LEGISLATIVE COUNCIL

Wednesday, February 15, 1978

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

QUESTIONS

JUDICIARY

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking the Minister of Health, as Leader of the Government in the Council, a question regarding the use being made of members of the Judiciary for purposes that can be said to be beyond their normal duties.

Leave granted.

The Hon. R. C. DeGARIS: Professor Gordon Reid, in a recent report, drew attention to the fact that Governments were tending to use judges in a number of ways that involved them in what might broadly be termed as the fringe of politics. I commend the article to all members of the Council to study. Today, in the *Advertiser*, Judge Ligertwood draws attention to an example of the concern expressed by Professor Reid. Members of the Liberal Party in this Council endorse the concern expressed in Professor Reid's report. Will the Minister say, first, whether Cabinet is aware of the views expressed by Professor Reid; secondly, whether Cabinet has discussed the question of the use of judges in what may broadly be defined as fringe political areas; and, thirdly, whether, if Cabinet has discussed the question, it recognises, if the process develops further, the dangers that may exist in future in relation to the high standing of the Judiciary in the public mind?

The Hon. N. K. Foster: What about—

The PRESIDENT: Order! Interjections are out of order.

The Hon. D. H. L. BANFIELD: The Government has seen the report to which the Leader has referred, and also the letter from Judge Ligertwood in today's *Advertiser*. The Government is doing nothing more than was done by the former Liberal Government. If we are to have a Royal Commission, the Government is doing what other Governments—

The Hon. R. C. DeGaris: I didn't say a Royal Commission.

The Hon. D. H. L. BANFIELD: I did not say that the Leader said that. The Government has appointed a Royal Commission and, indeed, a Commissioner has been appointed from the courts. The Government is doing nothing more or less than was done by the Liberal Government when it was in office. The Government believes that, in appointing a Supreme Court judge as Chairman of these inquiries, that person can be regarded as beyond reproach. Of course, we know that the Opposition has cast slurs on certain people by innuendo, a practice of which the Government does not approve. Indeed, I do not think any member of the community would approve when members cast slurs on the Judiciary for solely political purposes.

The Hon. C. M. Hill: You know we never do that.

The Hon. D. H. L. BANFIELD: You did it yesterday, regarding when we appointed Justice Mitchell as Chairman of the Royal Commission.

The Hon. C. M. Hill: It's all in your mind.

The Hon. D. H. L. BANFIELD: That is what the honourable member says. Be that as it may, it is also in the minds of the people outside, too.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr. Hill was out of order in interjecting.

The Hon. D. H. L. BANFIELD: The Liberals are casting aspersions on the Judiciary, and the Opposition should wake up to the fact that the people realise this. Members opposite are trying to lower the standard of the Judiciary. This is in the minds of the people outside and, the sooner that members opposite wake up to it, the better it will be.

The Hon. N. K. Foster: They know—

The PRESIDENT: The Hon. Mr. Foster is out of order.

The Hon. D. H. L. BANFIELD: It is significant that Judge Ligertwood should have written to the *Advertiser* before taking up these matters with the Attorney-General or the Government. However, he saw fit not to do so but to go directly to the press. If he had a problem, surely Judge Ligertwood could have talked it over initially with the Government. The Government knows of the reports and letters that have been referred to, just as it knows that members opposite are casting aspersions on members of the Judiciary. However, as I have said, the Government is merely doing what members opposite did when their Party was in office.

The Hon. R. C. DeGARIS: I wish to ask a supplementary question.

The PRESIDENT: I thought you might.

The Hon. N. K. Foster: Of course you did. He told you before he came in.

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before directing a supplementary question to the Minister of Health.

Leave granted.

The Hon. R. C. DeGARIS: The Minister has not touched on the matters that I raised—

The Hon. D. H. L. Banfield: You asked me whether I knew about Professor Reid's article and whether I knew about Judge Ligertwood's letter. I told you I knew of both.

The PRESIDENT: Order! The Minister is out of order. If we are not going to have some order at Question Time, I am determined that we will in future.

The Hon. N. K. Foster: Hear, hear! I applaud it.

The PRESIDENT: You will be the first if you do not be quiet. The Hon. Mr. DeGaris has the floor. He asked leave to ask a supplementary question and the Minister interrupted him before he got it out.

The Hon. D. H. L. BANFIELD: On a personal explanation, you said that, before he got the question out, I interjected. Let me correct you, because the Hon. Mr. DeGaris said that I made no mention of the points that he had raised. He asked me whether I had seen Professor Reid's article and he asked me whether I knew anything about Judge Ligertwood's letter, and I answered those questions in my reply. To say that the Leader did not have a chance to say anything about it—when he got on his feet, he said that I had replied to the questions. I take exception to your saying that, before he opened his mouth, I interjected. Now, come on!

The PRESIDENT: The Minister can think what he likes.

The Hon. D. H. L. Banfield: I will do that, too.

The PRESIDENT: The Hon. Mr. DeGaris obviously was going to disagree, and he was—

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

The PRESIDENT: It had better be a point of order, or I will sit you down. What is the point of order? Be precise.

The Hon. N. K. FOSTER: I am always precise. By your opening remarks, it is obvious that you are not going to give me a fair go, so I will leave it until later. How does that grab you?

The Hon. R. C. DeGARIS: I did ask three questions. The other two have not been replied to by the Minister of

Health, and I ask him whether he will check *Hansard* tomorrow and try to answer those two questions. I asked no questions about Judge Ligertwood. I asked a question about Professor Reid, and that was answered, but the Minister did not answer the other two questions.

The Hon. D. H. L. BANFIELD: I was in the Council at the time and I do not need to refer to *Hansard*.

The PRESIDENT: Well, I suggest—

The Hon. D. H. L. Banfield: That is your—

The PRESIDENT: I am not speaking to the Minister: I am speaking to the Hon. Mr. DeGaris. If the Hon. Mr. DeGaris is not satisfied, I suggest that he put the questions on notice.

MEDIBANK

The Hon. J. E. DUNFORD: During the course of the recent Federal election campaign, many statements were made about Medibank, amd it was indicated in public that there would be no increases in Medibank contributions. Also, statements were made by Mr. Fraser that the average worker would receive upwards of $6 tax concessions (the magical figure was $6) from February 1. This has not come about, and many workers were saved only about $1·50. It has also been rumoured that Medibank charges will be increased before July. There were newspaper reports last week that Health Ministers had met interstate, and out of that conference arose a press statement that Government charges would increase by $10 a day. That is an increase of about 50 per cent, and I assume, in view of those charges, that Medibank charges will increase, thereby doing away with the tax relief promised by the Fraser Government. Many inquiries have been made of me by constituents seeking an explanation of the situation, asking whether the Minister could make a statement in this Chamber about any proposed increases in charges by the Government.

The Hon. D. H. L. BANFIELD: At the recent Health Ministers' conference the question of charges for private bed patients insured with private health funds attending public hospitals, or recognised hospitals, was discussed. It was recommended to the Commonwealth that it should approve increased charges for public hospital beds used by privately insured patients. The average cost at present for a bed for one day in a public hospital is about $104.

The Hon. R. A. Geddes: Is that the Australian average?

The Hon. D. H. L. BANFIELD: Yes. The present charge is about $60 for a private room for a private patient, and it was recommended to the Commonwealth that it should approve a charge of $75 a day, which would still mean that taxpayers were subsidising privately insured patients for hospital accommodation, depending on whether or not they entered a Government hospital or a private hospital. If a patient enters a private hospital, he or she would still have to pay a greater sum then would be the sum charged by a public hospital. When a private patient enters a public hospital, the private health funds are laughing all the way to the bank, because they do not have to refund as much as they would have to refund if that patient had entered a private hospital.

I point out that this was a unanimous decision of all the Health Ministers, irrespective of the political colour of their Governments. They believed that there should be an increase in the charge for privately insured patients entering public hospitals. We also believe that there should be an annual review of such charges, so that any future increases will not be so great at any one time. The result of an annual review would ensure that hospital charges were maintained as costs increased.

RADIATION FEAR

The Hon. C. M. HILL: I seek leave to make a short statement prior to addressing a question to the Minister of Health regarding recent reports of possible injury to women working near visual display units.

Leave granted.

The Hon. C. M. HILL: Recent press reports have suggested that visual display units may be a radiation hazard. In particular, these reports dealt with radiation emissions that could be associated with miscarriages in women or, alternatively, that ionising radiation may in some way damage unborn babies. Yesterday, there was a report saying that in Victoria health officials have been asked to carry out some investigations into this matter, and it was also stated that some checks were being carried out in New South Wales. Therefore, can the Minister make a statement to the Council on this subject and give an assurance to the South Australian public that women need not have any fears as a result of radiation emission from the usual visual display units in commercial use?

The Hon. D. H. L. BANFIELD: We did not wait until just last week to investigate this. On January 16, 1978, the Occupational Health Branch was asked to investigate a situation in the input department of the Bank of Adelaide's computer centre, 132 Franklin Street, Adelaide. Four or five female terminal operators were alleged to have had miscarriages in recent months, and were concerned that the radiation from the cathode ray tubes in the visual display units may have been responsible.

An officer of the Occupational Health Branch inspected the area and measured radiation emissions from the units. No radiation in excess of background levels was detected. Operators were supplied with film badge radiation monitors to assess whether ionising radiation levels over a prolonged time may be hazardous. These badges have been collected and sent to the Australian Radiation Laboratories in Melbourne for assessment. The results should be available in approximately six weeks time.

Medical officers of the Occupational Health Branch are arranging to survey the women who work in the area in order to assess whether miscarriage rates are elevated as has been alleged. It is expected that a final report on the investigation will be available in approximately six to eight weeks time. Until this investigation is complete it is impossible to confirm whether the miscarriages rate among these employees is elevated. It is not therefore possible to assess the risk of miscarriage for women working with visual display units. Miscarriages have not been associated with radiation exposure in the past.

At this stage there is no basis for concern that radiation emissions from visual display units may present a hazard to the health of those operating the units. We will be monitoring this position to ascertain whether there is any variation and whether there appears to be a high percentage of women from this computer centre having miscarriages. We believe there is no cause for concern but we are continuing to watch the situation.

STANDING ORDERS

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking a question of you, Mr. President, about Standing Orders.

Leave granted.

The Hon. N. K. FOSTER: Yesterday, during a debate in this Council, when I did not have as much time at my disposal as I had expected to have because the Opposition

introduced its third speaker in the debate, I referred to you, Mr. President, in regard to a newspaper, a publication on some pornographic feature, sex articles, and what-have-you. In addition, I said that if Kerr had not sacked the Whitlam Government on November 11, 1975, you probably would not have been in this Chamber: you would have been a member of the Family Court. However, you do not have any chance of getting into the Family Court now that Fraser is Prime Minister, any more than you have any chance of getting in the family way.

The PRESIDENT: What has this to do with Standing Orders?

The Hon. J. C. Burdett: Question!

The PRESIDENT: "Question" has been called. What is the question?

The Hon. N. K. FOSTER: Do you, Mr. President, agree with what I have just said, by way of leave of this Council?

The PRESIDENT: I said yesterday that it is not my job to answer hypothetical questions.

SMITHFIELD TRANSPORT

The Hon. M. B. DAWKINS: I wish to ask a question of the Minister of Lands, representing the Minister of Transport, about the extension and build-up of houses in the Housing Trust area north of Smithfield. I understand there are two slight deviations in the main north railway line north of Smithfield which are designed to provide for future railway stations in newly built-up areas. Has the State Transport Authority any plans to provide for one or more railway stations at these appropriate places, in view of the build-up of houses in that area and, consequently, of the potential number of railway commuters in the district?

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

STANDING ORDERS

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking a question of you, Mr. President, about Standing Orders.

The PRESIDENT: What specific Standing Order?

The Hon. N. K. FOSTER: Standing Order 378, and you may consult the Clerk if you wish.

The PRESIDENT: I shall have a look at the Standing Order.

The Hon. N. K. Foster: I think you might be wise.

The PRESIDENT: Does the honourable member have leave? Leave is granted.

The Hon. N. K. FOSTER: Thank you. Last week, when the Council was not in session, except for one hour, much controversy arose in the ranks of the Liberal Party, whose members are always running to pet reporters, pet newspapers, and pet areas of the media. Those members compete among themselves for publicity.

On a number of occasions, Mr. DeGaris and other members of the Council stated to the press that they were going to seek a Select Committee of this august Chamber to inquire into a certain matter concerning the rightful dismissal of the Commissioner of Police. During the course of many radio, press and television reports, it was openly stated by Mr. DeGaris, in response to questions by media reporters, that that Select Committee would be chaired by the President of the Legislative Council, the Hon. Mr. Potter. I would hate to think that you, in your exalted position in this place, do not have in mind that your automatic right to the chairmanship of committees is restricted by Standing Orders, and I quote a portion of Standing Order 378, to which I have referred; it appears at page 92 of Standing Orders, under the heading "Select Committees". It states:

> The President shall be *ex officio* a member and Chairman of the Library, and Standing Orders Committees, and a member of the Joint House Committee, but shall not be liable to be elected to any other.

What right did you confer upon your Parliamentary colleagues on that side of the Council to inform the public by way of the media that you would be Chairman of such a committee, pre-empting the right of this Council to elect such a Chairman if such a committee was elected in this place; did you authorise that statement to be made? Was that subject matter raised between you, Mr. DeGaris and Mr. Hill during the initial stages of your conspiracy or was it a matter of deeper and broader discussion, when Mr. Tonkin became involved in this dastardly act?

The PRESIDENT: I do not know how the question applies—

The Hon. N. K. Foster: You do not know what to do.

The PRESIDENT: I did not say that. I do not know how the question applies, except loosely, to Standing Order 378. The Standing Order states, "The President . . . shall not be liable to be elected"; it does not say he is not capable of being elected to another committee. As far as the other part of the honourable member's question is concerned, I did not authorise anybody to make any statement at all.

The Hon. N. K. FOSTER: Thank you very much indeed; that is the very answer I expected today, on the advice I have. Then how can you possibly respect the words of your colleagues and the Leader on the other side? What action do you propose to take in your position as President of this Council against those people when Mr. Burdett yesterday raised a minor matter against me in this place of putting certain documents in pigeon holes without my name as being the author of those decuments? I suggest you should apply these rules to your colleagues; let us see some impartiality from the Chair for once in a while.

The PRESIDENT: If I acted on every innuendo or rumour that circulated in this place, I would be on duty 24 hours a day.

The Hon. N. K. FOSTER: I did not circulate any rumour, although the Leader of the Opposition wanted a Royal Commission on furphies and rumours.

The PRESIDENT: Order! I did not involve the honourable member at all.

The Hon. N. K. FOSTER: Yes, you did.

The PRESIDENT: I was talking generally. The honourable member asked me was I going to take any action on a rumour that circulated last week?

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

The PRESIDENT: What is the point of order?

The Hon. N. K. FOSTER: I made no reference in my question to rumour or innuendo. My question was based on recorded newspaper, radio and television interviews; it was not based on rumour. It is not right that you should say that I asked a question based on rumour. I made the statement—

The PRESIDENT: Order! Until the Council makes a decision on the matters before it, everything is in the nature of a rumour.

The Hon. R. C. DeGARIS: I seek leave to make a personal explanation.

Leave granted.

The Hon. R. C. DeGARIS: My explanation relates to something that the Hon. Mr. Foster just said: that you, Sir, would be Chairman of a Select Committee. That is not so. I said I would move in the Council for the appointment

of a Select Committee and that in my motion the committee would have a certain composition. Then, if the Council accepted my motion, that Select Committee would have been appointed. However, it was the Council's right to amend that motion as it saw fit.

The Hon. D. H. L. BANFIELD: Is the Hon. Mr. DeGaris willing to make a statement to the press to that effect, because the information in the press was entirely misleading? It stated that the Select Committee would comprise three Liberal Party members, that is, two lawyers and the Leader, and that the Government would be allowed to have only two members. However, normally the Government is given three members on other Select Committees. The press was fairly adamant that you, Sir, would be Chairman of the Select Committee. Of course, this made people think about what the position of the President of the Legislative Council was all about. They wondered whether the Hon. Mr. DeGaris had already chosen people for appointment to the Select Committee when its members should have been chosen by the Council. Now, the Hon. Mr. DeGaris gets up and says, "I did not say that at all." Would the Leader be willing to make a press statement to the effect that he has been misreported, or something like that, so that the people will not be misled regarding how this Council is run?

The PRESIDENT: I do not think the Hon. Mr. DeGaris is required to answer that question. This would not be the first time that we have had complaints about press reporting.

DAIRY INDUSTRY

The Hon. M. B. CAMERON: Will the Minister of Agriculture tell the Council whether new dairy industry legislation will be introduced this session and, if it is not to be introduced then, when it will be introduced?

The Hon. B. A. CHATTERTON: As I outlined in a statement reported in the publication *State of Agriculture*, it was not my intention to introduce the major amendments to the dairy industry legislation that were foreshadowed in the Webb Report on the industry. That report, made public last year, foreshadowed some major changes to the South Australian dairy industry. Among other things, it recommended the establishment of a State dairy authority as well as considerable changes to be made to the functions of the South Australian Agriculture and Fisheries Department.

However, it will be necessary to introduce this session some amending dairy legislation to ensure that South Australian farmers obtain funds that will be made available under the Commonwealth-State dairy marketing arrangements. Enabling legislation will have to be introduced to allow the grants that will be made from Commonwealth funds under Stage II of the scheme to be paid to South Australian farmers. However, that will be simple legislation relating to the allocation and transfer of entitlements. Although that legislation will be introduced this session, it will not encompass the major changes foreshadowed in the Webb Report. As I stated recently in a press release, I should like to discuss those major changes in greater depth with the dairy industry.

PHOSPHATE MINING

The Hon. R. A. GEDDES: I seek leave to ask the Minister of Agriculture, representing the Minister of Mines and Energy, a question regarding phosphate mining.

Leave granted.

The Hon. R. A. GEDDES: I understand that there may be significant deposits of phosphate in the southern portion of the Pirie-Torrens basin and in the northern margins of the Murray basin areas. Such deposits may have been laid down following the geological movement of the earth's crust during the middle division of the tertiary era. If it can be proved that suitable phosphate deposits could be mined, it would benefit the State's economy. Will the Minister of Mines and Energy consider exploratory drilling by the Mines Department in these areas to prove whether economic deposits of phosphate exist?

The Hon. B. A. CHATTERTON: I will refer the honourable member's question to my colleague and bring down a reply as soon as possible.

LAND DEVELOPERS

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Minister of Agriculture, representing the Minister for Planning, a question regarding "land developers".

Leave granted.

The Hon. N. K. FOSTER: I refer to an unusual portion of the *Advertiser* called "Today", written by a fellow named Ray Polkinghorne, in which there appear, almost daily, odd bits and pieces of information. In that column of February 2 issue of the *Advertiser*, the following appeared:

> Developer Jim McHale, whose $6 000 000 subdivision behind the Penfolds winery at Magill will be opened today, has other fish to fry.
>
> He has an $8 800 000 roofing material factory under way in Malaysia, the finance for which he raised in West Germany and Malaysia.

I do not hear Murray Hill going crook about free enterprise doing something in Malaysia. However, when our honourable Premier, Don Dunstan, goes up there to try to work out reciprocal trade arrangements between the two countries, he comes under attack from Hill. However, Hill is silent now.

The PRESIDENT: He is obeying Standing Orders. That is why.

The Hon. N. K. FOSTER: I have not heard him say anything about what Steele has said in the past few hours. Mr. McHale is a developer of some note, from the Liberal Party's point of view. Although I do not know this man, I deplore the sort of development that is taking place in the foothills beyond the Penfolds winery. I seek clarification on the figures contained in the report to which I have referred and in which it is stated that Mr. McHale paid $500 000 for the land, $833 000 to develop it, and yet can sell individual blocks for between $28 000 and $38 000 each. Will the Minister seek information regarding the date on which the development was acceded to, and will he ascertain what were the attitudes of the local councils regarding this unsightly type of development? Also, were any objections raised by the town planning authorities in relation to it, and what restrictions, if any, were placed on the subdivision itself in relation to the size and number of blocks?

The Hon. B. A. CHATTERTON: I will refer the honourable member's question to the Minister for Planning and bring down a reply.

DUTCH COMMUNITY

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

Health, representing the Premier, on the subject of the unfortunate division within the Dutch community in South Australia.

Leave granted.

The Hon. C. M. HILL: I will refer to that matter in some detail. Honourable members would know about the unfortunate situation in which two sections of the Dutch community have been in most serious conflict. There have been problems concerning—

The PRESIDENT: Order! Before the honourable member proceeds, I have to ask him more precisely what he is proposing to ask, because I understand that this is a matter currently before the courts and is subject to the *sub judice* rule.

The Hon. C. M. HILL: With respect—

The PRESIDENT: In fact, the hearing is proceeding.

The Hon. C. M. HILL: With respect, I thought the hearing had been completed.

The Hon. D. H. L. Banfield: No.

The Hon. N. K. Foster: Mr. Steele was right about you in what he says in the *News*.

The Hon. C. M. HILL: I will mention the matter without wishing to conflict—

The PRESIDENT: The essential thing is that no parties concerned in that matter before the court should be in any way prejudiced by anything said in this Parliament.

The Hon. C. M. HILL: Then, I will not make an explanation: I will simply ask the question.

The PRESIDENT: It is in my discretion. I will hear the question.

The Hon. C. M. HILL: The question is: has the Ethnic Affairs Section of the Premier's Department and the newly appointed senior officer in that department (Mr. Gardini) taken any action to settle the differences in the Dutch community and, if so, what has been done?

The PRESIDENT: That is perfectly allowable. The honourable Minister.

The Hon. D. H. L. BANFIELD: I doubt that it is allowable, with all due respect.

The PRESIDENT: It does not in any way prejudice the matter.

The Hon. D. H. L. BANFIELD: It has to, because the Hon. Mr. Hill has asked what action the department has taken. Surely that is prejudicial.

The PRESIDENT: Order! I do not think the honourable member asked that. I think he asked whether any action had been taken.

The Hon. D. H. L. Banfield: Yes, and, if so, what action.

The PRESIDENT: I will allow the question. Whether the Minister wants to get advice before he answers it is up to him.

BUSH FIRES

The Hon. R. A. GEDDES: I seek leave to make a statement before asking a question of the Minister of Agriculture, dealing with the possibility of bush fires in the Adelaide Hills.

Leave granted.

The Hon. R. A. GEDDES: A report in the *Advertiser* of January 21 this year, headed "Playing with fire", states that there are written claims that the fire authorities in the Adelaide Hills are very concerned that, in many areas, what emergency plans that have been prepared in the event of a major fire have not been conveyed to the occupiers of houses. Will the Minister take up with his department the accuracy of the statements made in the press and, if necessary, find out how best inhabitants of the Adelaide Hills can be advised of what emergency plans will apply in the event of a major fire there?

The Hon. B. A. CHATTERTON: I have discussed with the Chairman of the Country Fires Board and the Director of the Country Fire Service the danger that can occur involving people in the Adelaide Hills who have small farms or residential properties and who are not at home in the day time. The C.F.S. people concerned are at present planning to get greater co-ordination between the various emergency services and local councils. I have not the exact details, but I understand that a seminar will be held, attended by the various people concerned, to ascertain whether there is adequate co-ordination amongst the various services and also to make sure that information is conveyed to people, before the fire season starts, in a co-ordinated way. I know that C.F.S. has done much voluntary work in telling people about the fire hazards, and it is important that this work be co-ordinated amongst the various other authorities.

DOGS

The Hon. J. R. CORNWALL: I seek leave to make a statement before directing a question to the Minister of Health, representing the Minister for the Environment and the Chief Secretary, regarding the debarking of dogs.

Leave granted.

The Hon. J. R. CORNWALL: About 10 days ago, a *News* report emanating from the Minister for the Environment stated that, since the noise control legislation had been gazetted, the department had received upwards of 400 complaints and almost 40 per cent of them concerned barking dogs. There is quite a simple and effective operation for debarking dogs. The approach is via the mouth and it is a simple operation for a competent person to perform. The post-operative period is so brief that dogs that are operated on at, say, 11 a.m. can be seen to be trying to bark at 4 p.m. or 5 p.m. on the same day. In the past, the Veterinary Association has considered it to be unethical to perform the operation, and the Royal Society for the Prevention of Cruelty to Animals has considered it to involve a degree of cruelty. I must say that, as a veterinary surgeon, I have not performed this operation on many occasions but, on the limited number of occasions where it has involved a decision either to destroy the dog because of the noise or to debark, I have performed it. I wonder whether, in the circumstances, we might have to reconsider our position, particularly regarding the present law under, I think, the Prevention of Cruelty to Animals Act. Will the Chief Secretary investigate the matter, with the idea of possibly amending the present legislation, after consultation with the R.S.P.C.A. and the veterinary profession, to perhaps modify the present attitude to debarking?

The Hon. D. H. L. BANFIELD: I will be pleased to take the question up with my colleagues. Of course, politics may come into this, because the barking of dogs is a problem of the Liberal Party and we would not want to do anything to prevent that.

HOSPITAL COSTS

The Hon. R. A. GEDDES: I desire to ask a question of the Minister of Health about his reply to an earlier question dealing with hospital bed costs.

Leave granted.

The Hon. R. A. GEDDES: The Minister has said that the Australian average cost of running hospitals for each bed

each day is $104. Can the Minister say whether the public hospital costs in South Australia are above the $104 average, or below it?

The Hon. D. H. L. BANFIELD: The average takes in not only teaching hospitals, where the costs obviously are much higher—

The Hon. R. A. Geddes: I assume that the $104 includes all those.

The Hon. D. H. L. BANFIELD: Yes. Our cost is about the average: it could be $110. It includes the training hospitals, where the bed cost is much higher than in other hospitals.

UNEMPLOYMENT

The Hon. N. K. FOSTER: I seek leave to make a short statement prior to directing a question to the Minister of Lands, representing the Minister of Community Welfare, on the matter of his portfolio.

Leave granted.

The Hon. N. K. FOSTER: Most honourable members who read the newspaper seeking information, apart from the headlines, will be aware of the information provided by a reliable source that the Federal Government through its Minister for Social Security is planning a witch hunt during the remainder of this month in an attempted spying operation on those people in the community who are unfortunate enough to be unemployed and have to rely on social security payments (or, as the Liberals love to describe it, the dole). The greatest dole bludger of all time, for the benefit of the Hon. Mr. Hill, is Sir John Kerr, and the best—

The PRESIDENT: Order! That comment is out of order in an explanation prior to asking a question. The honourable member knows that.

The Hon. N. K. FOSTER: I have leave.

The PRESIDENT: You have not leave to make those remarks.

The Hon. N. K. FOSTER: Surely one has the right to express an opinion, when an opinion has been given on the other side of the Council.

The PRESIDENT: There is no need to express any opinions in Question Time.

The Hon. N. K. FOSTER: Do you mean to say that the Liberals have never called the unemployed "dole bludgers"? Of course they have. Even the Prime Minister has done that. What about in the Bass by-election in Tasmania in 1975? Do not force me to transgress, Mr. President. The fact is that an announcement has been made that a witch hunt is on, and it is expected that many people will be apprehended. As a result of the past practices of the present Liberal and National Country Party Government in Canberra, the responsibility for making such social security payments has fallen to the State Government, in this case the South Australian Government, which is more concerned about disadvantaged people in our community.

The State Government has to make up for the lack of responsibility displayed by the Federal Government concerning geriatric homes, hospital fees and cases such as this where people will obviously be deprived of their benefit. It falls upon the Community Welfare Department to assist such people. Will the Minister request the Minister of Community Welfare to note accurately the number of people who may be deprived of the Commonwealth unemployment benefit and who will then be forced to apply for assistance from the South Australian Government?

The Hon. T. M. CASEY: I will be delighted to do that for the honourable member. I shall refer his question to my colleague in another place and bring down a reply.

VICTOR HARBOR WATER

The Hon. C. M. HILL: I seek leave to make a brief statement prior to directing a question to the Minister of Health, representing the Minister of Works, concerning the Victor Harbor water supply.

Leave granted.

The Hon. C. M. HILL: Complaints have been made to me concerning the quality of household water supplied at Victor Harbor and surrounding areas. Some residents believe that the water is so poor in quality (certainly it is poor in colour) that it may be injurious to health, and they are seeking an alternative water supply in the township as a result of this situation. They cannot turn to rainwater supplies because of the especially dry summer. Therefore, on behalf of these residents, I seek an assurance from the Minister that public health will not be adversely affected by drinking the water supplied by his department at Victor Harbor. Can the Minister explain the reason for the discolouration of water and its most unusual taste, and can he give any further details of plans to improve the water supply in that area in the future?

The Hon. D. H. L. BANFIELD: It has been the Government's aim to provide filtered water for some time. As the honourable member would know, his Canberra colleagues, through cut-backs—

The Hon. M. B. Cameron: You were going to fix it in 1970.

The Hon. D. H. L. BANFIELD: Of course we said we would provide filtered water then, because we had a Commonwealth Government assurance that it would provide assistance. The present Federal Government has not—

The Hon. C. M. Hill: We are talking about a country water supply—not the metropolitan supply.

The Hon. D. H. L. BANFIELD: I know what the honourable member is talking about, but this water discoloration applies not only at Victor Harbor. The honourable member should recognise that fact. Promises were made by the Labor Government, but they have not been honoured by the Liberal Government. The discoloured water experienced by Victor Harbor is also experienced in the metropolitan area.

The Hon. M. B. Cameron: You've broken your promise.

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

The Hon. D. H. L. BANFIELD: We broke our promise because of an agreement broken by the Liberal Government in Canberra. That is the sort of thing that the honourable member's Government in Canberra has been doing: it does not honour promises, underakings or agreements made from Government to Government. While we will be happy to look at the question of the discoloured water in Victor Harbor, perhaps the honourable member will apply pressure on his Federal colleagues to carry out an undertaking given to this State by a previous Federal Government.

CARP

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before directing a question to the Minister of Fisheries concerning carp.

Leave granted.

The Hon. N. K. FOSTER: Doubtless honourable members have seen press and television coverage of a gentleman who recently came to Australia from England to see whether or not he could introduce measures for possible eradication of European carp in the Murray River system. It is probable that this gentleman has had discussions in South Australia with the Minister. First, has this gentleman had discussions with the Minister? Secondly, if he has, does the Minister hold out any hope for solving the problem caused by this fish species in the Murray River? Thirdly, is this gentleman having discussions with the Victorian and Commonwealth Governments? Fourthly, if there is any possibility of a project being undertaken as a result of his visit, will the project be put on a common basis involving all the signatories to the River Murray Waters Agreement?

The Hon. B. A. CHATTERTON: A fisheries biologist is presently in Australia to look at the problem involving European carp. Any programme would not involve the eradication of carp, but would involve the introduction of diseases that may be beneficial in controlling its numbers, particularly the vast population built up in those areas to which the carp first moved. It would be a biological control programme rather than an eradication programme. Much research and investigation would have to be undertaken before any such biological control organism could be introduced in Australia. It would be worked out on a national basis, and it would be discussed by officers of Fisheries Departments throughout Australia. It would come through the Fisheries Council to be put before Ministers of Fisheries throughout Australia.

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 14. Page 1485.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill covers several amendments to the principal Act that have been asked for by the University of Adelaide Council. Most of the amendments I can support without much difficulty. For example, clause 4 empowers the university to admit a person to an honorary degree to be known as Doctor of the University.

It seems rather strange that the Adelaide University has never had this power to confer an honorary doctorate, a power that is common to most universities in the Western world. Clauses 5 to 7 give power to appoint more than one Deputy Chancellor. It is thought by the Council of the Adelaide University that difficulty may be experienced in the future if there is not more than one Deputy Chancellor. No doubt this kind of difficulty has already occurred.

The Hon. Anne Levy: It occurred last Friday.

The Hon. R. C. DeGARIS: I thank the honourable member for the information. I have no objection to the principle of allowing for the appointment of more than one Deputy Chancellor. Under section 12 (1) of the present Act the University Council now consists of: *(a)* the Chancellor and the Vice-Chancellor *ex officio; (b)* five members elected by the Parliament of South Australia; *(c)* 22 members elected by the convocation of electors of whom (i) eight shall be persons engaged in the employment of the university as members of the academic staff, (ii) one shall be a person in the full-time employment of the university otherwise than as a member of the academic staff, (iii) one shall be a postgraduate student, and (iv) 12 shall be persons who are not engaged in the employment of the university; and *(d)* four members elected by undergraduates.

Only one position on the University Council is available for the non-academic staff. The two major non-academic elements of the staff, professional staff and ancillary staff, cannot both be represented. I can see no reason to object to the proposal, except to comment that, in the pursuit of democratic objectives, sometimes representation of all facets of an institution can produce an unwieldy organisation that can tend, because of that factor, to be less democratic. I say that, but I admit that it is not necessarily applicable to this case.

To offset this increase of one from the non-academic staff, the number of members elected by convocation of electors in section 12 is to be increased by one. Once again I raise no objection at the second reading stage.

Clause 14 deals with the incorporation of the University Union. As I understand the position, this provision will overcome a number of problems which have arisen because of industrial developments in 1974. In a judgment of February 25, 1977, the Industrial Commission ruled that the staff members of the union were employees of the union and not of the university and could not therefore be included in the industrial agreement. As I understand the position, both the Union Council and the University Council believe that the union should be incorporated. One point that puzzles me a little is why the provisions of the Associations Incorporation Act are not used for this purpose. Perhaps the Minister will address himself to this matter a little more fully when he replies to the second reading debate. The only reference to the matter in the Minister's second reading explanation is as follows:

> 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.

Such a statement may give the answer, but I would like the Minister to expand on it and to say why the provisions of the Associations Incorporation Act are not used. Up to this point, I raise little or no objection to the Bill, but clause 15 is open to strong argument. The statutory annual fee payable on enrolment at the university has been set by the University Council on the recommendation of the union. This authority of the council was recently questioned by Judge Stanley, who raised doubts about the validity of the present provisions of the principal Act. The provision places beyond any doubt the university's right to prescribe and collect the fee on behalf of the Adelaide University Union, which provides the main social and cultural centre for activities not specifically included in academic syllabuses. With the income from these fees, the union endeavors to provide a common meeting ground for university staff, graduates, and students. Clubs and societies of many kinds are supported, with general benefit to the whole life of the university.

I would consider it reasonable that fees should be determined and collected by the university on behalf of the union and that the fees should be a compulsory levy on all students, although I admit that an argument could be advanced that students should be free to make in all circumstances their decision as to which activities they wish to support. However, I am prepared to accept the position where fees are collected compulsorily from students for the provision of services and amenities in areas not normally covered by academic syllabuses. However, the question goes beyhond that. It is in connection with these payments by students, levied compulsorily, that I raise my objection.

The Hon. C. J. Sumner: There is no compulsion about it if the students do not want it.

The Hon. R. C. DeGARIS: I may touch on that question. A significant proportion of the fees, up to $19 per capita, is spent on activities other than the types of activity to which I have referred. That sum of $19 goes to local campus student unions and then some of it goes on to the Australian Union of Students. The Students Association of the Adelaide University alone had a budget in excess of $100 000 last year. Money to local student unions and A.U.S. is often spent on national and international issues of little or no relevance to the educational and welfare needs of the average ordinary student and, indeed, often with little or no reference to him. Further, this money, compulsorily collected from 100 per cent of students, is spent by student union officials who are elected by only a fraction of the student population: sometimes by less than 10 per cent of students.

In August, 1977, an injunction was granted in the Supreme Court of South Australia preventing the transfer of moneys from the S.A.U.A. to the A.U.S. This was done on the basis that the A.U.S. was allegedly spending student money unconstitutionally on national and overseas revolutionary causes—not related in any way to the ordinary students' educational and welfare needs (Supreme Court writ 1733 of 1977, served September 9, 1977). In Melbourne on November 24, 1977, Mr. Justice Kaye gave judgment in a similar case (*Clark v. Melbourne University and others*). His Honour essentially declared that many A.U.S. and Melbourne University student union payments were *ultra vires* (beyond the power of) their respective constitutions, and ruled collection of the Melbourne University Union fee invalid. The case at Adelaide University is adjourned pending the outcome of appeals to the Full Bench of the Victorian Supreme Court. Melbourne University is currently asking students enrolling for 1978 to pay the union fee on a voluntary basis.

With that information, it appears to me necessary that this whole question covered in clause 15 should be examined carefully by this Council. As I have said, I have no objection to the normal services and amenities provided in a university in which the union is involved being part of a compulsory levy, but I have a strong objection to certain organisations withdrawing money from that compulsory levy and presently using that money for purposes which, I believe, are beyond the interest, knowledge or wit of the majority of students from which that money comes. I raise that question as an important consideration because, if one examines it in a pure democratic spirit, I believe it does not fall into that category.

While, as I have said, there are arguments that one could advance against the compulsory levy for the services and amenities of the university, there is a strong argument that can be directed against what is happening at present with these compulsory fees. Therefore, I strongly question the fundamental principle concerning clause 15. In the Committee stage I propose to say more about this matter but the rest of the Bill I am prepared to support. I support the second reading.

The Hon. ANNE LEVY secured the adjournment of the debate.

SUBORDINATE LEGISLATION BILL

Adjourned debate on second reading.

(Continued from February 14. Page 1487.)

The Hon. A. M. WHYTE: I rise to support this Bill. The explanation indicates that, because of the move by the Government to consolidate Acts and regulations, it has become necessary to publish the consolidated findings in pamphlet form rather than in the *Government Gazette*. There is provision, however, to show that the ordinary regulations introduced will be gazetted in the normal way. That is exactly what is desired by honourable members; they would have been somewhat put out if they had thought that regulations were not going to be gazetted but only published in pamphlet form. However, it is only the consolidated version that now will be published in pamphlet form, and notification of this pamphlet will be made in the *Government Gazette*. So there is no controversy about the intention of the Bill.

It is interesting to note that legislation to provide for regulations in South Australia is now 40 years old; it was introduced in 1938 and since that time 5 965 regulations have been studied, which gives an average of 124 a year. It is also interesting to note that the number of regulations now used by Government departments has increased considerably over the last few years. The last committee, for instance, studied 770 regulations compared with 300 studied by the first committee. It is believed by many members and has been spoken of in this Council (and through the Subordinate Legislation Committee an approach was made to the Premier) that more people should be alerted to the significance of regulations. I am certain that only a small percentage of the community realises the real import of regulations. For instance, the Mining Act deals with all requirements necessary for mining (and the same position applies to practically all our Acts) and, having perused the Act and not knowing what regulations are attached to it, people have very little idea of what is required of them. When regulations are made, some note should be made of them in the daily newspaper; just to publish them in the *Gazette* is hardly good enough when regulations are being used to the extent they are at present. However, that is in the hands of the Government. We have made an appeal to the Premier and also the Attorney-General to investigate the possibility of further notification of regulations, thereby allowing people affected by them to play a greater and more active role in the formulation and acceptance of regulations. I support the Bill.

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

CRIMINAL INJURIES COMPENSATION BILL

Adjourned debate on second reading.

(Continued from February 14. Page 1488.)

The Hon. J. C. BURDETT: I support the second reading of this Bill, which increases the maximum amount of compensation payable in respect of criminal injuries from $2 000 to $10 000, and streamlines procedures and improves the rights of applicants, as explained in detail in the second reading explanation.

I strongly support this principle. In our present society, the Government and institutions set up by the Government often seem to show great concern for the perpetrator of violent crime and little concern for the victim. As there is so much violent crime at present, it is highly desirable to see that there is adequate protection for the victims of crime. In delivering the Labor Party's election speech in the 1977 State election campaign, the Premier said:

> We will introduce a new Criminal Injuries Compensation Act to simplify procedures and to provide that the victim of a crime can obtain up to $10 000 for injury caused by violent crime. We will extend the Act to cover claims for compensation for property damage caused by juveniles absconding from the custody of the juvenile institutions.

Some time ago, the member for Bragg in another place

introduced a private member's Bill to provide what was referred to in that last sentence from the Labor Party's policy speech to which I have just referred, that is, compensation for property damage caused by juveniles absconding from the custody of juvenile institutions. That provision was defeated by the Labor Government.

In 1974, when the Juvenile Courts Act Amendment Bill was before the Council, I moved, unsuccessfully, an amendment to do exactly the same thing. The Government also opposed that. I am pleased to see that the Government has now changed its mind and has accepted Liberal Party policy on this matter. However, it has not extended the Act, as it promised to do, in this Bill. In its policy speech, the Labor Party said that this extension would be covered in the Criminal Injuries Compensation Act.

I intend to hold the Government to its promise in this regard. However, I consider that the appropriate place for it is in the Juvenile Courts Act. It was in an amendment to that Act that I moved the amendment in 1974. The Criminal Injuries Compensation Act has come to be regarded as pertaining to personal injuries, and this is the most accepted use of the word "injuries".

The Premier also promised that the Government would rewrite the Juvenile Courts Act by the end of 1977. This promise has not been honoured, although we are told that amendments to (not a rewrite of) that Act will be introduced during this session. I intend, therefore, when that Bill is introduced to move an amendment to it to provide compensation for property damage caused by juveniles absconding from the custody of juvenile institutions.

I note that this Bill, which seeks to repeal and replace the existing Act, will provide that the victim may recover compensation even where the perpetrator has not been brought to trial. I think this is quite proper. The onus of proving any matter is the ordinary civil onus of the balance of probabilities. The procedure for the victim in cases where the perpetrator has not been convicted has been made very much simpler by the Bill.

The Bill has been considered by the Criminal Law Committee of the Law Society, which has made a submission to the Attorney-General, and written at length to the member for Hanson, who handled the Bill for the Opposition in another place. The committee was of the view that the definition of "injury" in the Bill does not (arguably) cover the effect of an offence such as rape, buggery and related offences. They are the words of the committee.

In a legal context, the word "buggery" is probably out of date, having regard to the changes in the Criminal Law Consolidation Act. The committee says that such an offence may well be in the nature of an injury in the general sense. Certainly, if this objection is valid, it is a most serious one, because of the appalling incidence of rape at present. However, I do not think that that objection is valid.

"Injury" is defined as meaning physical or mental injury sustained by any person and includes pregnancy, mental shock and nervous shock. It seems to me that this must cover everything for which rape victims are properly entitled to monetary compensation. The committee goes on to say that the effects of such crimes may not become manifest for many years. This is taken care of by an amendment moved by the member for Hanson and accepted by the Government which empowers the court for any reason that it considers sufficient to extend the time for making the application.

I refer to the provision for assessing compensation payable under the Bill. Clause 7 (8) provides:

> In awarding compensation under this section, the court shall observe the following provisions:
> *(a)* where the amount of compensation would, but for this paragraph, exceed $2 000 the amount awarded shall, subject to paragraph *(b)* of this subsection, be $2 000 plus three-quarters of the excess; and
> *(b)* where the amount of compensation would, but for this paragraph, exceed $10 000 the amount awarded shall be $10 000.

In Committee in another place, the Attorney-General was asked the reason for the formula. He said that, as he recalled (and this he did not seem to be very sure of), this was to overcome the difficulty during the transitional period. That explanation was clearly wrong. The provision to which I have just referred has nothing to do with the transitional period; it is a permanent part of the legislation. The transitional provision is clause 5, which is quite satisfactory.

It is rather alarming to find that the Government cannot explain its own Bill. The true explanation would seem to be this: at present, there is no kind of pro rata provision. If the compensation is anything up to $2 000, the applicant gets the full amount of the compensation, and naturally the Government did not want to put a person whose compensation was established at less than $2 000 in a position worse than he is in now. However, because the maximum was quite substantial, namely $10 000, the Government wanted to provide a pro rata payment of compensation up to a maximum of $10 000. Clause 10 (1) provides:

> Notwithstanding any Act or law to the contrary a legal practitioner shall not charge nor seek to recover by way of his costs in respect of proceedings under this Act any amount in excess of the amount allowable under the prescribed scale.

I should have thought that the costs could easily be determined on the ordinary general scale. The Attorney-General explains that the intention is not to allow the costs unduly to eat into the amount of compensation. This possibility, of course, exists in regard to all civil jurisdictions. However, I have some sympathy for the Attorney's view because the injured person, under this Bill, may well receive much less than the full amount of compensation.

I trust that the Attorney will consult with the Law Society before prescribing the scale, and that our members on the Joint Committee on Subordinate Legislation will keep a close scrutiny on any fee-fixing regulations under this Bill. If the scale fixed is such that it is unremunerative for legal practitioners to act, it is the applicants, that is, the victims of the crimes, who will suffer. Clause 11 (1) provides:

> Subject to subsection (2) of this section, the Attorney-General shall, within twenty-eight days of an order for compensation under this act being made, satisfy that order by payment form the General Revenue of the State.

Clause 11 (2), which gives me some concern, provides:

> The Attorney-General may decline to satisfy an order in pursuance of subsection (1) of this section, or may reduce the payment to be made in pursuance of that subsection, if in his opinion it is just to do so in view of any payments that the claimant has received, or is likely to receive, in respect of the injury or the death of the victim, otherwise than under this Act.

The purpose of the whole clause is to provide that the applicant shall get his money within 28 days, and this is excellent. However, this subclause provides for the Attorney, not the court, to abort the court order altogether, or to reduce the amount of it on certain grounds, and there is no right of appeal against the Attorney's decision.

The reason given by the Attorney-General for this provision is that this Bill is designed to enable a victim of crime to get some compensation as a last resort if he cannot get it from any other source, for example, insurance, or, of course, the perpetrator himself. I suppose this is fair enough, although it is a little alarming to consider that the person who has not enough prudence to insure will get the full amount ordered by a court from the public purse, while the person who has had that prudence may get his award reduced.

It is rather alarming that the amount of compensation actually payable to a victim of crime may be annulled or reduced not by a court but by a member of the Executive Government, the Attorney-General, without there being any appeal. The Attorney has explained that this provision will avoid delay.

I suppose that that is true. If a court had to take into account other amounts payable, that may delay the court's decision until full evidence was available. The Attorney-General must make the reduction, if it is made at all, within a month, so this consideration will not delay payment. However, the provision may cause the Attorney to make reductions on fairly flimsy evidence, and we must remember that there is no appeal.

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

APPRENTICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 14. Page 1486.)

The Hon. D. H. LAIDLAW: The main object of this amending Bill is to remove the discrimination contained in section 28 (2) of the Apprentices Act whereby a person who has reached the age of 23 years can no longer be bound to his indentures of apprenticeship. In other words, a person at present must become apprenticed before the age of 19 years or 20 years depending upon the term of training prescribed for a particular trade.

I stress at the outset that this Bill applies only to persons employed under State awards, and persons to be apprenticed under Federal awards will still be subject to the restrictive provisions of those awards. As honourable members know, nearly 60 per cent of the workers in this State are engaged under Federal awards, so these amendments will apply to about half of the apprenticeship positions available.

I also point out that many State awards contain their own restrictions regarding the age of apprenticeship. If this Bill passes, its provisions will override those set out in State awards, but to avoid confusion an official statement should be made to this effect.

The Minister of Labour and Industry should be commended for introducing this Bill, because I suspect that he has done so in the face of stiff opposition from a number or rather conservative craft unions who want to restrict entry to their ranks to the immature. Seniority looms large in the minds of many unionists. Employer bodies, such as the Chamber of Commerce and Industry and the Metal Industries Association, have argued without success for many years that the ban on adult apprenticeship should be lifted because it unduly restricts the quality of local labour available to become skilled tradesmen. Furthermore, the restriction is grossly unfair.

Consider the case of the migrant whose trade qualifications acquired in his country of origin are not recognised in Australia. He comes to this country but, unless he becomes indentured before the age of 19 or 20 years, he will never be allowed to work at his preferred trade. Secondly, consider the Australian-born apprentice who, after completing his indentures, realises that he has entered a declining trade. He wishes to transfer to another expanding trade and would be prepared to serve a further period of apprenticeship, but there has been no way, under the rules that apply, whereby he could do so. Thirdly, consider the permanent serviceman who retired at, say, 35 or 40 and with the buffer of some retirement benefits and was prepared to serve an apprenticeship in order to qualify as a skilled tradesman. What chance does he have?

The employer bodies have argued their case on the grounds of national need and compassion before Ministers of Labour, both Liberal and Labor, for many years but without avail because of the implacable opposition of some craft unions. As a result, during periods of boom Australia has searched overseas to attract skilled tradesmen. Given some flexibility, many Australian-born workers, who now occupy semi-skilled jobs, would have qualified for higher-paid jobs.

When the Minister of Labour and Industry introduced this amending Bill in another place, he gave quite a lengthy preamble. I mention this because the Minister of Health, in his second reading explanation in this Chamber, omitted such background information. He may have done so in the hope that the less information he gave the less likely would the Liberal Opposition be to object to some of the provisions in the Bill. If so, he was misguided, because I can assure the Minister that my colleagues and I are conscious of the importance of adult apprenticeship.

The Minister of Labour and Industry pointed out that the restrictions regarding age of apprenticeship in the South Australian Act are contrary to the principle contained in the International Labor Organisation Convention 142, which states:

> The policies and programmes (of member countries) shall encourage and enable all persons, on an equal basis and without any discrimination whatsoever, to develop and use their capabilities for work in their own best interests and in accordance with their own aspirations, account being taken of the needs of society.

On this occasion, I agree with the statement of principles of the I.L.O. and I am pleased that the Minister saw fit to quote it. The Minister also explained, in his second reading explanation, the action taken by the South Australian Government to train more apprentices within Government departments and semi-government authorities and to develop block training. It is a pity that he did not mention positive efforts being made by the Federal Liberal Government by its National Apprenticeship Assistance Scheme (known as N.A.A.S.) and, since 1977, by its Commonwealth rebate for apprentice full-time training (known as C.R.A.F.T.). These Federal schemes, which provide financial incentives to employers, are essential if the private sector is to continue to train most of the apprentices. The contribution being made by the Federal Government should be recognised, and only this morning the Federal Minister for Employment and Industrial Relations (Mr. Street) announced an increase in the subsidy to be paid to employers.

Clause 18, which enacts new section 26aa, is the salient clause in this amending Bill. Subsection (1) empowers the Apprenticeship Commission to approve of each application from a mature-age person. This is a sensible provision, because it is imperative that, during a period of high unemployment amongst school leavers, the chance of the young becoming apprentices should not be prejudiced unduly by a deluge of mature-age applicants.

The authorities do not expect a large number of mature-age persons to be indentured. For example, in Victoria,

where age restrictions do not apply, only about 3 p.c. of apprenticeships available are filled by older persons. This is due, no doubt, to a reluctance by employers to pay higher wages because a mature-age apprentice is entitled to an adult wage from day one whereas the junior need be paid only a proportion of the adult wage during the early stages of his training. However, trends alter, as we have seen with employment of more women, despite equal pay, to the exclusions of lower paid juniors. Therefore, it is desirable to safeguard the rights of juniors in the field of apprenticeship.

I intend to introduce an amendment in the Committee stage to provide that the Apprenticeship Commission should take account of employment opportunities in different age groups before approving applications. Perhaps that is what the Government has in mind, but it should be spelt out. This may alleviate some of the fears of craft unions, which are so opposed to adult apprenticeship.

Honourable members may be aware that under section 26a of the existing Act the Commission must approve of the employer and the work place before agreeing to indentureship. This condition will still apply with regard to mature-age persons but, in addition, the Commission must approve of the applicant. However, in addition, the Commission has to approve of the applicant personally, whereas I believe that the Commission should take responsibility for controlling the intake of mature-age persons, because its members have a specialised knowledge of apprenticeship problems. I strongly object to new subsection (2) of section 26 aa which forces the Commission to obtain the consent of the appropriate advisory trade committee before granting any indentureship. Furthermore, any one member of an advisory committee, so long as he attends the meeting, will have the power to veto an application by a mature-age person.

It seems extraordinary that a Labor Government, which espouses the concept of "one vote one value", should introduce such legislation. It suggests that the Minister of Labour and Industry has hit against the same wall of craft union opposition that the employer bodies encounterd during the many years that they tried to have the ban on adult apprenticeship removed. I feel sympathy for the Minister, but however much he may wish to have the concept of adult apprenticeship written into the Statute Book, it should not be done at the cost of handing the power of veto to one member of an advisory committee.

The various advisory committees to which I refer cover all trades. They are comprised of between four and 10 members. The Chairman of the Apprenticeship Commission or his nominee is Chairman of each comittee. There is also an appointee from the Further Education Department, whilst the balance consists of equal numbers of employer and union representatives. Each committee contains at least one union official. Many unions recognise the need to change the present restrictive ban on adult apprenticeship but some wish to preserve the *status quo*.

These committees have performed a worthwhile advisory function. I say this from experience, because I served on the Metal Trades Advisory Committee for several years. The Apprenticeship Commission has been pleased to receive advice regarding the state of particular industries from people directly concerned. Advice is one thing but, under the provisions of this Bill, these committees would become like the Security Council of the United Nations. Democracy prevails until one of the strong powers wishes to exercise its sole power of veto. I object strongly to this provision and shall move at the Committee stage to delete new subsection (2).

The Minister of Labour and Industry stated that South Australia by this amending Bill will be ahead of some other States in removing the ban on adult apprenticeship. In fact, the only other State that maintains a maximum age limit is Tasmania. The other four states, the A.C.T. and the Northern Territory have no prescribed age limit in State Acts or Ordinances although some restrictions are contained in various State awards. Furthermore, there is no provision in other State Acts giving to each member of advisory trade committees the power to veto applications, as is proposed in this instance.

The other sections of the Bill, apart from clause 23, which repeals the bar to mature-age apprentices, deals with administrative matters and increases the penalties for breaches of the Act. Regarding the latter, at a time when the Government is pleading with employers to take on more apprentices, it seems stupid to increase the maximum penalty set out in clauses 17, 19, 20, 22, 26 and 28 by 500 per cent, from $100 to $500.

How can the Government expect co-operation from employers if it acts in this manner? It is false to believe that apprentices are a cheap form of labour. If employers train apprentices well they will be out of pocket, and I suspect that, if employers ascertain the extent of their losses in this area, they will probably take on fewer apprentices than they do.

The Hon. J. E. Dunford: You wouldn't have any tradesmen.

The Hon. D. H. LAIDLAW: That may be so. Therefore, I intend to introduce an amendment to eliminate increases in penalties. I shall support the Bill's second reading to the Committee stage, where I shall move my foreshadowed amendments.

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

COMMERCIAL AND PRIVATE AGENTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 14. Page 1488.)

The Hon. C. M. HILL: I support the Bill. The Government has explained that it is several years since the legislation first came into force and that it is time for some changes and improvements to be made to the Act. The Bill introduces a new classification for a licence; namely, a retail store security officer's licence. It also provides for interim licences to be granted in certain circumstances. The Bill permits a person who is licensed to repossess goods under a consumer mortgage. That situation did not previously apply.

I have had some discussions with the Security Institute of South Australia, which is vitally interested in this Bill. The institute is concerned that the Government has not agreed to some of the institute's suggestions advanced for the better working of this legislation. It is proper that I should echo the feelings of the institute's members in this Council at a time when the Bill is under review.

For example, the institute has written to the Minister (the Attorney-General) seeking representation by at least one of its members on the Commercial and Private Agents Board. The Attorney has refused that request. The board is comprised of five members and section 7 provides that one member shall be the Chairman nominated by the Minister; one shall be a person nominated by the Insurance Council of Australia; one shall be a person nominated by the Commissioner of Police; and the last two (and these are the positions upon which I place significance) shall be persons nominated by the Minister who are, in the opinion of the Minister, properly qualified

for membership of the board.

This board grants licences to commercial agents, commercial subagents, inquiry agents, loss assessors, process servers, security agents, security guards, and now it will also include retail store security officers. The institute, which is involved in the improvement of standards of security people in the industry, would like to have a representative on the board in the best interests of the standards employed by people in the industry.

However, the Minister has refused the board that opportunity. I did some research to find out who the two people are whom the Minister had appointed to the board. I hoped I would find people who had had experience at some time in the security industry. I knew that they were not members of the Security Institute but I expected to find two people in some way associated with the security industry. What was the result of my research?

First, one person was the Chief Administrative Officer in the Attorney-General's Department, Mr. A. W. Mudge. I do not imply any criticism of Mr. Mudge, but I cannot help criticising the Attorney-General for making an appointment like that to a board of this kind when it was the obvious intention of Parliament that the Attorney-General should appoint someone with some association with and knowledge of the security industry.

The Hon. J. E. Dunford: How do you know whether or not Mr. Mudge has the necessary qualifications?

The Hon. C. M. HILL: He is a public servant in the employment of the Attorney-General.

The Hon. J. E. Dunford: He could have studied security matters.

The Hon. C. M. HILL: I will come to the question of training. Mr. Mudge might have been associated with the industry before his present appointment. I hope the Minister will deal with this point, because the public ought to know whether the Attorney-General, in administering an important Act, is appointing people with the necessary knowledge and whether, if the appointees are not employed in the industry at present, the Attorney-General can give good reasons for their appointment. Certainly, at first blush, I would say that someone within his own staff is not the kind of person whom Parliament would have intended that the Attorney-General (it is he whom I am criticising) would appoint to a position of this kind.

The second person appointed is Mr. Arthur Tonkin, the Secretary of the Australian Meat Industry Employees Union. I understand he is a first-rate union secretary, and I am not implying any criticism of him, but it is strange that the Attorney-General, when the Act provides that he should appoint two people out of the five people to this board which gives licences to commercial and private agents, should turn to the A.M.I.E.U. and appoint its Secretary to this board.

The Hon. J. E. Dunford: How many company directors in private industry have experience in the activities of the companies of which they are directors? You are the director of 30 companies.

The Hon. C. M. HILL: No. Most company directors have some association or experience with some aspect of the company with which they are involved. I am not saying that Mr. Tonkin is not a first-rate administrator; he would have to be, because he has gained such an elevated position in the trade union movement. The Attorney-General should give his reasons to this Council for by-passing members of the Security Institute of South Australia, for refusing that institute an invitation to submit names of persons for appointment to the board, and for informing that institute that he does not intend to appoint any of its members to this five-member board, while at the same time he turns to these two people and gives them the opportunity to serve on the board and receive fees for their services.

I am reminded of the old system that used to apply; until 1970, when a Labor Government took office in this State, there was a standing precedent, when boards were written into legislation, that the industry or profession involved would be given some right to have some representation on the board. That does not mean that they have any right to say who the particular person should be, but there was a practice whereby groups of this kind were given the opportunity to submit, say, names of three people to the Government of the day, which then made the appointment from those three people. That provided some buffer, so that the Government at least had the final say, while at the same time there was some surety that a person involved in the industry or profession would sit on the board and contribute to its efficient working by giving first-hand information during the board's discussions.

The Hon. M. B. Cameron: Do you recall that the President and Secretary of a Labor Party branch were appointed to the Water Resources Tribunal?

The Hon. C. M. HILL: That was a disgraceful performance. The honourable member is to be commended for the manner in which he raised that matter in this Council. The President and Secretary of a local Labor Party branch were given top jobs on a board that the Government set up. That was an extreme case, but it was a terrible example of jobs for the boys.

The Hon. F. T. Blevins: It was not on the level of Kerr's job. The Liberals leave us for dead when it comes to jobs for the boys.

The Hon. C. M. HILL: Sir John Kerr's recent appointment was a posting that the honourable member should approve, because most Australians are very pleased that this country will still benefit from the services of a man who, because of his age and wide experience, should not be put out to grass.

Members interjecting:

The PRESIDENT: Order! This debate is getting out of hand and away from the Bill. The Hon. Mr. Hill would assist the Council if he returned to the subject matter of the Bill.

The Hon. F. T. Blevins: The Hon. Mr. Cameron started it.

The PRESIDENT: Order!

The Hon. C. M. HILL: The security industry is growing in membership, status, and importance in today's world, and it deserves proper recognition from the Government of the day. I make this point particularly in the light of the recent bomb outrage in Sydney. It is a great shame when the Government turns its back on the security industry and says, "We are not prepared to allow any member of your institute to be a member of the licensing board." At the same time, we have evidence of the Attorney-General appointing his own Chief Executive Officer and also a senior trade union secretary (who, to the best of my knowledge, is not experienced in this security industry) to the positions which he has the option to fill on the board.

The Hon. J. E. Dunford: You are not sure.

The Hon. C. M. HILL: No; I will hear about it when the Minister replies; or, if the Hon. Mr. Dunford can help me in the debate, I shall be happy. My second point deals with the view of the Securities Institute that some training, some job knowledge, some educational standard should be held by people who are granted licences as security agents. I am sure honourable members would agree there is a serious need for people who hold positions in this area to be people of the highest repute and of proper training.

The Act that this Parliament passed in 1972 laid down in section 16 that one of the requirements for applicants

being granted a licence was that they had to attain standards of education and practical skill and have such knowledge as was prescribed by regulation. The Bill at that time would have been passed in good faith, on the understanding that regulations would be tabled setting out training and educational standards. I sought a copy of the regulations and have been given by the Parliamentary Library regulations which the library says are all the regulations that have been tabled under this Act, and I can find in these regulations no educational standards at all that an applicant has to have before he is given a licence of this kind.

Again, it would be the obvious intention of Parliament that the Government should act in that way, but it has not. The Securities Institute makes the proper point that it is most concerned that people coming into the industry after obtaining licences do not, in some cases, possess the necessary educational standards or have not had sufficient training for the task on which they will be employed.

The Hon. J. E. Dunford: What standard does it suggest?

The Hon. C. M. HILL: That can be gone into, of course, by way of examination. The Workers Educational Association is one example I can pluck out of the air. In most industries educational classes are conducted.

The Hon. J. E. Dunford: Does it suggest that?

The Hon. C. M. HILL: No. It wants the Government to take the initiative and, if it can give the Government its own views on this, it is only too eager to do so; but it has not got very far. Its first request for some representation on the board was refused. I hope the Government will hasten to establish some standards that will ensure that people who apply for and obtain licences are better fitted for the job than they might be under the present law.

I return to the other point that concerns the institute and ask that the Minister, in his reply to this debate, give the Attorney-General's view on why he selected these two persons and why he will not co-operate with the Securities Institute and allow at least one member of that institute to be a member of the five-man board. However, I support the proposals in the Bill. I hope that the parent Act will be improved and that this industry generally will benefit in the future.

The Hon. J. A. CARNIE secured the adjournment of the debate.

LOTTERY AND GAMING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 14. Page 1489.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I rise to support this short Bill.

The PRESIDENT: Order! There is too much audible conversation in the Chamber.

The Hon. R. C. DeGARIS: It restores to the principal Act (the Lottery and Gaming Act) offences relating to betting with bookmakers and totalisator betting. When the Racing Bill was introduced, certain matters were transferred from the Lottery and Gaming Act to the Racing Bill, and this Bill now before us seeks to replace in the Lottery and Gaming Act certain sections that were taken out of it and placed in the Racing Bill. Both these sections now will be in both Acts. It seems strange that we should be putting back into the Lottery and Gaming Act certain provisions that have been removed from it and placed in the Racing Act, but I am informed that the evidentiary provisions in the Lottery and Gaming Act allow for prosecutions for unlawful bookmaking on the racecourse. Can the Minister tell me when he replies: is the position that one or more people have been caught in unlawful bookmaking and have not been able to be prosecuted because the evidentiary provisions in the Racing Act are not suitable for such prosecution? If this is changed back to what it was and the Lottery and Gaming Act does allow these people to be prosecuted in the future, I am pleased.

Really, the Bill does nothing except reinstate in the Lottery and Gaming Act provisions that were removed when the Racing Bill was introduced and were placed in the Bill; but I am concerned about people who have been caught unlawfully bookmaking and have not been able to be prosecuted because the evidentiary provisions in the Racing Act are not satisfactory for obtaining a conviction. That is my only query, and I ask the Minister to reply to it when he replies to the debate.

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

PARLIAMENTARY SUPERANNUATION 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.

This short Bill amends sections 14a and 19 of the principal Act, the Parliamentary Superannuation Act, 1974. Section 14a gives to a member, who is making contributions for "additional salary" as defined, the right to continue those contributions notwithstanding the fact that the additional salary ceases. In its present form the provision is not clear as to its operation where the additional salary is merely diminished, and the purpose of the amendment proposed by clause 3 is to grant the same right to continue contributions to a member whose additional salary is diminished.

Section 19 provides for the suspension or part suspension of a pension of a member pensioner, that is, a former member who is entitled to a pension, if the member pensioner becomes a member of the Parliament of the Commonwealth or of a State or a judge within the meaning of the Judges' Pensions Act. The suspension continues so long as the new salary or pension derived from that salary of the member pensioner exceeds the amount of pension payable under the principal Act. Where the salary or derived pension is less than the pension payable under this Act that pension is abated by the amount of that salary or derived pension.

It has been suggested to the Government that the principle given effect to in this section is capable of wider application if equity is to be done to the contributors to the fund and the taxpayers generally. Accordingly, it is proposed in clause 4 of the Bill that the suspension or part suspension will apply to member pensioners who subsequently occupy any prescribed office or place. It is pointed out that before an office or place can be prescribed, necessarily by regulation, it must carry some right to superannuatioin or retirement benefits. Finally, it is emphasised that the right of a member pensioner is still preserved to withdraw from the fund and recover his contributions in any case of a suspension or part suspension of pension under this section.

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

STATUTES AMENDMENT (REMUNERATION OF PARLIAMENTARY COMMITTEES) 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 purpose of the Bill is to provide a uniform scheme for the determination of allowances payable to the Chairman and members of the following committees:

(a) the Industries Development Committee;
(b) the Joint Committee on Subordinate Legislation;
(c) the Parliamentary Committee on Land Settlement;
(d) the Parliamentary Standing Committee on Public Works;
(e) the Public Accounts Committee;
(f) the Select Committees of either or both Houses of Parliament.

With the exception of payments to members of the Select Committees, such determinations are presently made by regulation or executive decision under the Acts setting up the committees. (Select Committee members receive allowances pursuant to a practice arising from a Cabinet decision of the mid-1940's.) However, it is now proposed that remuneration of the presiding officers and members of these Parliamentary committees be fixed directly by the Parliamentary Salaries Tribunal.

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

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clauses 4, 5 and 6 are concerned with the amendment of the Parliamentary Salaries and Allowances Act. Clause 4 is formal, while clause 5 amends section 5 of the principal Act by replacing subsections (1) and (2) with a single subsection empowering the Parliamentary Salaries Tribunal to determine the remuneration payable to the Chairman and members of the committees set out above as well as to Ministers of the Crown and officers and members of Parliament. A consequential amendment is also made to paragraph *(a)* of subsection (3). Clause 6 makes further consequential amendments to section 9 of the principal Act.

Clauses 7, 8 and 9 are concerned with the amendment of the Constitution Act, under which the Joint Committee on Subordinate Legislation is set up. Clause 7 is formal. Clause 8 makes an amendment to section 45 of the principal Act consequential on the new provisions in the Parliamentary Salaries and Allowances Act. The amendment ensures that the holder of an office remunerated under the Parliamentary Salaries and Allowances Act will not be regarded as the holder of an office of profit endangering his right to retain his Parliamentary seat.

Clause 9 strikes out from section 55 of the principal Act subsections (3) and (4), under which allowances payable to the Chairman and members of the Joint Committee on Subordinate Legislation are presently determined. Clauses 10 to 17 inclusive are concerned with the amendment of the Industries Development Act, the Land Settlement Act, the Public Accounts Committee Act and the Public Works Standing Committee Act, respectively. These Acts, in turn, set up the Industries Development Committee, the Land Settlement Committee, the Public Accounts Committee, and the Public Works Standing Committee. Clauses 10, 12, 14 and 16 are formal, while clauses 11, 13, 15 and 17 make amendments corresponding to those effected to section 55 of the Constitution Act by clause 9.

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

ELECTION OF SENATORS 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.

Its effect is to shorten the period required between the making of the proclamation fixing the time and place of a Senate election and the issue of writs for that election. The Constitution of the Commonwealth provides, in section 12, that the Governor of any State may cause writs to be issued for elections of senators for the State. In the case of the dissolution of the Senate, the writs must be issued within 10 days from the proclamation of the dissolution.

The South Australian Election of Senators Act, 1903, provides in section 2 that the Governor shall, by proclamation to be published in the *Gazette*, not less than nine days before the issue of the writ for any election of Senators for the State of South Australia, fix the places at which the election is to be held, and the dates for the nominations, polling and declaration of the poll. The Government's legal advisers have expressed the opinion that the reference to "nine days" must be interpreted as a reference to nine clear days and, therefore, to comply with both the Commonwealth and State laws the South Australian proclamation has to be issued on the same day on which the Senate is dissolved.

In 1975, the Commonwealth proclamation dissolving the Senate was not issued until the afternoon, and the caretaker Prime Minister did not confirm the dates of the election until early evening. This meant that the Premier and another Minister had to leave the House to call on the Lieutenant-Governor at home so that a special Executive Council meeting could be held on the same evening. In this event, the *Gazette* containing the requisite proclamation was not distributed to the general public until just after 11 p.m. Similar circumstances had occurred in May, 1974, but it was then thought that dissolutions of the Senate were not common enough to warrant an amendment to the South Australian law. However, recent experience suggests that dissolutions of the Senate may become more common.

For these reasons, the Government believes that a minimum interval of five days should be fixed between the issue of the proclamation and the issue of the writ for the election. This should obviate the present awkward problem of observing both Commonwealth and State law. Clause 1 is formal. Clause 2 amends section 2 of the principal Act by reducing to five days the minimum period between the proclamation and the issue of writ.

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

ADJOURNMENT

At 4.27 p.m. the Council adjourned until Thursday, February 16, at 2.15 p.m.