** To investigate this rotten hole.

**The PRESIDENT:** Order! The Hon. Mr. Blevins must stop interjecting. Interjections are out of order.

**The Hon. F. T. Blevins:** But—

**The PRESIDENT:** Order! The honourable member is warned for the first time about his interjections.

**The Hon. C. M. HILL:** I second the motion and strongly support it. I trust the Government will join with the Hon. Mr. DeGaris and agree to expand the terms of reference of its Royal Commission. Even if it does not do that today, we can all live in hope, because we have a precedent of a turnabout last Friday, despite the strong opinions expressed by the Government prior to that date.

The Government did not yield to public opinion until last Friday on this issue. It passed its own motion in the House of Assembly last week and declared that resolution a vital issue. It included the provision that there was not to be a Royal Commission. The Premier steadfastly opposed a Royal Commission right up until about midday last Friday. Ministers of the Crown and also the Hon. Mr. Foster, according to the press, were at factory gate lunchtime meetings last Friday giving their reasons why there should not be a Royal Commission.

**The Hon. N. K. Foster:** You're a liar.

**The PRESIDENT:** Order!

**The Hon. N. K. Foster:** He's a liar; I never said that.

**The PRESIDENT:** Order! The honourable member will not call another member a liar. He must withdraw that remark.

**The Hon. N. K. FOSTER:** I withdraw. On a point of order, I say that what the honourable member said is untruthful; he is a fibber. In fact, he is telling lies.

**The PRESIDENT:** Order! I ask the honourable member to withdraw that remark if he has not withdrawn it.

**The Hon. N. K. FOSTER:** I said I did withdraw and I say that he is telling untruths; he is telling lies; he was not at the British Tube Mills employees' meeting. They would not have him there. I did not say that.

**The Hon. C. M. HILL:** One of the few members at the meeting, people who were in Mr. Foster's audience, told me that he did speak along those lines.

**The Hon. N. K. Foster:** I did not.

**The Hon. C. M. HILL:** I know that Mr. Foster knew the feeling of his audience on that matter. Why did the Government yield in its turnabout last Friday? It changed its mind because the Liberal Party in the Legislative Council announced its intention to set up a Select Committee.

**The Hon. N. K. FOSTER:** Yes; you are damned well right there. That is what I did say.

**The Hon. C. M. HILL:** Then we are on common ground. It was the Liberal Party in the Legislative Council—

**The Hon. C. J. Sumner:** The Star Chamber.

*Members interjecting:*

**The PRESIDENT:** Order! There are too many interjections. Honourable members will have plenty of opportunities to speak later and take part in this debate.

**The Hon. C. M. HILL:** The Government went only part of the way. It fixed its own terms of reference. This motion satisfies the further disquiet and further groundswell of public opinion since last Friday.

**The Hon. J. E. Dunford:** But 10 000 on Saturday morning supported the Premier.

**The Hon. C. M. HILL:** But they all went along expecting to hear the argument why there should not be a Royal Commission. Even the key supporting speaker, on his own admission, went along with a prepared speech against the establishment of a Royal Commission. Members opposite, of course—

**The Hon. J. E. Dunford:** He was asked: why do we have to have a Royal Commission? The answer is "Because of the treachery of the Upper House."

**The Hon. C. M. HILL:** I am told that 2 000 people went along and I am told also they had their red flags flying.

*Members interjecting:*

**The PRESIDENT:** Order! The Minister of Health.

**The Hon. D. H. L. BANFIELD:** I want an understanding from the Hon. Mr. Hill. Does he want us to deny everything as he goes along (all that he has said up to now is baloney) or does he want it done by way of debate?

**The PRESIDENT:** It can be done only by way of debate. The honourable member has to run the risk that he will be answered at a later stage. The Hon. Mr. Hill.

**The Hon. C. M. HILL:** The motion has been moved because the terms of reference for the Royal Commission are too restrictive. They should be expanded so that they are not as restrictive as they are; the terms of reference as announced by the Government should be expanded to include the terms of reference that were announced by the Hon. Mr. DeGaris and which would have applied to the Select Committee set up by the Legislative Council. It is proper, and indeed ethical, for the Government, if it wishes to hold its own Royal Commission (as it has now decided) to say that the reason for that is—and this is admitted by members opposite—that this Council would

have appointed its own Select Committee.

The Government should be prepared on ethical grounds to include within the terms of reference to the Royal Commission those terms of reference which this Council was going to apply to its own Select Committee. I think that is, as I have said, quite proper, and that the Government should seriously consider that. The second reason why the Government should accept this Chamber's terms of reference is that it is in the Government's own interest to erase the doubts and have the questions answered that are still being raised by public opinion. There is no doubt that those suspicions still exist.

**The Hon. J. E. Dunford:** No, they do not.

**The Hon. C. M. HILL:** If the Hon. Mr. Dunford believes what he is saying—

**The Hon. J. E. Dunford:** You try to get a demonstration now.

**The Hon. C. M. HILL:** The honourable member has no idea of the strength of public opinion on this issue.

**The Hon. J. E. Dunford:** Yes, I do; I was there.

**The Hon. C. M. HILL:** The need for expanded terms of reference is highlighted by an article by Stewart Cockburn in yesterday's *Advertiser*.

**The Hon. J. E. Dunford:** Read what Chris Hurford said this morning.

**The Hon. C. M. HILL:** Honourable members and the public of this State remember clearly the earlier article on the issue of the Salisbury sacking by Mr. Stewart Cockburn in the *Advertiser*.

**The Hon. J. E. Dunford:** It was a bit biased.

**The Hon. C. M. HILL:** That contribution to the press was acclaimed far and wide.

**The Hon. D. H. L. Banfield:** By whom?

**The Hon. C. M. HILL:** It reflected the deep worry and concern of the big silent majority in South Australia, and that article will go down in the annals of South Australian journalism as one of the most fearless and brilliant articles that has ever appeared in the *Advertiser*.

*Members interjecting:*

**The Hon. C. M. HILL:** In my opinion, those are the facts of life. It was an excellent article.

**The Hon. N. K. Foster:** It is about the only fact of life you know.

**The Hon. C. M. HILL:** Yesterday, Mr. Stewart Cockburn returned to the fray and dealt with this question of the restrictive terms of reference as announced by the Premier. To begin with, he dealt with the question whether or not the Government was legally misled. He says, "Of course it was." Mr. Cockburn says that Mr. Salisbury admitted that his answers to the questions were "incomplete and incomplete by intention". So, Mr. Cockburn says, the Royal Commission could dispense with that term of reference in a matter of a few minutes.

He then dealt with the second question, that is, the legal right to dismiss the Commissioner, and there is no debate about that. So, the answer to that—"Yes"—can be given, again in a matter of a few minutes.

**The Hon. D. H. L. Banfield:** But it said nothing about whether the Government was legally correct.

**The Hon. C. M. HILL:** The Minister can contribute to the debate if he so desires.

**The Hon. D. H. L. Banfield:** I just want to put you on the right track; that's all.

**The Hon. C. M. HILL:** On the third matter, he deals with the question of the prerogative right, and says that Mr. Justice Bright gave reasons to justify that in his 1970 report. Mr. Cockburn says that the Royal Commission could therefore wind up in a day. That will not satisfy public opinion on the issue whatsoever. No-one in South Australia will be satisfied when there is a possibility of this

Royal Commission's being over in a day.

I draw the Council's attention to the second term of reference as proposed by the members of the Liberal Party in this place. It dealt with the Government's failure to institute a formal inquiry into the alleged misconduct of the Commissioner of Police before so dismissing him. I cannot find any term of reference among those announced by the Government to satisfy that matter.

In yesterday's report, Mr. Cockburn deals with this question, too. He poses questions relating to the need to have this area investigated. Speaking of Mr. Salisbury, he asks the following questions:

Were his civil rights ignored?

Was the one-sided way in which the initial announcement of his dismissal was made fair?

Despite the Premier's statements to the contrary did the Government already possess the power to suspend the Commissioner before sacking him?

Why was Mr. Salisbury not given more time to consider his position after his resignation was requested by the Premier?

They are questions that the public is asking. Mr. Cockburn is reflecting those public views in the press, yet in my view, under the proposed terms of reference for the Royal Commission, those matters will not be investigated. Surely, answers to those questions must come, without any doubt, and they could come if the Government agreed to expand the Royal Commission's terms of reference to include the second term of reference that Liberal Party members in the Council proposed earlier.

I come back to the first term of reference which was proposed by the Hon. Mr. DeGaris and which dealt with the propriety of the Government's action in summarily dismissing the Commissioner on January 17. In Mr. Cockburn's article (and I make no apologies for referring to it again), there is a whole host of questions all dealing with the matter of propriety. These are questions that, in my view, the South Australian public wants answered. As quickly as I can, I will read those questions to the Council. In his report, Mr. Cockburn said:

In an article published in *The Australian Humanist* in June, 1970, Mr. Dunstan said: "Dossiers may seem part of a James Bond world to most of us. But when I was Attorney-General of South Australia, I was given clear evidence of their existence." Why, then, did Mr. Dunstan wait for seven years before instituting an effective inquiry into the situation?

Was it, or was it not, common gossip for many months before he was sacked that the Government wanted to get rid of Mr. Salisbury?

Was the information in the files of the Special Branch of the Police Force ever misused? If it was not, to quote Sir Mark Oliphant, such information could be "a buttress of democracy, not an invasion of privacy".

What kinds of information is it proper, and what improper, to have in the Special Branch files?

Why was it necessary to appoint a new Police Commissioner within 36 hours of Mr. Salisbury's dismissal? Should the post not have been advertised and canvassed more widely?

What evidence can be given in defence of the secret files, and of their integrity, by former Police Commissioner, Mr. J. G. McKinna, and the former head of the Special Branch for 12 years, Sergeant R. F. Q. Huie?

Can Mr. Acting Justice White's report on the files be challenged?

They are questions which are being asked by the public and which, in my view, under the existing Royal Commission terms of reference, cannot be dealt with.

**The Hon. D. H. L. Banfield:** Nor would your suggested ones, either.

**The Hon. C. M. Hill:** I believe that, if the first term of reference, namely, that dealing with the propriety aspect, was investigated, those matters could, and indeed should, be investigated. Surely, therefore, there is a case for expanding the Commission's terms of reference. I make no apology for again referring to Mr. Cockburn when making this speech today.

I say again that I did not appreciate the response that came from the Government side of the Chamber when earlier I complimented Mr. Cockburn. As far as I am concerned, Mr. Cockburn is politically unbiased. He is a respected member of his profession and a man of whom I have a very high opinion indeed.

Unless the terms of reference for the Royal Commission are expanded, people will continue to think that the Premier and the Government have something to hide. The doubts, suspicions, rumours, loss of confidence in the Premier, and the unknowns, will remain. That will not be in the best interests of the Government, of Parliament, or of South Australia as a whole. I strongly support the motion.

**The Hon. C. J. Sumner:** It is clear from what the Opposition has said that its prime purpose in this whole affair has been to create a political stink to try to embarrass the Government. I can understand why, after what members opposite have said today. I refer to the rather pitiful contribution made by the Hon. Mr. DeGaris, and the appalling one made by the Hon. Mr. Hill, who seemed to do nothing but refer to a report by Mr. Stewart Cockburn to justify his case. Unfortunately, Mr. Cockburn has not read carefully the Royal Commission's terms of reference; nor has the Hon. Murray Hill.

I understand how the Opposition feels today. It feels thwarted and somewhat peeved. Today was the big day for members opposite. After the concentration on this matter by Opposition members in the House of Assembly last week, the Liberals were looking forward to today, when they could have their say and direct attention to this House. Of course, that has not happened, and they have had to come up with this political exercise to try to alter the terms of reference.

It ought to be stated that the Government still feels that the Royal Commission was unnecessary when we look at the facts of the situation, namely, that there are no new facts to be discovered and that the principles involved in this matter were completely clear but that it was found necessary to appoint the Royal Commission as the result of moves in this place to set up a Liberal-dominated Select Committee to carry out what could have been only a political investigation into this matter.

There would have been no chance of arriving at any result favourable to the Government or of arriving at an interpretation of the facts that was favourable to the Government. There would not have been a right of appearance by counsel or a right to cross-examine witnesses. Members opposite were pushing for this Select Committee because they wanted to keep this matter before the public for as long as they could. They did not care about Salisbury: he has been used as a pawn in their political game.

**The Hon. D. H. Laidlaw:** Nonsense!

**The Hon. F. T. Blevins:** What did Steele Hall say when Salisbury first came here?

**The Hon. C. J. Sumner:** Members opposite criticised Mr. Salisbury when he came and now they have used him in a completely unscrupulous way to further their political ends. That is why they wanted a Select Committee.

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr. Blevins and

the Hon. Mr. Laidlaw will cease interjecting.

**The Hon. C. J. SUMNER:** Members opposite did not want a Select Committee to investigate anything, to discover any new facts or lay down any new principles. They wanted a Select Committee, to keep this matter in the political forum. As I have said, they are feeling somewhat thwarted and peeved because they cannot go ahead with a Select Committee a Royal Commission with substantially the same terms of reference having now been set up by the Government. Throughout this affair, the Opposition has continued to cry for a Royal Commission and now it is criticising the terms of reference, despite the fact that the terms of reference are similar to those that they themselves proposed.

Throughout the issue, they have not spoken about the central matter of concern for democratic government, and I challenge members opposite to say where they stand on the issue of whether the Government, being responsible to the Lower House of Parliament by virtue of its majority in that House and by virtue of having been placed there by the people, should have control over the executive arm of government, including the police. Are they in favour of secret police, a force operating outside the control and authority of the elected government?

They have tried to avoid that issue throughout this dispute but, if they are supporting the existence of a secret police branch outside the control of government, we totally and utterly disagree with that, and we make no apology for adopting that position. The other issue that members opposite have avoided is that of whether an employee can just lie to his employer, particularly on a matter of such fundamental importance. Doubtless, Mr. Salisbury lied to the Government. You can say that he misled the Government, but the difference between "misled" and "lied" is a matter of semantics.

First, he refused to give information to the Government about the activities of the Special Branch. Secondly, when he was asked specifically whether these activities covered surveillance of politicians and trade union officials, he said "No". That was a lie. He said that it was confined to keeping surveillance on political violence or the potential for political violence. However, it covered political surveillance of politicians and other people who were carrying out their right to free speech in this society. Members opposite have not stated their position about that matter, either. It seems from what they have said that they believe that there should not be completely free speech in our democratic community and there ought to be secret police who can keep tabs on people and what they say and, further, that the Commissioner of Police, the person in charge of this, ought to be able to lie to the Government about the activities of that branch.

What would members opposite say if a worker told a deliberate lie to his boss? Obviously, they would feel that he ought to be dismissed without notice. What would happen if the accountant at Broken Hill Proprietary Company Limited refused to give information to the Managing Director or deliberately gave the Managing Director information that was incorrect? As soon as the Managing Director found out about that, the accountant would be thrown out, yet on the matter before us (and it is interesting to note that members opposite have become silent now) the Liberals have not stated where they stand, because, I suspect, they stand for the operation of a secret police force and clearly, by their silence, they believe that the head of an executive branch of government, a Commissioner of Police, or the head of a Government department ought to be able to lie to the Minister in charge of that department.

**The Hon. F. T. Blevins:** If he is a Labor Minister.

**The Hon. R. C. DeGaris:** You're condemning him already, are you?

**The Hon. C. J. SUMNER:** There is no question that he lied (the Hon. Mr. DeGaris is aware of that), from his own statements.

**The Hon. R. C. DeGaris:** Why not have a term of reference on it?

**The Hon. C. J. SUMNER:** It is covered by the Royal Commission. What is more, members opposite have tried to divert attention from the main issues and to draw red herrings across the trail. In particular, they have said that the Government wants to abolish the Special Branch and all security arrangements. That is completely incorrect. The Government has said that it will co-operate with the Federal Government and carry out surveillance that relates to proper security matters; that is, violence or the potential for violence. Another worrying aspect of this matter has been an attack on a member of the Judiciary, Mr. Acting Justice White, a well respected person in the legal profession who has been a judge for several years and whose integrity, known throughout the profession, is completely unassailed. Members opposite have launched a vicious and totally unjustified attack—

**The Hon. R. C. DeGaris:** When?

**The Hon. C. J. SUMNER:** The honourable member should read in *Hansard* the debates in the other place on Mr. Acting Justice White. They were absolutely scandalous. His integrity has been called into question by members of the Liberal Party up and down South Australia and, as I have said, that has been totally unjustifiable. Now they have started on another judge of the Supreme Court, Justice Mitchell.

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

**The Hon. C. J. SUMNER:** Yes, you have. You have implied that her integrity is in question.

**The Hon. C. M. Hill:** When have we done that?

**The Hon. C. J. SUMNER:** By implication, by saying that a judge from interstate should have been appointed to head this Commission.

**The Hon. C. M. Hill:** That was no reflection on her, and you know it.

**The Hon. C. J. SUMNER:** That was the implication. The last thing that the Liberal Opposition wanted was a Royal Commission.

**The Hon. J. C. Burdett:** It was the first thing we wanted.

**The Hon. C. J. SUMNER:** Ultimately you did not want it. You wanted this issue to be kept an issue before the public. I will refer now to the issues directly related to the motion. I am astounded that members opposite cannot see that the proposed terms of reference of the Select Committee and those of the Royal Commission are substantially the same. I suspect that they do not want to see that, because they want another opportunity to get political advantage out of this and embarrass the Government. That can be the only reason for the motion, when one looks at the terms of reference. The terms of reference of the proposed Select Committee are as follows:

1. The propriety of the Government's actions in summarily dismissing the Commissioner of Police on January 17, 1978.
2. The Government's failure to institute a formal inquiry into the alleged misconduct of the Commissioner of Police before so dismissing him.
3. The terms of appointment and employment of the Commissioner of Police and any desirable changes thereto.

The Royal Commission's terms of reference are as follows:

1. Whether Harold Hubert Salisbury, the former Commissioner of Police, misled the Government by his communications to it as to the nature and extent of the

activities of the Police Special Branch.

2. Whether the dismissal of Harold Hubert Salisbury from the office of Commissioner of Police was justifiable in the circumstances.
3. Whether there is reason to modify the prerogative rights of the Crown to dismiss the Commissioner of Police.

By this motion the Opposition is saying that it wants the terms of reference of the proposed Select Committee to be the terms of reference for the Royal Commission. First, I refer to the second term of reference of the Royal Commission. Honourable members opposite in their statements to the press tried to say (and the Hon. Mr. Hill said this in this Council this afternoon) that "justifiable" means "legal". Clearly, Mr. Stewart Cockburn and the Hon. Mr. Hill have not checked on the meaning of the word "justifiable". I refer to the Murray edition of the *New English Dictionary* and the following definition of "justifiable":

Capable of being legally or morally justified, or shown to be just, righteous, or innocent; defensible—

That definition goes clearly beyond being strictly "legal", which is what Opposition members and Mr. Cockburn have implied. Had they gone further, they would have seen the word "justice", from which justifiable is derived. One of the definitions of "justice" in that same dictionary is as follows:

Conformity (of an action or thing) to moral right, or to reason, truth, or fact; rightfulness; fairness; correctness; propriety—

The Hon. Mr. Burdett, as a practising member of the Catholic faith, would doubtless be aware of the distinction made in many philosophies between something that is strictly legal and something that is morally right. Clearly, when one is talking about the word "justifiable", within the definition of that word is the added factor, the concept of morally right, being equitable, and it goes beyond the position of within the law advanced by members opposite.

The first term of reference of the proposed Select Committee is clearly covered by the second term of reference of the Royal Commission. The first term of reference of the Royal Commission, whether the Commissioner of Police misled the Government, seems to be a proper matter to inquire into. That is substantially what the Opposition wanted in its second term of reference. The Royal Commission's first term of reference would cover the aspect of alleged misconduct of the Commissioner, which is to be investigated in the second term of reference of the proposed Select Committee. The third term of reference of both the proposed committee and the Royal Commission covers substantially the same ground.

**The PRESIDENT:** Will the honourable member please resume his seat. I point out that it is now 3.15 p.m.

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

That Standing Orders be so far suspended as to enable the debate in progress to be concluded before calling on the business of the day, a vote on the question to be taken at or before 3.45 p.m.

Motion carried.

**The Hon. C. J. SUMNER:** I have shown that the terms of reference of both the Royal Commission and the proposed Select Committee are substantially the same. You, Mr. President, looking at this matter through the eyes of a practising lawyer, would have to concede that they are substantially the same, especially in view of what the word "justifiable" means. It is extraordinary that the Hon. Mr. Hill has referred to all the things that Mr. Cockburn said should be investigated.

One of those matters was that Mr. Dunstan knew about secret files or Special Branch activities prior to the Commissioner's dismissal. If Mr. Dunstan and the Government knew about that, it could hardly be said that the Government was justified in dismissing the Commissioner. That would have to be one of the matters inquired into.

If Mr. Dunstan and the Government knew of the existence of the Special Branch files and the extent of the files, there could be no justification for the Government's dismissing Mr. Salisbury, because he could not have misled them. That matter is covered clearly in the terms of reference of the Royal Commission.

The other matter referred to by Mr. Cockburn and the Hon. Mr. Hill concerns common gossip: whether it was common gossip that the Government was trying to get rid of Mr. Salisbury. Apart from the fact that there was no justification whatever in the allegation that the Government was seeking to do that, one need refer only to Mr. Hurford's article in today's *Advertiser* to show members opposite what an absurd situation it would be if one had a Royal Commission investigating common gossip.

Another matter Mr. Cockburn suggested should be investigated was whether the material from Special Branch files was misused. We need not go beyond the White Report or the Hope Report on ASIO to indicate that Special Branch material collected by State Special Branches was misused by ASIO in furthering what it thought were its objectives. What more can an inquiry into that matter say?

It is interesting to note that the Opposition's Select Committee would not have covered that aspect, anyhow, yet it is a term of reference we are told the Government should follow. Mr. Cockburn then referred to what kind of material was proper and improper to keep in secret files. That is a matter of opinion, which the Government does not believe can be taken any further by a Royal Commission. That matter has been commented on by Mr. Justice Hope and Mr. Acting Justice White in their reports.

The Federal Government has agreed to regularise the relationship between ASIO and State Special Branches, and the two reports to which I have referred have both commented on what material is proper to keep in Special Branch files.

The other matter raised was why Commissioner Draper was appointed within 36 hours. On the last occasion that a Commissioner of Police was appointed, Opposition members complained that there was a delay in the appointment, that someone had been brought from the United Kingdom, and that a local man had not been appointed. On this occasion a highly-respected local man has been appointed, but Opposition members are still complaining. The evidence of Mr. McKinna and Mr. Huie could well come within the existing terms of reference, particularly if it relates to the question whether the Government knew about the files. The question as to whether Mr. Acting Justice White's interpretation of the Special Branch files could be challenged is also covered by the existing terms of reference. The Government has given power to the Royal Commissioner to look at the Special Branch files and no doubt to form her own opinion on whether what Mr. Acting Justice White said in his report is covered in the files. If she finds that what Mr. Acting Justice White said was incorrect, she will find that the Government was not justified in dismissing the Commissioner, as it was this report that it acted upon. So, that matter is already covered by the existing terms of reference. It is astounding that the Opposition has moved this motion, because any rational examination of the two



sets of terms of reference (those of the Select Committee and those of the Royal Commission) indicates that they are substantially the same. I oppose the motion.

**The PRESIDENT:** The Hon. Mr. Burdett.

**The Hon. N. K. Foster:** The Opposition has had two speakers.

**The PRESIDENT:** There was a mover and a seconder. I call upon the Hon. Mr. Burdett.

**The Hon. N. K. FOSTER:** I rise on a point of order.

**The Hon. D. H. L. Banfield:** We were informed who the Opposition speakers were, and we fixed the time accordingly.

**The Hon. N. K. FOSTER:** Mr. President, if you will put down the evening newspaper—

**The PRESIDENT:** I am not reading the evening newspaper.

**The Hon. N. K. FOSTER:** I thought perhaps it would be opportune to raise a point of order on the basis of an understanding between this side of the Council and the Opposition as regards the number of speakers on each side. It was to be the Leader and the Deputy Leader (if I may refer to the Hon. Mr. Hill in that way) and two speakers from this side of the Council. The Hon. Mr. Burdett rose, and you, Mr. President, saw fit to give him the call. If that is the ruling you are giving, what procedures are open to us under Standing Orders to ensure that at least one additional speaker from this side of the Council can enter the debate?

**The PRESIDENT:** The honourable member should talk to the Leader. The Hon. Mr. Burdett.

**The Hon. D. H. L. BANFIELD (Minister of Health):** I wonder whether the Leader will get up and tell this Council the undertaking made with him in regard to this matter. He said there were only two speakers from his side. We agreed to have two speakers from this side. However, another of his members has jumped up to speak. If the Hon. Mr. DeGaris is the Leader, let him show it.

**The Hon. R. C. DeGARIS (Leader of the Opposition):** I have no recollection of any undertaking. I am quite genuine in that.

**The Hon. D. H. L. Banfield:** You told me—

**The Hon. R. C. DeGARIS:** I said that the speakers on this side would be the Hon. Mr. Hill, the Hon. Mr. Burdett, and myself.

**The Hon. D. H. L. BANFIELD:** That is not correct. The Opposition started Question Time and needed an hour to debate this matter. They started questions, thereby delaying this debate. After the Hon. Mr. DeGaris and the Hon. Mr. Hill spoke, I tried to track down the Hon. Mr. DeGaris. I went to his office, but he was not there. I came to this Chamber, conversed with him, and asked him what he thought would be a reasonable time to finish this debate. He said, "We have finished on this side." This was after the Hon. Mr. DeGaris and the Hon. Mr. Hill had spoken. Arising from that, I moved the motion moved earlier. That is correct, and the Leader knows it.

**The Hon. R. C. DeGARIS:** There has been a misunderstanding.

**The Hon. F. T. Blevins:** You lied.

**The Hon. R. C. DeGARIS:** I beg your pardon!

**The PRESIDENT:** Order! The Hon. Mr. Blevins will cease using those expressions.

**The Hon. M. B. Dawkins:** Kick him out.

**The Hon. N. K. Foster:** Listen to bloody Dawkins.

**The PRESIDENT:** Order! The Hon. Mr. Foster must keep quiet.

**The Hon. R. C. DeGARIS:** There has been a misunderstanding. I am sorry about it. When I came back into the Chamber I thought that the Hon. Mr. Burdett had

spoken. To my knowledge (and I think every honourable member on this side would agree with me) it was the intention to have three speakers from this side. If I said to the Minister of Health that we were finished on this side, it was my understanding at that stage that the Hon. Mr. Burdett had spoken. That was where the misunderstanding occurred. If there has been a misunderstanding, I am sorry about it. It was not done deliberately.

**The Hon. D. H. L. BANFIELD:** If the Leader admits there has been a misunderstanding, it was on the opposite side that the misunderstanding came about. The Hon. Mr. DeGaris was definite that the speakers had finished on that side. I suggest that the Hon. Mr. DeGaris give us the right to have a second speaker on this side. The misunderstanding was his fault. I went specifically to converse with him and to get something agreeable to both sides. He gave me an assurance that his side had finished. I suggest that, in view of the misunderstanding, we should have an additional speaker on this side.

**The PRESIDENT:** Rather than wasting additional time, I suggest that the Minister of Health move to extend the time further to 4 p.m. Then more members could speak.

**The Hon. D. H. L. BANFIELD:** That is not the point. I would like to be able to converse with someone on the opposite side to know where I am going. This can happen every day. We can come to some arrangement and everyone may think that arrangements are made for the best working of this Council. If I cannot get assurances from the Leader, how is this place going to function? Surely the Opposition should say, "We made a blue. We will sacrifice the third speaker to enable the Government to have another speaker."

**The PRESIDENT:** The Hon. Mr. Burdett.

**The Hon. J. C. BURDETT:** I support the motion.

**The PRESIDENT:** In view of what has been said, I ask the honourable member to be as brief as possible.

**The Hon. J. C. BURDETT:** I will be. Far from being thwarted and peeved, we are delighted that the Government has been forced by our action to move for a Royal Commission at last. It is unfortunate that the terms of reference are inadequate. That is what this motion is all about. No effective inquiry can be held unless the terms of reference are sufficiently wide to enable the tribunal to investigate thoroughly all the matters properly at issue. In regard to the present Royal Commission, it can fairly be said that more than 60 000 people have signified in writing that they want an inquiry to be commissioned. It is essential that the Royal Commission, which at last has been set up, under pressure of statements from the Opposition in this Council that we would move for a Select Committee with full and adequate terms of reference, should be able to conduct the inquiry which the people want.

The second term of reference, as reported in the *Sunday Mail* and confirmed by the Minister in this Council today, is: whether the dismissal of Harold Hubert Salisbury from the office of Commissioner of Police was justifiable in the circumstances. Was the dismissal able to be justified and, presumably, on any grounds? Or, what are the grounds on which it is able to be justified? This could lead to a very brief and superficial answer of "Yes" and preclude any inquiry into the issues which the people want to be debated. "Justifiable", "justice", "the law"—it could well be argued that this term of reference means: was the dismissal legally able to be justified? Of course, the answer is "yes", because it is clear from the Police Regulation Act and the Acts Interpretation Act that a Commissioner may be dismissed without any reason at all. So, of course, it is able legally to be justified.

**The Hon. C. J. Sumner:** It does not say "legally".



**The Hon. J. C. BURDETT:** I will come to that. The honourable member referred to whether "justified" meant legally or morally justified—legally or morally—so this is to be decided legally or morally, one or the other. The Hon. Mr. Sumner referred to propriety, a term we used in our terms of reference, a right and correct one, whether the dismissal was proper.

The Hon. Mr. Sumner suggests that the word "justifiable" may be equated with "propriety"; if that is so, why does it not agree with this motion? If the words "justifiable" and "propriety" mean the same thing, why not support the motion? We have not opposed any of the existing terms of reference: we have simply sought to add others to make it clear. Let us not worry about semantics or what the words mean; let us make it clear that the Commissioner should undertake the inquiry that the people of this State want to be undertaken. These terms of reference as they stand could well be interpreted as precluding any inquiring into the reasons, the mode, and the conduct of the dismissal, and this of course is what the public wants to know about. A thing is justifiable—able to be justified—if it can be justified on any grounds or any premises. The slaughter by Adolf Hitler of 6 000 000 Jews is able to be justified if we accept his theory of Aryan supremacy. The Commission should be able to inquire into the grounds on which the dismissal is justified.

The motion moved by the Hon. Mr. DeGaris calls for additional terms of reference, including the "propriety of the dismissal". This is what the people want to know about. Was the dismissal proper or was it not? That should be able to be inquired into. The Commission should be able to inquire into the events of the day when the dismissal occurred, January 17. It should be able to ask what was said by the Premier to the Commissioner of Police in the reported conversation in the afternoon of that day and what was said by the Commissioner of Police on that occasion. How and when did the Premier finally convey the decision to the Commissioner of Police and why was it done in such haste? These are facts which have not been ascertained. The Hon. Mr. Sumner says that all the facts are known and have been ascertained, but those are facts the people want to know about; they are vital facts they should know about.

It is by no means certain under the reported terms of reference that these matters could be inquired into and it should be quite clear that this inquiry can be undertaken. That is all we want; we do not want arguments about whether our interpretation of "justifiable" is correct; but we want it made quite clear just what it is that the Royal Commissioner can inquire into and just what it is that evidence can be given about.

The Premier has said to the media that he informed the Commissioner of Police that he could not suspend him. He has asserted that this is the case although the Acts Interpretation Act in section 36 puts suspension and dismissal on exactly the same basis. Before we get to the word "remove" we find that the Governor in Executive Council has the power to suspend—suspension before removal. So how could the Premier say there was no power to suspend or how could he so inform the Commissioner of Police? If the Premier misled the Government and Parliament when he said there was no power to suspend, should the Premier be dismissed? The Premier has said that the terms of reference will be interpreted in the widest possible way. How has this been communicated to the Royal Commissioner? It is not for the Premier to interpret them: it is for the Royal Commissioner to interpret them. How has this been communicated?

All I am saying in conclusion is, let us not have this

argument about the terms of reference. The Hon. Mr. Sumner has said that "justifiable" implies much the same thing as "propriety". Let us put them both in—there is no harm in that. Let us make it clear that the Royal Commission can inquire into and take evidence about all the things that the people of this State want to know. I support the motion.

**The Hon. N. K. FOSTER:** I draw the Council's attention to an article in the *Advertiser* of January 19, 1978, which is as follows:

Judge White observes in his report that grave mistakes threatening to individual rights and freedom of opinion have been made by secret security forces in almost every country. The mistakes in some instances were of such magnitude that "the force became or appeared to be the master, not the servant, of the people." He believes that identification of the enemies of the State should not be delegated without Ministerial supervision and strict guidelines should be provided for the collection of information about potential enemies.

The dismantling of the process of unsupervised secret filing of information about individuals by the Special Branch in this State is welcome.

Let me acquaint members of this Council with the following: "The forced resignation of Chief Commissioner of Police, Sir Thomas Blamey, in Victoria (1936)." He later became a Field-Marshal of the Australian Army. There is such a rank but there is no such rank as brigadier. The rank of brigadier is to be found only in the Salvation Army. Let me read this:

Blamey's forced resignation arose out of the shooting of a police officer, C.I.B. Superintendent, John O'Connell Brophy. The shooting appears to have been an incident in which Blamey had no part at all. The repercussions, however, placed Blamey in a situation of apparently misleading the Government and the public over the incident. Brophy had been wounded three times (in the arm, the cheek and the shoulder) in an exchange of shots with several criminals. The shooting occurred in Royal Park, where he had been driven, along with two women, to meet a police informer. Blamey had visited Brophy in hospital the following day and swore later that Brophy told him the shooting had been accidental. The truth or otherwise of this statement has never been firmly established. The essential fact is that Blamey soon after issued a Press statement saying that Brophy "was accidentally shot in the forearm while handling his revolver".

The press later picked up evidence that Brophy had not been accidentally shot. The Country Party Premier, Albert Dunstan, whose Government depended on Labor Party support, initiated a Royal Commission into the matter, headed by Judge Hugh Macindoe. The Commission concluded that there had been "nothing immoral or improper in Brophy's conduct". But Macindoe's comments on Blamey were less benevolent and clearly indicated that Blamey had misled the Government. He said: "Having regard to the fact that Sir Thomas Blamey knew the number and nature of the wounds, I cannot accept his evidence that he believed it was an accident . . . I believe that, being jealous of the reputation of the force which he commands, he thought that that reputation might be endangered if the whole truth was disclosed." Blamey was subsequently given the option by the Premier of dismissal or resignation and a retirement pension. He reluctantly chose the latter.

There are several parallels with that, and there is one in South Australia, because basically the only issue at the moment is whether or not Mr. Salisbury, who is quite a good fellow—in fact, Mr. Hill said to me before Christmas that he was known in the force as "Holiday Harold".

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C. M. HILL:** On a point of order, the Hon. Mr. Foster is telling a lie. I made no mention along those lines. As a matter of fact, a week or so ago Mr. Foster stopped me in the corridor of this building and said, "Do you know they call the Police Commissioner 'Holiday Harold'?" I did not comment in reply or discuss the matter at all with the honourable member but in his crazy fantasy he seems to think I put those words into his thick head. I certainly did not do what the Hon. Mr. Foster has said, and I ask him to withdraw his statement that I made that claim to him.

**The Hon. N. K. FOSTER:** I will withdraw it. A further matter is that we have heard on the media that you, Sir, as President of this Council, were to be the Royal Commissioner. I did not accept that because of the Standing Orders of this place, and you should tell your colleagues that they should not take your name in vain if they have done so. I have had occasion to look at a file that states, "M.L.C. resigns over sex paperbacks". There are two letters in dispute in the newspaper, it being stated that the M.L.C. involved knew—

**The PRESIDENT:** Order! I ask the Hon. Mr. Foster what this has to do with the debate.

**The Hon. N. K. FOSTER:** It has a lot to do with it. These are the facts and, if you, Sir, want me to table what I have in my possession, I will do so. I am forced to use this material only because of the unscrupulous attitude of your colleagues. I ask whether a person such as you should head an inquiry, especially when one considers your Star Chamber methods of doing things. We all know that, if Kerr had not sacked Whitlam, you, Sir, would probably have been a judge on the Family Court bench by now. You are a man of divided interests; as you would be, being a member of the profession to which you belong.

I return now to the fundamental aspect of this matter, that is, whether or not the Government can afford to be misled by its Commissioner of Police. DeGaris, Hill and Burdett all know full well what was stated in the Bright report, yet they came up with this narrow, speculative and politically-motivated motion. There is a whole lot more that I could have said on this matter had you not fiddled with the clock. It was decided that a Royal Commission would be held, and 10 000 people heard that announcement come from the Premier's lips last Saturday. The Government changed its mind.

It said that it would protect the innocent members of the South Australian public against the Star Chamber methods of the Select Committee contemplated to be set up in this place. People would have had no right to be represented legally before that committee. Opposition members in this place could have taken the matter one small step beyond appointing a Select Committee and brought people before the Bar of this place if those people refused to appear before the Select Committee. I suggest that members opposite read the Standing Orders, because I am sure they will find that what I have said is correct. They have limited powers in relation to dealing with privileged people only, not the ordinary members of the community. I could imagine people who belonged to the left-wing Parties being told, "Answer 'Yes' or 'No' ". It would be like one's being asked, "Have you yet stopped beating your wife?" People have the right to be protected from unscrupulous politicians such as members opposite instead of being branded as those members would have branded them.

I turn now to the fellow who ran around with members of the Jaguar Car Club saying, "I am not a Liberal." I refer, of course, to Willett, the so-called brigadier who has

just been retired on about \$65 000 a year. He is almost second to Kerr, who is a professional bludger. I make no apology for saying that. He is no longer the Governor-General, and I cannot be called to order for saying that.

**The PRESIDENT:** Order! The honourable member's time has expired.

**The Hon. C. J. SUMNER:** I rise on a point of order. The Royal Commission's terms of reference cover what honourable members opposite proposed for their Select Committee. I think you, Sir, being a lawyer and someone who would be willing to adopt a judicial approach to this matter, will find, on reading the Royal Commission's terms of reference and those contained in this motion, and taking them point by point, that there is nothing in this motion. I do not wish to place before you anything beyond what I said during the debate, but it seems to me that the Royal Commission's terms of reference are substantially what has been proposed by honourable members opposite for the Select Committee.

**The PRESIDENT:** That is not a matter calling for any ruling by me. The Council is seized of the matter, and honourable members having heard the debate must make up their own minds on the motion.

The Council divided on the motion:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, D. H. Laidlaw, 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 PRESIDENT:** There are 10 Ayes and 10 Noes. This is a motion seeking the agreement of the House of Assembly and, in order to enable the House to consider the matter, I give my casting vote for the Ayes.

Motion thus carried.

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

That a message be sent to the House of Assembly transmitting the foregoing resolution.

**The Hon. D. H. L. BANFIELD (Minister of Health):** I oppose the motion. It is well known by members opposite, who cooked up this whole thing in consultation with their colleagues in another place, that this same motion has already been debated in another place. For you, Sir, to sign the message would be a waste of your time, as well as that of the Opposition and Government in another place, the matter having already been debated there.

**The Hon. R. C. DeGARIS (Leader of the Opposition):** As the Government has changed its mind previously, it may do so again.

The Council divided on the motion:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, D. H. Laidlaw, 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 PRESIDENT:** This is a necessary procedural resolution, and I give my casting vote for the Ayes.

Motion thus carried.

#### UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

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

**The Hon. B. A. CHATTERTON (Minister of Agriculture):** I move:

*That this Bill be now read a second time.*

It seeks to put into effect various measures that have been requested by the Council of the University of Adelaide over the past two years. Most of the proposed amendments merely seek to clarify uncertainties or to streamline machinery provisions. The Bill proposes to increase the membership of the Council of the University by providing two extra members, one drawn from the staff other than the academic staff and one extra person who is not engaged in the employment of the university. It is proposed that the Adelaide University Union become a corporate body so that it may have a degree of independence in the handling of its own affairs. However, the constitution of the union still may not be altered without the concurrence of the Council of the University.

The Bill also brings all staff of the university other than academic staff within the jurisdiction of the Industrial Commission of South Australia. This amendment has become necessary as a result of a decision of the Industrial Court that the Industrial Commission does not at the moment have jurisdiction to make awards in relation to university staff. The academic staff are already catered for by the Academic Salaries Tribunal and have therefore been excluded from this provision. The remainder of the amendments contained in this Bill are of a more minor nature. I seek leave to have the explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Act. The commencement of several provisions may have to be delayed. Clause 15, which gives the Senate certain powers of delegation, is made retrospective to the day on which the Senate last met. As the Senate meets only annually, this enables the Senate to have the benefit of clause 15 for the year ending in November, 1978.

Clause 3 clarifies several of the definitions in the principal Act. In particular it is made clear that an "undergraduate" in relation to the elections of members of council, includes any graduate who is enrolled for a bachelor's degree. Clause 4 empowers the university to admit a person to a new honorary degree to be known as Doctor of the University. This is a power common to most universities throughout the world. Clause 5 enables the council to elect more than one Deputy Chancellor. Clause 6 enables the council to make statutes fixing conditions for the office of Vice-Chancellor.

Clause 7 provides that, where more than one Deputy-Chancellor has been elected, their seniority will determine who is to preside over meetings of the council in the absence of the Chancellor. Clause 8 provides for the new composition of the council. This section will come into operation on the next election day after the commencement of the Act. It is proposed that the three categories of university staff will now have representation on the council; that is to say, the academic staff, the ancillary staff and the members of staff who do not fall within either of those two categories.

This latter category of staff is known loosely as the professional staff and includes senior administrative officers. The old transitional provisions contained in this section of the principal Act are repealed. New subsection (2) is merely an amalgamation of the existing subsections (2a) and (2b). New subsection (3) is a transitional

provision. Clause 9 effects sundry clarifications of the section which deals with the filling of casual vacancies. Clause 10 substitutes the word "elected" for the word "appointed" wherever this appears, as in fact the Parliamentary members of the council are elected to that office. Clause 11 provides that a returning officer's determination is final and binding.

Clause 12 makes it quite clear that a graduate who is enrolled for a bachelor's degree may vote only in one capacity at elections by the convocation of electors and by the undergraduates. Clause 13 brings this section of the principal Act into line with the situation as it actually exists—namely, that the rules of the Senate are known as standing orders. Clause 14 provides for the University Union to be a body corporate. The powers of the union are subject to its constitution and the university may make statutes in relation to the union with the concurrence of the union.

Clause 15 embodies the long-standing arrangement between the university and the union whereby the university prescribes the union fees and collects them on behalf of the union. Subsections (2a), (2b) and (2c) enable the Senate to delegate to a committee of the Senate the power to approve proposed statutes of the university. If the committee approves of any statute, that decision is final, but if the committee fails to approve of any statute then that statute must go before the Senate as a whole. As the Senate only meets once a year it will facilitate matters greatly if so called non-controversial statutes are to be put into effect reasonably speedily.

Clause 16 provides that the university may make by-laws in relation to the use of libraries and the borrowing of books and other material. The council is given power to authorise certain persons to be "inspectors" who may require suspected offenders to state their names and addresses. Clause 17 provides sundry minor amendments in relation to proceedings by the university. A fine recovered in respect of a contravention of a by-law is to be paid into funds of the university. Clause 18 inserts a new provision in the Act providing for the jurisdiction of the Industrial Commission in relation to staff of the university other than academic staff.

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

#### APPRENTICES 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.*

The main purposes of this Bill, which amends the principal Act, the Apprentices Act, 1950, as amended, are:

- (a) to provide machinery for the entry into indentures of apprenticeships of persons over the age of 19 years;
- (b) to recognise that correspondence courses are not to be regarded as a substitute for formal instruction of apprentices,

and in addition the measure makes a number of formal and consequential amendments. I ask that the explanation of the clauses of the Bill be incorporated in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends section 5 of the principal Act which sets out the definitions necessary

for the purposes of the Act and amongst other things provides a definition of "mature age apprentice". Clause 4 amends section 6 of the principal Act by correcting what has now become an incorrect reference to the body now known as the Chamber of Commerce and Industry, South Australia, Incorporated. Clause 5 amends section 13 of the principal Act, which sets out the general powers of the commission. The most significant amendments made by this clause are to ensure that the power formerly contained in section 13 (1) (i) is in harmony with section 14 of the principal Act, and power to approve courses of "off the job training" is vested in the commission.

Clause 6 amends section 14 of the principal Act by bringing up to date a reference to the officer now known as the Director-General of Further Education. Clause 7 repeals section 17 of the principal Act by removing a now unnecessary power to declare technical school districts. Clause 8 amends section 18 of the principal Act by striking out obsolete references to technical colleges and by somewhat increasing the penalties provided for breaches of the provision of this section to accord with changes in money values. In the interests of clarity, subsection (3) of this section has been recast.

Clause 9 amends section 19a of the principal Act by recasting subsection (1) of that section and by increasing the penalties for breaches thereof. Clause 10 repeals section 19 of the principal Act, which is now unnecessary as no provision is to be made in the measure for correspondence courses. For the same reason clause 11 repeals section 20 and clause 12 repeals section 22. Clause 13 amends section 23 of the principal Act by making clear that time spent at an approved course of instruction whether inside or outside ordinary working hours is reckoned as time spent at work. Clause 14 amends section 24 of the principal Act and is a consequential amendment. Clause 15 amends section 25 of the principal Act by bringing up to date references to the Director-General of Further Education.

Clause 16 amends section 25a of the principal Act by striking out a reference to correspondence course. Clause 17 amends section 26 of the principal Act, which deals with the form of indentures by increasing the penalty for an offence against subsection (2). The penalty for an offence against that section is increased from \$100 to \$500. Clause 18 inserts a new section 26aa in the principal Act and will permit the entry into indentures of apprenticeship by mature age apprentices, as defined, subject to the approval of the commission and the unanimous recommendation of the members present and voting at the relevant Advisory Trade Committee meeting. The attention of honourable members is particularly drawn to this clause.

Clause 19 amends section 26a of the principal Act by increasing the penalty for a breach of that section from \$100 to \$500. Clause 20 amends section 26b of the principal Act by increasing the penalties in a similar manner. Clause 21 enacts a new section 26c in the principal Act which enjoins a prospective employer of an apprentice to inform the commission in writing of any application he received from a prospective apprentice. Clause 22 amends section 27 of the principal Act by increasing the penalty for a breach of that section from \$100 to \$500.

Clause 23 repeals section 28 of the principal Act which, in effect, prevented mature age persons from entering into indentures of apprenticeship. Clause 24 amends section 29 of the principal Act by extending by two months the period within which certain returns must be provided and

by increasing the penalties for breach of that section. Clause 25 makes a formal amendment to section 33 of the principal Act. Clause 26 makes consequential amendments to section 35 of the principal Act and increases the monetary penalty from \$100 to \$500.

Clause 27 repeals section 36 of the principal Act and substitutes a new section excluding reference to fees payable for the instruction of apprentices as these are no longer applicable. Clause 28 amends section 37 of the principal Act by increasing the maximum penalties that may be imposed under any regulation from \$100 to \$500. Clause 29 amends section 38 of the principal Act by making certain formal amendments to subsection (2), which is the evidentiary provision of this section.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

### SUBORDINATE LEGISLATION 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 is designed to facilitate the making and consolidation of subordinate legislation, that is, regulations, rules and by-laws. The need for the Bill has arisen mainly from problems associated with the expansion in the volume of the subordinate legislation of the State. A problem has arisen in relation to the publication of consolidated reprints of regulations in that the Consolidation of Regulations Act, 1937-1974, to be repealed by the measure, requires that they be published in the *Gazette*, and treats consolidations as if they are in fact new regulations, although not subject to disallowance. It is proposed that a consolidation under this measure will be printed not in the *Gazette* but in pamphlet form only and will be treated not as new regulations but merely as a consolidated text of existing regulations.

I seek leave to have the explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

### Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 sets out the arrangement of the measure. Clause 4 provides for definitions of "authorised legal practitioner" and "regulations". "Authorised legal practitioner" is defined as a legal practitioner appointed by the Attorney-General, and it will be the responsibility of this officer to prepare consolidated texts of regulations. "Regulation" is defined to include rules and by-laws.

Clause 5 provides for the repeal of the Consolidation of Regulations Act, 1937. Clause 6 provides for the repeal of so much of the Statute Law Revision Act, 1974, as relates to the Consolidation of Regulations Act. Clause 7 provides for the repeal of section 38 of the Acts Interpretation Act. Clause 8 provides for the appointment by the Attorney-General of a legal practitioner to be the authorised legal practitioner.

Clause 9 empowers extension by proclamation of the application of the measure to any species of subordinate legislation in addition to regulations, rules and by-laws. Clause 10 in substance reproduces section 38 of the Acts Interpretation Act but with the following changes. At subclause (2), it is provided that every regulation will

come into force when it is made or on such later date as is specified in the proclamation and not, as at present, on publication in the *Gazette*, since one of the main points of the measure is removal of the requirement of publication in the *Gazette*. Subclause (5) is new and is designed to clarify the legal effect of disallowance of a regulation in relation to acts, omissions or events occurring before the disallowance and the operation of pre-existing regulations amended by the disallowed regulations.

Clause 11 requires that every regulation shall forthwith after it is made be published in the *Gazette*. Clause 12 provides that the Government Printer may and shall when directed by the Attorney-General reprint regulations. Clause 13 provides that regulations may from a certain day fixed by proclamation be numbered consecutively in each year in order to assist in identifying particular regulations. Clause 14 provides for the preparation by the authorised legal practitioner of a consolidated text of regulations. At subclause (3), the authorised legal practitioner is empowered to update cross-references, convert references to old currency to new currency, correct printing, spelling or numbering errors, correct marginal notes, and renumber. The nature of these powers is such that any changes made in the exercise of the powers should not become in issue in any legal proceedings. Subclause (4) provides that a consolidated text of regulations may be given a short title. Subclause (5) provides that appropriate references shall be made to the regulations embodied in the consolidated text and to the amendments made to particular regulations.

Clause 15 provides that the Attorney-General may, if he is satisfied that a consolidated text so prepared is accurate, order that it may be printed in the prescribed form and manner. It should be noted that questions of sufficiency of publication arise in relation to consolidated texts since consolidated texts as such do not contain any new legislative material. Clause 16 is an evidentiary provision relating to consolidated texts. Clause 17 empowers the making of regulations for the purposes of the measure.

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

### CRIMINAL INJURIES COMPENSATION 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.*

Its object is to provide for a new, and better, scheme for the compensation of innocent victims of crimes who suffer injury as a result of those crimes. The present Act has undergone a complete review in consequence of the criticisms that have been levelled against it over the years, both by members of the Judiciary and by the Law Society. The decision was made to provide a new Act altogether.

Certain major changes have been made to the present scheme and various uncertainties have been resolved. The existing monetary limit of \$2 000 has been raised to \$10 000—an amount that is much more realistic in these inflationary times. However, where the amount of compensation exceeds \$2 000, a victim will only get \$2 000 plus three-quarters of the excess over that amount. It is made quite clear that a victim can only recover one amount of compensation for his injury even though there may have been more than one offender, or more than one offence. The right to claim compensation is extended to the dependent family of a victim who dies as the result of

an offence, provided that the dead victim has not been awarded compensation under the Act.

This entitlement will to some small extent alleviate the financial hardship suffered by families where a breadwinner is, for example, murdered. It is also made quite clear that this Act applies to juveniles. All persons who obtain an order for compensation will now be able to have that order paid out within a month by the Attorney-General. Thus this quick method of recovery will be available to all claimants. The Attorney-General has a discretion to take into account, when paying out an order, all amounts that the claimant is likely to receive by way of compensation otherwise than under the Act, insurance, superannuation, etc. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

### Explanation of Clauses

Clause 1 is formal and clause 2 provides for the commencement of the Act. Clause 3 repeals the existing Act and clause 4 provides the necessary definitions. The definition of "injury" has not been changed. The definition of "offence" makes it quite clear that an offence is deemed to have been committed for the purposes of this Act even where the alleged offender has a specified defence, or is of an age where the law says he cannot commit an offence.

Clause 5 provides that the repealed Act shall continue to govern an application for compensation in relation to injury arising from any offence committed before the new Act comes into operation. Clause 6 excludes from the operation of this Act (as the repealed Act did) injuries which are covered by third party insurance, or by the nominal defendant provisions of the Motor Vehicles Act, as the case may be.

Clause 7 provides for the right to claim compensation under this Act. A victim may himself apply within 12 months of the date of the offence. The personal representative of a dead victim, or other suitable person, may (where the victim has not himself obtained an order) claim compensation for the financial loss suffered by the victim's dependent family. An application must be made to the court of trial, or where the offender has not been tried, to a district criminal court. Applications in relation to juvenile offenders of course will be heard by a juvenile court. All orders for compensation are to be made against the Crown. Where compensation does not exceed \$2 000, the full amount may be awarded. Where compensation does exceed \$2 000, an order may be made for \$2 000 plus three-quarters of the excess over that amount. No order may be made for an amount less than \$100, nor more than \$10 000. The court is obliged to have regard to the conduct of the victim and may refuse to make an order, or may reduce the amount of compensation awarded, if it considers that the victim's behaviour contributed to the commission of the offence or to the injury. Upon making an order, the court must ascertain the means of a convicted offender, and also the payments to which the claimant may be entitled otherwise than under the Act.

Clause 8 provides that an applicant is only required to discharge the civil burden of proof (that is it is not necessary for him to establish a fact beyond all reasonable doubt). The court may receive in evidence transcripts of evidence from other courts. Clause 9 provides that a victim may only obtain one order for compensation in respect of his injury notwithstanding that the injury resulted from a series of offences committed by one offender, or a number of offenders.

Clause 10 provides that a solicitor may only charge costs in accordance with a prescribed scale. This will ensure that a victim does not find that his compensation is "eaten away" by high legal costs. Clause 11 obliges the Attorney-General to satisfy an order for compensation within 28 days of the order being made. The Attorney-General is given full discretion to take into account all payments the claimant may receive otherwise than under this Act. When the Attorney-General has made a payment under this Act, he may recover that amount of that payment from a convicted offender by summary process. The Attorney-General is subrogated to the rights of the claimant as against the offender, and all the rights of the offender in respect of indemnity or contribution by any other person.

Clause 12 provides for the payment of moneys recovered by the Attorney-General into general revenue. Clause 13 ensures that recovery under this Act, or proceedings under this Act, shall not prejudice a claimant's rights of recovery under any other Act or law. However, if a person recovers any amount under this Act, that will be taken into account in any other proceedings for recovery of compensation. Clause 14 is the usual financial provision.

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

#### COMMERCIAL AND PRIVATE AGENTS ACT AMENDMENT BILL

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

**The Hon. T. M. CASEY (Minister of Lands):** I move:  
*That this Bill be now read a second time.*

It seeks to overcome sundry minor difficulties that have arisen in the administration of the Act since its inception in 1972. Clarification of several definitions is sought by the Commercial and Private Agents Board, and it is also proposed that retail store security officers should be required to hold a licence under this Act.

The Bill also seeks to provide that the board may grant a provisional (that is interim) licence to an applicant who is employed, or about to be employed, by a licensed agent. As the Act now stands, a security agent, for example, cannot employ a person as a security guard until the person's application has been considered by the board and processed. The Bill creates several new offences in order to clamp down on some undesirable practices. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

Clause 1 is formal and clause 2 provides for the commencement of the Act. Clause 3 amends various definitions. A person who repossesses goods subject to a "consumer" mortgage is included in the definition of "commercial agent". The obtaining of evidence for legal proceedings in relation to workmen's compensation or car accident injuries is included in the functions of a loss assessor. A loss assessor performing this function therefore need not take out an inquiry agent's licence. A person who supplies guard dogs is included in the definition of "security agent". A store security officer is defined.

Clause 4 effects a consequential amendment in relation

to store security officers. Clause 5 requires persons acting as store security officers to hold licences under the Act. Paragraphs (b) and (d) of this clause delete some words that could lead to confusion with respect to a person who is licensed in one category and who is thereby permitted to perform functions that also may be performed by other categories of agents.

Clause 6 provides that the board may grant provisional licences to certain applicants. Such a licence is initially effective for a period of six weeks, but this may be extended by the Registrar. A provisional licence may not be granted to an applicant for a commercial agent's licence. Clause 7 inserts a reference to "consumer" mortgages in the section of the Act that deals with the obligation to report to the police the repossession of certain motor vehicles.

Clause 8 repeals section 28 of the Act. New section 47a deals with the employment of unlicensed agents. Clause 9 corrects a drafting error and clause 10 enacts two new sections. An agent who employs an unlicensed agent, or a retail store that employs an unlicensed security officer, is guilty of an offence. A creditor who deliberately assumes a different name in order to lead a debtor to believe he is dealing with, for example, a collection agency, is guilty of an offence. A person who supplies a "pro-forma" document to another person so that the latter can pretend to be a commercial agent is guilty of an offence.

Clause 11 provides that offences shall be dealt with summarily. As the Act now stands, proceedings for offences have to be commenced within six months (by virtue of the Justices Act provisions) and this has meant that quite a few offences have had to go unprosecuted. By extending the time limit for prosecutions to two years, the Act will brought into line with the provisions of the Land and Business Agents Act.

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

#### LOTTERY AND GAMING ACT AMENDMENT BILL

**The Hon. T. M. CASEY (Minister of Lands)** obtained leave and introduced a Bill for an Act to amend the Lottery and Gaming Act, 1936-1976. Read a first time.

**The Hon. T. M. CASEY:** I move:

*That this Bill be now read a second time.*

It restores to the principal Act, the Lottery and Gaming Act, 1936-1976, offences relating to betting with bookmakers and totalizator betting. These offences were transferred from the principal Act in 1976 to the new Racing Act, 1976. It is now considered that the wide evidentiary provisions contained in the principal Act which apply generally to unlawful gaming are required for prosecutions in respect of these offences. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

Clause 1 is formal and clause 2 provides for the enactment of new sections 63 and 64. New section 63 (1) provides that it is an offence to act as a bookmaker unless licensed under the Racing Act, 1976, or in contravention of any condition of such a licence or a permit under that Act. New section 63 (2) provides that it is an offence to make a bet with a person if the acceptance of the bet by that person would constitute an offence against new

section 63 (1). New section 64 (1) provides that it is an offence to conduct totalizator betting unless authorised under the Racing Act, 1976, or, if so authorised, in contravention of any provision of that Act or the totalizator rules under that Act. New section 64 (2) provides that it is an offence to make a bet with a person if the acceptance of the bet by that person would constitute an offence against new section 64 (1). The penalties for these offences are the same as the penalties in respect of illegal bookmaking under the Racing Act, 1976.

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

**MINORS (CONSENT TO MEDICAL AND DENTAL TREATMENT) BILL**

**The Hon. ANNE LEVY** moved:

That the time for bringing up the report of the Select Committee on the Bill be extended until Wednesday, March 8, 1978.

Motion carried.

**ADJOURNMENT**

At 4.10 p.m. the Council adjourned until Wednesday, February 15, at 2.15 p.m.