LEGISLATIVE COUNCIL

Thursday, February 16, 1978

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

QUESTIONS

SOUTHERN DRUG COMPANY

The Hon. R. C. DeGARIS: I ask the Minister of Health for the reply to a question I asked recently regarding a drug company.

The Hon. D. H. L. BANFIELD: The matter raised by the honourable member has been examined by officers of the Corporate Affairs Department, who advised that the transaction was not in breach of any of the takeover provisions of the Companies Act. Southern Drug Company Limited was controlled by its Governing Director (Mr. A. E. Williamson), the articles of association of the company giving him sole control and management of its affairs. Such control was assured by one of the articles which conferred upon the holders of "A" class shares 1 000 votes for each share held, with the "B" class shareholders having one vote for each share held. There are 800 "A" class shares and 125 125 "B" class shares. All of the "A" class shares were held by a company which was controlled by Mr. Williamson. He thus had full control of the affairs of the company.

Apparently, Mr. Williamson decided to retire from Southern Drug Company Limited and approached Sigma Company Limited (among other companies). As he had sole control of the company, there was no reason why he could not negotiate to sell and the subsequent sale was just an ordinary commercial transaction. The "B" class shareholders are in no worse a position than they were prior to the sale. This was a commercial transaction with which the Government had no power to interfere, and the fact that the purchasing company was an interstate one made no difference to the situation.

DROUGHT RELIEF

The Hon. F. T. BLEVINS: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture regarding drought relief.

Leave granted.

The Hon. F. T. BLEVINS: Recently, on a tour of Eyre Peninsula with the shadow Minister for Primary Industry in the Federal sphere (Senator Peter Walsh)—

The Hon. N. K. Foster: A very good bloke.

The Hon. F. T. BLEVINS: He is a very good bloke.

The Hon. N. K. Foster: Very capable.

The Hon. F. T. BLEVINS: Also on the tour was the Leader of the Opposition (Bill Hayden), another very capable man.

The PRESIDENT: I think we can spare all these encomiums. Just get on with it.

The Hon. F. T. BLEVINS: The three of us made an extensive tour by air and road and what I saw certainly was an eye-opener to me. It was a very tragic scene. Some drought relief measures have been introduced and I have found that they have been welcome as far as they have gone. However, there was a further report on the news today that the Federal Government has invited all States to a meeting to discuss current drought measures and to review the present situation. There has been a drought in South Australia for some time and, unless we get rains in May and June, it will continue, and may worsen. I ask the Minister what is the current situation in South Australia and what will be South Australia's attitude in the coming negotiations, in the light of the new State policy on drought relief.

The Hon. B. A. CHATTERTON: I certainly welcome the move by the Prime Minister to hold a conference to discuss the current drought situation in Australia. I raised this matter at the Agricultural Council meeting in Adelaide on January 23 and pointed out how important it was for the States and the Commonwealth to get together to discuss the whole area of drought relief administration and establish clear and efficient lines of administration.

We need to resolve some of the present anomalies which exist within the arrangements between the States and the Commonwealth, and to clear up generally some of the confusions which exist in that area. I am extremely pleased that the Commonwealth has decided to hold this meeting at which all States will be able to present their points of view. I also point out that in discussions held before Agricultural Council it was obvious that the range of policies that South Australia has regarding drought relief are way ahead of those of any other State. We have a comprehensive group of policies for drought relief, and we have a more generous criteria for implementation.

The Hon. F. T. Blevins: The farmers are aware of that, and they appreciate it.

The Hon. B. A. CHATTERTON: That message is certainly getting through the press at last. It is something that is coming home to farmers in South Australia when they compare the situation in South Australia with that applying in other States. For example, the carry-on loans which are provided and which are the main form of drought relief in South Australia carry no limit in this State, whereas every other State has a limit on such loans, and in some cases the limits are quite low by our standards. This is just one area where our schemes are more comprehensive and generous than the schemes provided by other States, and this applies to a range of other measures.

STANDING ORDERS

The Hon. N. K. FOSTER: I rise seeking explanation about what was said in this Chamber yesterday and about what you, Mr. President, stated following a series of questions. Perhaps I should seek leave, regarding yesterday's irregularities, to quote your ruling, as well as referring to the Hon. Mr. DeGaris's statements, when he told lies and misrepresented the true position, as reported in the media—

The Hon. J. C. BURDETT: On a point of order, Mr. President. Is this a question, is it a personal explanation —what is it?

The Hon. N. K. FOSTER: I want to ask a question concerning Standing Orders and what arose from Standing Orders during Question Time yesterday.

Leave granted.

The Hon. N. K. FOSTER: I will deal first with the following *Hansard* report of the Leader's personal explanation:

> The Hon. R. C. DeGaris: I seek leave to make a personal explanation.
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> Leave granted.
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> 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.

Further I could quote extensively from the press reports, in which you were named as the proposed chairman of the Select Committee. I also refer now to the first paragraph of the *Advertiser* editorial of February 10, 1978, which states:

> It is gratifying that the Premier is prepared, with the support of the Cabinet and Caucus, to appear and give evidence before the Legislative Council Select Committee which will investigate aspects of the sacking of former Police Commissioner Salisbury. However unnecessary and however "constitutionally undesirable", Mr. Dunstan believes such a course to be, he is wise to waive his objections. Right from the beginning, there has been far too much rigidity in the Government's approach to the whole affair.

Inherent in that is the question that I directed to you regarding Standing Orders. Has anyone in this Council the right to say publicly that you, Mr. President, would chair a Select Committee and has he the right to go into further detail regarding the Select Committee's composition? Inherent in my question is this: what are you going to do about those members who were offending against Standing Orders and against propriety? You were not prepared to accept yesterday that my claims were correct as regards statements about the selection of members of a Select Committee.

The PRESIDENT: What Standing Order does the honourable member say has been offended against?

The Hon. R. C. DeGaris: Standing Order 378.

The Hon. N. K. FOSTER: I could not take your word for it. I would never trust a Liberal after last week. It is Standing Order 378. You may consult your Clerk, Mr. President.

The PRESIDENT: I do not need to. I can read. There are two Standing Orders—No. 378 and No. 387—both of which are relevant to the question.

The Hon. N. K. FOSTER: An article (this is where DeGaris or you cannot read) in the *Advertiser* of February 9 states:

> The Leader of the Opposition in the Legislative Council (Mr. DeGaris) said yesterday he would move for a Select Committee when the Council resumed sitting on Tuesday. He would move for a Select Committee of five, with the Chairman the President of the Legislative Council (Mr. Potter).

Is that you, Sir? Do you identify yourself as President of this Council for the purpose of this exercise? Are you the Mr. Potter who is referred to?

The PRESIDENT: Are the operative words not "he would move"?

Members interjecting:

The PRESIDENT: Get back to a little bit of order, please.

The Hon. N. K. FOSTER: I am sure the Hon. Miss Levy would agree with me. The article, referring to Mr. DeGaris, states:

> He would move for a Select Committee of five, with the Chairman the President of the Legislative Council (Mr. Potter). He said he would propose that the committee have two Liberal and two Labor members.

He denied yesterday when he sought the privileges of this Council that there was any such statement anywhere in any section of the media. He told lies and misled this Council. The article also states:

> Mr. DeGaris said the Liberal Party in the Legislative Council believed an investigation into the circumstances surrounding the dismissal . . .

We will not go into that claptrap any further. Are you, Mr. President, going to take any action against honourable members on your side of the Council who, after sitting in this Chamber for only one hour last week, ran rampant through the media stating that there would be a Select Committee without consulting the Council? The Hon. Mr. Hill ran around to sections of your Party saying, "Frank wants this done." He can deny that but, by the look on his face, he knows he is guilty. Is it not so? Is it right, then, for you, as President, while you still hold a financial membership card or ticket of your Party, to allow members of your Party to say that a Select Committee, once set up, may well be the vehicle for denying Supply in this place, in spite of the public statements made? This was said last week.

The Hon C. M. Hill: You are frightened to go to the people.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I have given you, Mr. President, long enough to give an honest answer. This Council is entitled to a reply.

The PRESIDENT: I do not know how the honourable member can expect me to take any action against statements made by the Hon. Mr. DeGaris that he proposed to move a certain motion in this Council when it met.

The Hon. N. K. Foster: That is not what I said.

The PRESIDENT: He is entitled to do that if he wants to and he has told the Council, and indeed it is plain from the report to which the honourable member referred that that is what he said he was going to do: he proposed to do something when the Council met. How can I stop him from doing that?

The Hon. N. K. FOSTER: I am saying that, because you did nothing about it, you were a party to it. That is why I want an answer to my question.

The PRESIDENT: I am not a party to anything that is not before this Council.

CONSUMER PROTECTION

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Health, representing the Attorney-General, about the Government's making itself subject to consumer protection legislation.

Leave granted.

The Hon. J. C. BURDETT: Last year I asked whether the Government would make itself subject to consumer protection legislation when it entered the commercial field. I pointed out that the consumer needed protection against the Government just as much as any other organisation, and perhaps more. I asked the question four times without receiving a relevant reply. I was then asked to specify the Acts in which I was interested. On November 3 and November 16, I specified the following Acts: Consumer Credit Act, Consumer Transactions Act, Builders Licensing Act, Defective Houses Act, Unfair Advertising Act, Fair Credit Reports Act, Commonwealth Trade Practices Act, Land and Business Agents Act, Excessive Rents Act, Housing Improvement Act, Prices Act (particulary in regard to access to the services of officers of the Public and Consumer Affairs Department), Commonwealth Life Insurance Act, Food and Drugs Act, Landlord and Tenant Act, and Sale of Goods Act. Will the Government when it enters the commercial field make itself and its instrumentalities bound by consumer protection legislation, and in particular the above-mentioned Acts?

The Hon. D. H. L. BANFIELD: As requested, I will refer the matter to the Attorney-General.

MEMBERS' BUSINESS INTERESTS

The Hon. J. E. DUNFORD: I seek leave to make a short explanation prior to directing a question to the Minister of Health, representing the Attorney-General, about the propriety of members of Parliament.

Leave granted.

The Hon. J. E. DUNFORD: We all know and read in the newspaper prior to the last Federal election reports about members of Parliament having business interests; also, this has always concerned me after reading that in Queensland members of Parliament had shares in Alcoa and oil industries. Members of Parliament on committees sometimes give out contracts; Ministers can do so, and it always concerns me when a person plays a dual role, mixing politics with business interests. Being members of Parliament, we all know we get information prior to the press which could be of advantage to some members of Parliament in their business interests. This should be watched carefully. I am not suggesting that anybody in this Chamber is guilty of this practice, but I believe this matter is worth investigating. Will the Attorney-General undertake to inquire whether Mr. Murray Hill paid taxes and charges on some 30 companies in which he has an interest on the day before company charges were increased, and will he further undertake to look into the propriety of such action?

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

PSYCHIATRIC TREATMENT

The Hon. ANNE LEVY: I seek leave to make a short statement prior to directing a question to the Minister of Health about treatment of people under psychiatric care.

Leave granted.

The Hon. ANNE LEVY: Everyone in Australia at the moment has health insurance, either through Medibank or through a private health fund. All people are obliged by law to have this health insurance cover. However, at present, if people are patients in a psychiatric hospital, they receive no benefits from their insurance fund or from Medibank for the costs incurred because of their hospitalisation. This matter has long appeared to involve discrimination against people who suffer from mental as opposed to physical illnesses. I understand that this matter was discussed at last week's meeting of Health Ministers from the States and the Commonwealth. Can the Minister inform the Council whether this discrimination between hospitalisation for various types of illness is to be abolished?

The Hon. D. H. L. BANFIELD: I cannot give an assurance that this discrimination will be abolished, although I can tell the honourable member that this question has been raised at the last two or three Ministerial conferences. Indeed, it has been raised ever since the health insurance legislation came into force, pursuant to which everyone must be covered by health insurance, involving either payment of the compulsory levy or payment to a private fund. The practice to which the honourable member has referred is definitely discriminatory, and there is no moral reason why that discrimination should continue. People are compelled to pay the levy that is collected by the Commonwealth Government, and it depends on the luck of the draw as to which hospital a person is admitted. If a person is admitted to a psychiatric unit at, say, Modbury Hospital, he is covered by insurance. On the other hand, if he is admitted to Glenside Hospital, he is not covered. So, this matter involves not only illness but also the hospital to which a person goes.

The Hon. R. A. Geddes: Did this discrimination occur under the original Medibank scheme?

The Hon. D. H. L. BANFIELD: It has existed ever since everyone has been paying the levy. Health Ministers have taken up the matter with the Commonwealth time and time again to try to get rid of this discrimination. At the last Health Ministers' conference, I thought that an agreement would be reached, because on another matter the Federal Health Minister, Mr. Hunt, said that something special had to be done for people living in country areas, as it was discriminatory that they could not get the same service. I thought, "This is good. At last he is waking up to the fact that this discriminates against certain people." However, the Federal Government has not budged on this matter at all. The State Ministers decided that they would continue to exert pressure on the Federal Government to ensure that this discrimination did not continue for much longer.

I think it should also be made known that everyone who earns money must pay the levy. Under the present set-up, if one dies and one's estate takes, say, 12 months to 18 months to be wound up, the estate must meet this payment. So, in some cases, the levy is being paid in relation to a dead man. Other people are also paying the levy and if, because of the luck of the draw, they finish up in a psychiatric hospital, they will not receive any benefit. This is where the Act is completely discriminatory. It discriminates not only against psychiatric patients but also against dead people.

FAMILY LAW

The Hon. J. C. BURDETT: Has the Minister of Health a reply to my recent question regarding the family law?

The Hon. D. H. L. BANFIELD: The Government is well aware of the custody problems referred to by the honourable member, and the matter is currently being considered by the Standing Committee of Attorneys-General.

PACKER CRICKET SERIES

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to directing a question to the Minister of Tourism, Recreation and Sport regarding the Packer cricket series.

Leave granted.

The Hon. C. J. SUMNER: This cricket season has seen a major change in the conduct of first-class cricket matches in Australia because of the introduction by Mr. Kerry Packer of a world series organisation, competing against the official cricket tests. It is a pity that the ill-feeling between the two groups has marred what could have been an exciting season in Australia's cricket history.

Certainly, the official tests produced an interesting contest and, with the Packer series, we saw the best cricketers in the world competing. Certainly, we saw an interesting innovation, with the introduction of night cricket. The parallel to the split in cricket occurred in the tennis world some years ago, and it is a pity that people missed out on seeing the best tennis players in the world competing against one another. That occurred largely

because of intransigent amateurism, and subsequently a compromise was reached and professionals could compete with amateurs. Now, most players competing on the world tennis circuit are professionals.

It would be a pity if a split was allowed to continue in the cricket world for any time. The West Indies Cricket Control Board seems to have been able to accommodate Packer series cricket and official cricket, but Australian officialdom seems to be intransigent. The matter has been commented on by newspapers, including editorials, and by prominent people. A report in yesterday's *Australian* by Geoff Slattery, headed "There must be more than talk of compromise," states that the suggestion was made again that there should be an effort to compromise the competing interests. Mr. Slattery states:

> And, as the first season of competition draws to a close, the key to the situation—compromise, is a word that has been bandied about, but not acted upon.
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> Mr. Packer says his doors are always open. The ICC don't particularly care, believing, it seems, that Mr. Packer will just fade away, and there doesn't seem to be a third party strong enough to bring them together.
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> Let's hope that the elusive third man does come along, bring the parties together, and then we may see the greatest explosion in cricket popularity since the days of that inspired gentleman, Doctor W. G. Grace.

He goes on to say that he does not believe that the Packer series will disappear, and I agree with him. I ask whether the Government, acting through its Minister, or the Federal Government, acting through its Minister, could act as a catalyst to try to bring the parties together and arrive at a compromise which I believe is desirable and which has been suggested by many people. Have the problems associated with the split in the cricket world between official tests and Mr. Packer's world series cricket been considered by the Minister? Has there been any discussion of these problems with other State Ministers in charge of sport or with the Federal Minister? Would the Minister be prepared either to convene a conference between the contending parties or to approach the Federal Minister responsible for sport to find out whether an Australia-wide conference could be called to try to arrive at a compromise between the two groups, in the interests of cricket?

The Hon. T. M. CASEY: The honourable member's questions are lengthy, if I may say so. I think the first was whether I was concerned about the position as between test cricket and the Packer series. The answer to that, of course, is "Yes". In regard to his question about whether I would be a mediator between the Packer organisation and the Australian Cricket Board, the answer, of course, would be "No". The third question was whether I would take up the matter with other State Ministers and perhaps with the Federal Minister to find out whether something could be done at Federal level to bring the two parties together. That has never been raised at any Sporting Council meeting. I think the matter must be resolved by the parties themselves, because I do not remember any Government or Minister interfering or mediating between professionals and amateurs when the tennis series was starting to take shape many years ago.

I think the present position is something that the cricket world must sort out itself. I cannot see the Packer series fading out, because Mr. Packer seems to have a bottomless pit of finance. While he controls the television rights to channel 9 throughout Australia, finance always will be available to him. It is interesting to note that the Packer series was patronised well in New South Wales and Victoria, but not so well in the other States. The good patronage in New South Wales and Victoria probably was due to the bigger population in those States. I think the matter is one for the Australian Cricket Board of Control and Mr. Packer to get together about.

BROADMEADOWS UNDERPASS

The Hon. M. B. DAWKINS: I ask the Minister of Lands, representing the Minister of Transport, a question regarding construction of an underpass at Broadmeadows railway station, south of Smithfield, which, with associated fencing, was completed relatively recently, after being under construction for a considerable period. Will the Minister find out from his colleague what was the total cost of construction of this facility?

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

UNDERGROUND WATER

The Hon. R. A. GEDDES: My question is directed to the Minister of Lands. With modern drilling techniques, it is now possible to drill deep holes of 2in. or 3in. diameter to explore for groundwater reserves. Will the Minister consider seeking finance under the drought assistance scheme to enable the drilling of 2in. or 3in. test holes on pastoral leases to try to establish groundwater supplies, on the understanding that, once a supply was proved, the cost of enlarging, casing and equipping the bore would be borne entirely by the lessee?

The Hon. T. M. CASEY: I have not had any application from any pastoral interest for this to be done. The honourable member must realise that, before one can drill a bore, one must get permission from the Engineering and Water Supply Department. Nevertheless, I will look at the question and bring down a reply.

INSURANCE POLICIES

The Hon. ANNE LEVY: Has the Minister of Health a reply to the question I asked some time ago regarding insurance policies?

The Hon. D. H. L. BANFIELD: The Government promised in its policy speech that it would legislate to provide control of insurance contracts to ensure that people were not misled as to the cover that they were getting. The present position in relation to that election promise is as reported by the Attorney-General. The Law Reform Commission of Australia received a reference from the Attorney-General of the Commonwealth to report upon:

> (1) The adequacy of the law governing contracts of insurance (excluding marine insurance, workers compensation and compulsory third party insurance) having regard to the interests of insurance, insured and the public, and in particular:
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> *(a)* whether terms and conditions presently found in contracts of insurance operate unfairly;
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> *(b)* whether certain, and if so what, terms and conditions should be mandatory in contracts of insurance;
>
> *(c)* whether certain, and if so what, terms now found in contracts of insurance should be prohibited;
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> *(d)* whether the practice of incorporating statements made in proposal forms into contracts of insurance provides an equitable basis of contract between the insurer and the insured;
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> *(e)* whether it should be mandatory for an insurer to supply to a person seeking insurance written

information as to that person's rights and obligations under the proposed contract;

(f) whether arbitration clauses in contracts of insurance are operating unfairly to the parties or are otherwise undesirable;

(g) whether the principles of the law of agency in pre-contractual negotiations should be modified to provide greater fairness to the insured.

(2) What if any, legislative or other measures are required to ensure a fair balance between the interests of insurer and insured; and

(3) Any other related matter.

It is clear that the reference is all-embracing. I am further informed that the report of the Law Reform Commission will be published within the next few months and, in light of this, it would, I consider, be wise to await that report instead of advancing into an investigative study of such magnitude which would involve duplication of inquiry. The Consumers Association of South Australia Inc. is presently involved in surveying local problems and has issued a statement so far related to household insurance policies. These studies are worthwhile and constructive, particularly inasmuch as they alert those people seeking to insure of the areas in which they ought to be wary. From a legislative viewpoint, however, consideration of the anticipated Law Reform Commission of Australia Report I regard as essential. The comprehensive nature of the commission's inquiry will provide us with valuable information for legislative action in due course.

MOTOR FUEL RATIONING 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 ever-increasing demands upon the world's energy resources and the uncertainty of future supplies of such resources, particularly crude oil, has led Governments to consider legislating to ensure the maintenance of essential services in the event of the supplies of such energy resources becoming unobtainable or in critically short supply for one reason or another. In recent years both the New South Wales and Western Australian Parliaments have enacted legislation to give their respective Governments control of energy resources of all types.

The Western Australian Fuel, Energy and Power Resources Act, 1972-1974, set up a Fuel and Power Commission for this purpose, while the New South Wales Energy Authority Act, 1976, provided for the creation of an Energy Authority of New South Wales. Both Acts contain separate parts to deal with emergency shortages of energy sources and give the Governor of the State concerned power to proclaim a state of emergency and make regulations in respect ot the control of the form of energy in short supply.

In South Australia it is not considered necessary at the present time to set up an energy authority of the nature established in Western Australia and New South Wales. However, this State's reliance on petroleum products as a major source of energy makes it extremely vulnerable should the provision of such products cease or be severely restricted.

South Australia is reliant on a single petroleum refinery for the provision of the bulk of the petroleum requirements of the State. Whenever production at the refinery ceases or is restricted for any reason for longer than a period of about two weeks, severe shortages of essential petroleum products are experienced.

In fact, in five out of the last six years this has been the case, necessitating the introduction of petrol rationing in 1972 and 1973, while in 1974, 1976 and again last year such action would have become necessary had the restrictions on production or movement of the product continued for a few more days.

During the petrol crises in 1972 and 1973 Parliament was asked to consider and pass, in a period of somewhat less than 24 hours, legislation to control and ration the remaining supplies of liquid fuel. Both of the resulting Liquid Fuel (Rationing) Acts contained a provision such that they expired shortly after their enactment.

Members will recall that in 1974 the Government introduced an Emergency Powers Bill, which sought to give the Governor power to declare a state of emergency if at any time he "is of the opinion that a situation has arisen, or is likely to arise, that is of such a nature as to be calculated to deprive the community or any substantial part of the community of the essentials of life".

At that time Opposition members were swayed by events then occurring in Western Australia and were placed under the misapprehension that there was something sinister about the Bill. Amendments moved to the Bill at that time were unacceptable to the Government and, following further examination of the measure in some detail, it was decided to have the Bill laid aside.

In August last year Parliament considered and passed the Motor Fuel Rationing (Temporary Provisions) Act, a measure having a limited life but capable of dealing with any emergency that may have occurred in the ensuing three months. In the event it proved unnecessary to invoke the Act and it subsequently expired on October 31, 1977.

This Bill is similar to the temporary legislation enacted last year and has been based upon experience gained during the administration of 1972 and 1973 Liquid Fuel Rationing Acts. It is, however, different from those Acts in some respects to enable the implementation of a contingency rationing plan formulated by officers of the Labour and Industry Department and based upon the premise that the Government should be able to control the manner in which motor fuel in bulk storage stocks as well as service station supplies is used in times of protracted shortage.

The major factor that distinguishes this Bill from previous rationing legislation is that it is intended to remain indefinitely on the Statute Book. From the experience gained previously it has become obvious that, whenever a critical shortage of petroleum fuel exists, the Executive Government should be armed with sufficient power to ensure that appropriate action can be swift and effective.

As I mentioned earlier, this is provided for in the legislation in force in both Western Australia and New South Wales. However, unlike those pieces of legislation, the essentials are contained within this Bill rather than left to specification in subsequent regulations. In fact, although the power to make regulations is contained in the Bill, it is not anticipated that it will be necessary to invoke this power. Nevertheless, it would seem appropriate to have such a clause included to cover any unforeseen administrative difficulties.

The Government recognises that in cases of protracted shortage there will be a need for Parliament to be called together to consider further action to be taken. Clause 4 of the Bill allows for a rationing period of not more than 30 days to be declared and provides that no further rationing period may be declared within a month of the conclusion

of that period. This means that the Bill is in effect limited to relatively short rationing periods.

Finally, I should mention that the Bill has not been introduced with any urgent need in mind. In fact, Cabinet approval was first given to the drafting of the Bill in February, 1977. However, the experience of the past six years has convinced the Government of the need to have a measure of this nature on the Statute Book to be invoked with minimum delay should the occasion arise. I seek leave to have inserted in *Hansard* the explanation of the clauses of the Bill without my reading it.

Leave granted.

Explanation of Clauses

This measure is in much the same form as a measure having a similar effect that has previously been enacted into law by this Council. In fact, almost every clause of the measure has its counterpart in the previous Act. However, the substantial difference between this measure and the previous act is that the previous Act was, in its express terms, given only a limited life.

By the present Bill it is proposed that the measure will remain dormant on the Statute Book but will be capable of being brought into operation for a limited period as circumstances dictate.

Clauses 1 and 2 are formal. Clause 3 sets out the definitions necessary for the purposes of the measure and members' attention is particularly drawn to the definition of "rationed motor fuel" which differs from that contained in the previous measure. Substantially under that measure it was necessary to control supplies of petrol before other fuels, such as diesoline or power kerosene, could be controlled. Under this new definition a rather more selective approach will be possible.

Clause 4 is the most significant clause of this measure. In substance it permits the Governor, on being satisfied as to the matter contained in subclause (1) of that clause, to bring the measure into operation for a period (in the measure referred to as a "rationing period") not exceeding 30 days at a time. If the circumstances of the case require rationing to be imposed for a period of more than 30 days it will be necessary for that question to be reconsidered by Parliament.

Clause 5 provides for the issue of a permit by the Minister to buy motor fuel, and clause 6 provides for revocation of that permit. Clause 7 is intended to ensure that, in appropriate circumstances, equitable distribution of fuel can be achieved without the need for the application of the more formal "permit" mechanism contained in the measure. Clause 8 prohibits the sale of fuel during a rationing period to persons other than permit holders and persons to whom clause 7 applies.

Clause 9 is intended to ensure that fuel purchased under a permit or authorisation will not be improperly used and clause 10 enjoins permit holders from parting with their permits. Clause 11 prohibits the retail purchase of rationed motor fuel during a rationing period by persons other than permit holders or persons the subject of an authorisation under clause 7. Clause 12 requires the person in charge of a vehicle using motor fuel sold under a permit to carry that permit with him.

Clause 13 empowers members of the Police Force during a rationing period to stop vehicles and question drivers and persons in charge of them. Clause 14 provides a substantial penalty for a person who makes a false statement in connection with an application for a permit. Clause 15 is a new provision and is proposed as being an essential element of any scheme of equitable distribution of motor fuel. It permits the control of bulk fuel supplies, and the need for such a provision, it is suggested, is apparent. Clause 16 is also a new provision and is intended to ensure that the responsible Minister can obtain accurate information as to available supplies of bulk fuel.

Clause 17 provides for an appropriate delegation by the Minister, a delegation that it might be fairly said to be essential in a measure of this nature. Clause 18 protects those engaged in the administration of the measure from legal actions. Clause 19 is an evidentiary provision which is, in its terms, self-explanatory.

Clause 20 is intended to ensure that the proposed measure can be selective in its operation so that its application can be restricted to motor fuel of a specified kind or to such motor fuel only in specified parts of the State. It is not unknown for shortages of fuel to be restricted to certain kinds of fuel or to certain localities in the State. The application of this provision should ensure that the controls proposed should be no more burdensome than are absolutely necessary.

Clause 21 is intended to strike at the most reprehensible practice of profiteering and clause 22, as is usual in measures of this nature, provides for the consent of the Attorney-General to a prosecution under the measure. This is to ensure that all proposed prosecutions are properly considered. Clause 23 provides for the forfeiture to the Crown of motor fuel in relation to which an offence has been committed. Clause 24 is a formal provision and clause 25 is a regulation-making provision in the usual form.

The Hon. R. A. GEDDES secured the adjournment of the debate.

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 15. Page 1538.)

The Hon. ANNE LEVY: As one of Parliament's elected representatives on the Council of the University of Adelaide, and as a graduate of the university and a past member of its staff, it gives me much pleaure to support the second reading of the Bill. The university is a well established and much respected institution in our community. It was established by an Act of Parliament over 100 years ago, and throughout its history the university has contributed significantly to the life of South Australia, not only in the education and training of thousands of professional people but also in the quality of the fundamental research and scholarship that the academic community has produced over the years.

Honourable members will be interested to know that such is the quality of research and scholarship currently undertaken by university staff that for several years the grants for fundamental research from the Australian Research Grants Committee have been greater for Adelaide University on a per capita basis than for any other university in Australia. Adelaide University, like other universities in Australia, is an autonomous body, which jealously guards both its autonomy and the principle of academic freedom. Its autonomy is guaranteed under the Act of Parliament under which it operates, and that Act is regarded as enabling legislation under which the university operates to carry out its functions as it determines them.

In recent years the finances of the university have been taken over by the Federal Government but, within the constraints of the finances allocated to it and within the provisions of the Act, the university determines its own priorities and fulfils its duty to the community.

I hope all honourable members will agree with me that the Adelaide University has responsibly and honourably fulfilled an important function in the life of South Australia and that our role in this Parliament is to ensure that it is enabled to continue to do so. This Bill is presented as a Government measure at the request of the university itself. Its provisions do not arise as mere whims on the part of either the Minister of Education or the Vice-Chancellor of the university. All clauses in this Bill come after considerable discussion and consultation between the Minister and representatives of the university. Within the university itself there has been full consultation and discussion among the diverse groups and interests represented on campus, involving students, both undergraduate and postgraduate, academic staff, ancillary staff, and professional staff.

The University Council has for many years had a special standing committee on the principal Act. This standing committee has initiated some of the discussions and consultations leading to this Bill. I need hardly add that the University Council itself has unanimously endorsed every one of the proposals before us. You, Mr. President, have already circulated among honourable members a brief synopsis, prepared by the Registrar of the Adelaide University, of the main changes in the Bill. So, I shall not dwell on these points unduly. I should like to make brief comments on a few of the matters raised, however, to illustrate the principle of thorough discussion and consultation which occurs within the university itself.

The Adelaide University has never had the power to award honorary degrees, unlike most other universities in the British Commonwealth. Suggestions regarding awarding such degrees have been vigorously opposed for many years by all sections of the university commmunity, both for the reason that such a power to award honorary degrees can too readily be abused for political or status reasons and for the reason that their existence can debase non-honorary degrees, which have been earned by intellectual achievement and intellectual achievement alone. Any degree from Adelaide University is indeed a recognition of academic merit. However, for several years there have been those in the university community who have argued that the university should have the ability to recognise distinguished service to it of a non-scholarly nature. Many members of the South Australian community work long and hard for the benefit of the university, far beyond the call of duty, and the university has had no way of officially recognising such service.

A compromise was first suggested, I think, at a meeting of the University Senate about four years ago; that is, that a single honorary degree should be established, quite separate from the degrees earned by scholarship, which could be awarded, when appropriate, for long and meritorious service of a non-academic nature. This proposal has been discussed by the various departments and faculties, by the senior academic committees, and by the University Council, with the result that clause 4 of the Bill is now before us. I should stress that this honorary degree, that of Dr. of the University, will be the only honorary degree awarded by the Adelaide University, and that degrees such as Dr. of Laws, Dr. of Science, and Dr. of Letters, will continue to be awarded for academic achievement alone.

I should also add that the long and meritorious service which will constitute the requirement for the degree of Dr. of the University is not something to be achieved merely by a large financial donation to the university, thereby emphasising the principle that degrees of Adelaide University are not to be bought.

Another change to the principal Act now before us is that in clause 14, dealing with the incorporation of the University Union. As set out in detail in the document circulated by you, Mr. President, this incorporation of the union as a separate entity arises from a decision of the Industrial Commission in February, 1977. Formal incorporation of the union will enable the union to be a party to contracts, and hence formal industrial agreements can occur to the benefit of the employees of the union. It will have other advantages, too, as set out in the circulated document.

The Hon. Mr. DeGaris yesterday inquired why such incorporation was being achieved through the principal Act rather than under the provisions of the Associations Incorporation Act. I think the answer is clear from the information supplied by the Registrar. This method of incorporation was deemed the most suitable by the university's solicitors, and emphasises the close contacts and strong links between the Union Council and the University Council. One might just as well suggest that the principal Act as a whole be repealed and the university itself be incorporated under the Associations Incorporation Act. The union is an integral part of the university and, if the university has its own Act, the legal status of the union should be recognised and determined in the principal Act.

Another section of the principal Act which is here being amended is that which determines the constitution of the University Council. Two additional members are being proposed for this body, one from outside the university and one from the ancillary staff. This will maintain the current balance between members of the University Council within and without the university, while ensuring that both the ancillary staff and the professional non-academic staff are represented on the University Council, along with the academic staff and students, both undergraduate and postgraduate. It is worth noting publicly that the University Council is probably one of the most democratic bodies in our society and that the principles of worker participation are probably better developed at all levels within the university than they are anywhere else in South Australia; in this, as in so many other ways, the university provides leadership and example to the community.

I do, however, have one quarrel with the method of election of members of the University Council. It has long seemed to me that the academic staff members on the University Council should be elected by an electorate of the academic staff alone; the ancillary staff member should be elected by an electorate of the ancillary staff alone; the professional staff member should be elected by an electorate of the professional staff alone; and the postgraduate student member should be elected by an electorate of all the postgraduate students; rather than all these individuals being elected by the convocation of electors along with the members not in the employment of the university. There are strong precedents for these separate electorates: the undergraduate members of council are elected solely by the undergraduate students, and the Parliamentary members are elected by an electorate of members of Parliament only.

It is an anomaly that the convocation of electors, consisting mainly of graduates of the university, should be electing the academic, ancillary, and professional staff members and the postgraduate student member of the University Council. The majority of the electorate cannot know the individuals concerned and have no means of informing themselves as to the capabilities and qualities of the various candidates. I know myself, as a member of the convocation of electors, that I have thought at times that I may as well vote by random selection with a pin, when little or nothing is known by me of candidates in a

particular category.

In such circumstances my only responsible approach has been to approach someone to inquire which candidate was favoured by a majority of the individuals in a particular category; for example, which candidate from the ancillary staff was preferred by the Ancillary Staff Association. I am sure, however, that very few members of the convocation would undertake such inquiries before casting their votes. As a result, it is quite possible that the University Council members, in the various staff categories, do not accurately represent the wishes of the majority of people in the group from which they come. I recall that this matter of separate electorates was hotly debated in the university in 1969-70, before the new legislation was introduced in 1971. My view did not then prevail, and the majority decision was for the electorate to be the convocation of electors as set up in the 1971 legislation.

Being a believer in democracy, I accepted the majority decision and have made no attempts to undermine or subvert the system. I understand that this issue of separate electorates has not been further discussed throughout the university before the introduction of this Bill, so the 1970 decision still stands. I am told that the Ancillary Staff Association is not concerned about having its own electorate. Although the stated policy of the Federal body of Academic Staff Associations is in favour of separate electorates electing academic staff to university governing bodies, the local Academic Staff Association has not recently considered the matter to determine whether or not it concurs in the policy of the Federal body.

In such circumstances, I have no intention whatsoever of introducing an amendment to provide for the separate electorates which I consider desirable. I should like to see further discussion on this matter initiated within the university, as opinions may have changed since it was last considered eight years ago. I do not believe that, as a member of Parliament, I should introduce changes to the structure or functioning of the university which have not first been thoroughly debated and considered by the university community itself. I hope the Hon. Mr. DeGaris and other honourable members opposite will note these remarks and agree with the principle of Parliament not imposing amendments on the university which it has not requested and which have not been first debated by all sections of the university community.

This brings me to what the Hon. Mr. DeGaris apparently regards as a contentious issue—the determination and collection of union fees, and what happens to the fees when they are collected. As an introduction, I think I can do no better than quote a statement from the Registrar:

> The statutory annual fee payable on enrolment has traditionally been set by the University Council on the recommendation of the union council. This traditional authority of council to prescribe and collect fees on behalf of the Adelaide University Union was recently questioned by Judge Stanley of the Industrial Commission, who raised doubts about the validity of the present provisions of the University Act. The amendment in clause 15 *(a)* seeks to place beyond any doubt the university's right to prescribe and collect the union fee on behalf of the Adelaide University Union. The Adelaide University Union is the main social and cultural centre for those university activities not specifically included in academic syllabuses. With this fee the union endeavours to provide a common meeting ground for university staff, graduates, and students. From the fee the union supports clubs, associations and activities, including some 50 clubs and societies, 50 sports association clubs, the postgraduate students association, the students association, and medical and agricultural science students association; the running of three theatres on campus, a craft studio, and welfare services, including employment assistance, housing, legal aid, advice on student finances and a child care centre. The university strongly approves of the union conducting these extra-curricular activities, and it recognises the right of the union to decide which activities it should support. It is considered proper that the fee should be determined and collected by the university on behalf of the union, and that the fee should be a compulsory levy on all students; it may be noted however, that provision has been made in the rules of the union for the exemption from payment of the fees of students who can establish a conscientious objection to joining the union.

I should perhaps correct what I think is a minor inaccuracy in the statement from the Registrar. Students who have a conscientious objection to being members of the union are exempted from membership of the union and hence can play no part in the running of its affairs, but they must still pay the statutory fee, which is then devoted to other purposes.

In this way, as with workers who have conscientious objections to joining a trade union, a true conscientious objection is established without a financial incentive of merely wishing to avoid payment of the fee. Part of the union fee paid by all students is paid over to the students association for the running of its affairs. Last year, I understand the sum involved was about $120 000. This is not paid on a per capita basis but is a budgeted sum in the annual budget of the union. It may amount to about $19 a student but is certainly not calculated on that basis. The students association in its own budget then allocates its moneys for various activities, as well as for its general administration, including office staff, telephone bills, postage, and the usual overheads. It provides finance to its media committee, which uses it to publish the student newspaper *On Dit*, and pay a salary to its editor, as well as publishing an orientation guide for freshers and a periodical diary of events known as *Bread and Circuses;* it also provides a subsidy to student radio on radio 5UV.

Other money from the students association is administered by the social activities committee, which is responsible for the programmes of Orientation Week and Prosh Week, as well as for general social activities such as jazz bands for lunch-hour concerts throughout the year. Another part of the students association money is allocated to a student loan fund, administered in conjunction with the union's welfare officer. A further budget item in the students association budget is a grant to its public affairs committee, which stimulates general discussions on matters of public interest among students and, among numerous other activities, subsidises both the Liberal Club and the Labor Club. Members of the student Liberal Club can hardly complain that they have a conscientious objection to the students association's financial political activity when they themselves have been beneficiaries of grants from the public affairs committee of the students association, and it is the greatest hypocrisy on their part to do so at the present time.

The Hon. C. J. Sumner: Wasn't it the Liberal Club that rigged the ballot there?

The Hon. ANNE LEVY: I think it may have been.

The Hon. C. J. Sumner: It was disciplined, wasn't it?

The Hon. ANNE LEVY: Furthermore, I should point out that the total amount of the students association budget allocated to these general political activities amounts to about 63c a student, though it is not calculated or allocated on a per capita basis, so I am informed by the President of the students association.

And now we come to the matter of the Australian Union of Students. The A.U.S. is a national association of

over 80 students associations in universities and colleges of advanced education throughout Australia. Each member association makes its own democratic decision whether or not to affiliate to the A.U.S., and democratic procedures involving referenda exist for disaffiliation if the student body on any campus so decides. The most recent vote on the Adelaide University campus occurred in 1975, when a move to disaffiliate was soundly beaten in a referendum. At the time, those of opposite opinion accepted the decision of the majority, and I would strongly maintain that they should do so now. I realise that student populations change rapidly, and student opinion likewise but, if there are currently members of the students association who are opposed to the Adelaide University Students Association being a member of the A.U.S., there are well established matters and procedures for testing student opinion again. It is not hard for them to set another referendum in motion, and there would be plenty of opportunity for them to present the case for disaffiliation before a vote was taken.

I should also point out that it is the students association that is a member of the A.U.S., and there is not individual student membership of the A.U.S. It is the association as a whole that affiliates to the A.U.S., according to the A.U.S. constitution, and, though the affiliation fee is $2·50 times the number of students, it is not regarded as thereby giving individual membership for students. It is not a capitation fee but an affiliation fee, which varies from campus to campus, according to the number of individuals for whom the A.U.S. will provide services.

I should also like to point out that the A.U.S. is far from being a merely political body. It organises cheap travel and cheap insurance for students who are members of its constituent bodies, and, other than general administration costs, the largest part of its budget is devoted to educational matters. It conducts surveys into student housing, student finances, and general student welfare issues, and makes representations to appropriate Government bodies on these matters.

It is represented on the Tertiary Education Assistance Scheme review committee and acts on behalf of students throughout the country. The overwhelming majority of its activities and projects were endorsed as being perfectly proper and legitimate in the judgment of Mr. Justice Kaye in Victoria last year. True, a tiny minority of its projects were ruled by Mr. Justice Kaye as being outside the proper scope of a national student body, and those activities have, of course, ceased. However, the Kaye judgment can be viewed largely as an endorsement, not a condemnation, of the activities of A.U.S.

I understand that in Committee the Opposition intends moving an amendment as part of a "get A.U.S. campaign". I do not know what the amendment will contain, but a foretaste was given in the House of Assembly last week in an amendment that was, quite rightly, defeated there. This "get A.U.S. campaign" in which the Liberal Party seems to be engaged is apparently being pursued vigorously by members of the Liberal Club on campus.

The Hon. C. J. Sumner: They're the ones who rigged the ballot.

The Hon. ANNE LEVY: Some of them were. Doubtless, members know of the pamphlets being issued to all students as they enrol this week, urging them to withhold part of the statutory fee in order to cripple both the Students Association and A.U.S., and publicity in the media has been given to these tactics.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr. Blevins will cease interjecting. We were getting along beautifully until he entered the Chamber.

The Hon. ANNE LEVY: In passing, I should perhaps say that withholding money is completely contrary to the general provisions for conscientious objections in other areas, where the money is paid but given to a nominated charity. What is perhaps not known is the almost total lack of support being given to these disruptive tactics. By yesterday afternoon, out of 2 700 students who have enrolled so far at the University of Adelaide, only three have refused to commit themselves to paying the entire statutory fee.

I can only suggest that the originators of this campaign are employing devious and underhand methods to achieve their aims, because they are well aware that they have no general support in the student body and that they would be soundly defeated if they acted democratically, argued their case, and put the matter to a vote of the student body.

I wish to make two further points. First, it is one thing to have a conscientious objection to being a member of an organisation. It is quite another thing to object to membership of an organisation purely because its policies, which have been determined democratically, are not those of the objector. One might as well say that one has the right to withhold one's taxes because one disapproves of the policies of the Fraser Government for which one did not vote at the last election. The democratic procedure is to accept the decision of the majority while working openly by persuasion for a change in the policies or the governing body at the next election.

Secondly, and finally, I should like to inform honourable members of two motions that were passed *nem. con.* at the meeting of the Council of the University of Adelaide last Friday afternoon. At that time, this Bill had passed through the House of Assembly, and an Opposition amendment to it had been defeated. Following discussion of that amendment, the following motions were put and passed *nem. con.* I stress *"nem. con."*, as two of the Parliamentary University Council members are members of the Liberal Party, and both were present at the time. The details relating to the first motion are as follows:

> On the motion of Mr. Justice Jacobs, the Council agreed, *nem. con.*, to record that:
>
> *(a)* it strongly believes in the autonomy of bodies established within the university under the authority of the University Act and in the right of such bodies to control their own affairs;
>
> *(b)* the university acknowledges the individual's right of freedom of association and the right of conscientious objection, and expects these rights to be recognised; and
>
> *(c)* the University Council would deplore the passage by the Parliament of any Bill which infringed the council's beliefs as expressed above.

The second motion was as follows:

> On the motion of Dr. Medlin, the Council agreed, *nem. con.*, that the resolutions recorded in (i) above should be interpreted to mean that the university would not be in favour of any amending Act that includes clauses which have not been agreed to in advance by the University Council or which are not (subsequently) approved by the Vice-Chancellor after consultation with the University Act Committee, and, where appropriate, the President of the Students' Association and the Chair of the Union Council.

The Hon. C. J. Sumner: Did the University Council take any action against the students who rigged the ballot?

The Hon. ANNE LEVY: It received a report on the matter.

The Hon. C. J. Sumner: It should have disciplined them; that was very weak.

The Hon. ANNE LEVY: In the light of these motions, I think that this Parliament should approve the Bill without amendment. We should not consider any hastily-concocted attempt to interfere with the running of the university's affairs. We should not impose on the University of Adelaide any procedure that has not first been thoroughly discussed and approved by all sections of the university community, and particularly one that threatens the autonomy of the university to conduct its own affairs. I support the second reading.

The Hon. C. M. HILL: I commend the Hon. Miss Levy for her detailed and prepared submission to the Council this afternoon. I join with her in commending the University of Adelaide for its contribution during its history to the life of this State. I must, however, make one point in relation to her speech: I do not agree, as I think the Hon. Miss Levy implied, that Parliament should accept in totality a Bill of this kind simply because the University Council has debated it at length and seeks its approval by the Parliament of this State.

The Hon. Anne Levy: Not only the University Council.

The Hon. C. M. HILL: Who else, then, other than the council?

The Hon. Anne Levy: The education committee, the various faculties and departments: all sections of the University Council.

The Hon. C. M. HILL: I accept those other groups having their say in the matter. I make the point, however, that the people of South Australia, whom Miss Levy and others in this Council represent, expect their representatives here to review all legislation that comes before the Council and, if the people's representatives believe that leglislation introduced by the Government can be improved, the members of this Council have a clear duty to try to effect that improvement.

It is a totally wrong attitude for the Hon. Miss Levy to say that Parliament must, in effect, keep off altering this Bill because those at the university have debated it at length and require it. That is not the comment on democracy the people of South Australia expect.

Members interjecting:

The Hon. C. M. HILL: I do not know whether the Hon. Mr. Dunford agrees with the Hon. Miss Levy, but it is wrong to say that, just because the university wants these changes, we must put a rubber stamp on them.

The Hon. J. E. Dunford: You see how I vote. You might be able to throw some light on the ballot-rigging by the Liberals.

The Hon. C. M. HILL: The honourable member should tell me, and he should say it not just in a privileged position in this Council, but also outside.

The Hon. C. J. Sumner: Do you—

The Hon. C. M. HILL: Is the Hon. Mr. Sumner prepared to give more information about it here and to repeat it outside?

The Hon. J. E. Dunford: Yes, the ballot-rigging by the Young Liberals at the university. On the Kangaroo Island matter, I wrote a letter to the press. The Liberals challenged me to do so.

The Hon. C. M. HILL: Show your consistency, and do it here now.

The Hon. J. E. Dunford: I will put a letter in the press. Come outside and I will say it.

The Hon. C. J. Sumner: Mrs. Cooper's son was one of them.

The Hon. J. E. Dunford: That was a relation.

The Hon. C. M. HILL: If honourable members want to raise the matter, they should raise it first in detail and then be big enough, because they are talking about people who are younger than themselves, to say it outside. I cannot accept what the Hon. Miss Levy has put forward. I am not being unkind to her, but she said, in effect, that, because the University Council and the other bodies had approved of these changes, Parliament should simply put a rubber stamp on them.

In general principle, I have no objection to most of the changes that the Government is seeking to make in the Bill. It is proper that periodically the University Council should bring down changes to keep the Act up to date. I do not object to the Adelaide University Union becoming incorporated, to the proposed increase in the number of members of the Council, or to people other than the academic staff coming under the jurisdiction of the Industrial Court. However, what concerns me about the whole Bill and the whole of university life is a report in the *Bulletin* of February 7 this year by Malcolm Turnbull, headed "The vicious world of student politics". This is a four-page report and I do not intend to quote it at length, but it deals with the Australian Union of Students and its operations and talks about "The Unreal World of Student Politics". It deals with the debates that occur within the A.U.S., and it states:

> The debates on policy were just battles of rhetoric, devoid of ideas.

It mentions that the national student body has not had a good year. It states that there are only 63 universities, colleges of advanced education and other tertiary institutions affiliated, there having been 11 campuses seceding. I heard the Hon. Miss Levy mentioning 80 bodies. Perhaps she can justify that. I do not want to cross swords with her about that, but the figure is different. The report then deals with the funding to the A.U.S. of a levy of $2·50 for every student whose Students Representative Council is affiliated to A.U.S. The report lays stress on the point that compulsion is involved in that a student at the university is compelled to pay the levy to the university union. Of course, at Adelaide University, some of that money goes to the students association and the association funds money to the A.U.S. I have the budget details for 1978 of the students association at Adelaide and they disclose that the A.U.S. membership fees would be $22 250, which would be funded during that year. In my view, when some students may not desire—

The Hon. C. J. Sumner: There is nothing compulsory about that as far as those students are concerned. They can disaffiliate.

The Hon. C. M. HILL: You mean the Students Association?

The Hon. C. J. Sumner: Yes.

The Hon. C. M. HILL: But, by compulsion, they are members of the Students Association.

The Hon. C. J. Sumner: You don't want any compulsion?

The Hon. C. M. HILL: No, not if it can be avoided, and I will deal with that question soon. One important part of the report to which I have referred deals with physical violence and the bashing of students, involved with their politics, in the A.U.S. I commend the report to anyone interested who wants an intimate knowledge of this violence. It states:

> It is hard to justify a compulsory A.U.S. It is not an industrial union in the sense that it wins better wages and conditions for its members. It had lobbied for student allowances and so forth but there is no evidence to suggest that it was the crucial factor in winning them.

The last two paragraphs of the report state:

> Everywhere on Australian campuses there is massive distrust and contempt for student politics. Instead of interesting students in politics, the universities are alienating

them from it. The student who learns to despise the ranting demagogues on his campus will despise the politicians in Canberra as well. Alienated from politics he becomes an uninterested cynic and vacates the stage to the ratbags he despises.

If student political bodies, like the SRC's and AUS, had to compete for student support they would have to prove their worth in the market place. As it is, they are simply expensive playthings for extremist groups who are rightly denied support anywhere else.

Surely that report is food for thought, and members should consider it seriously when they are reviewing legislation of this kind.

There must be many students at Adelaide University who want to be members of the student union but who would not want any of their union fee paid to A.U.S. Here again looms the aspect of compulsion.

The Hon. J. E. Dunford: What about the ones who were guilty of malpractice?

The PRESIDENT: Order! The Hon. Mr. Dunford has mentioned that 50 times.

The Hon. C. J. Sumner: The point is, they lost, and they rigged the ballot as well.

The Hon. C. M. HILL: The freedom of choice of an individual is the principle that we should all hold high. True, members opposite do not live in this world of freedom: in the political sense they live in the world of utter compulsion, because they signed their pledge when they joined their Party, which states that they cannot go against the majority or otherwise they will be expelled.

Government members vote in the Caucus room upstairs, behind closed doors, and are compelled to vote in that same manner on the floor of Parliament. Government members completely subjugate themselves to compulsion. If they want to choose to live that way politically that is their affair entirely, but I do not agree with it. I feel strongly about anything giving individuals in our society the opportunity to have greater freedom of choice. That is what I am seeking.

I am not arguing in any theoretical way whatever. Indeed, I am not saying that we should all have total freedom in all things, because total freedom negates itself. In this issue before us I do not object to students having to pay their union fee at the university. They have not freedom of choice in that area, but I do object strongly to their simply paying that union fee, which provides many services for them, but thereby they automatically and compulsorily become members of the students association.

A student enrolling at the university should have freedom of choice as to whether or not he joins the students association, and that system presently does not apply. That is an important issue and if that system did apply, a report such as that to which I have just referred would not appear. I am not saying at all that I have any objection to all shades of political opinion being raised on a university campus encompassing views from the extreme left to the extreme right. I have no objection to such views being raised in the students association or in A.U.S., provided that membership of the association is voluntary.

If it is voluntary, students who want to involve themselves in it can voluntarily do so; they can pay their subscription, which is fixed democratically by the membership and the governing body, which is elected by the members. An allocation can then be made to A.U.S. if that is desired. That would be an entirely democratic matter. However, the individual who prizes his freedom and who does not want to become a member of that students association ought, in my view, to have the right and the freedom to say, "I do not want to join that organisation." The alternative is not to go to the university at all or to try on some grounds of conscientious objection—

The Hon. C. J. Sumner: Are you talking about compulsion regarding the union, the sports association or the students association?

The Hon. C. M. HILL: The students association.

The Hon. C. J. Sumner: You don't mind if they belong compulsorily to the sports association?

The Hon. C. M. HILL: They do not have to, to the best of my knowledge. What other organisation other than the students association involves compulsory membership?

The Hon. C. J. Sumner: The union.

The Hon. C. M. HILL: That is a stupid reply; the union is the parent body. About 50 sports clubs, the P.G.S.A.—

The Hon. C. J. Sumner: That's not so.

The Hon. C. M. HILL: I should like to know if there are any—

The Hon. C. J. Sumner: The sports association.

The Hon. C. M. HILL: The situation on the Adelaide University campus in relation to the whole student body would be better served if a voluntary situation applied. The Hon. Miss Levy suggested that she knew of an amendment to be introduced. I have had some discussions about an amendment, but I have not yet seen a draft amendment, although several honourable members have been discussing an amendment, or have an amendment in mind. That will come out in Committee.

This Council should consider seriously making an amendment to this legislation to prevent the university union funding, certainly on a per capita basis, any association with compulsory membership—

The Hon. C. J. Sumner: Like the sports association?

The Hon. C. M. HILL: Is the honourable member saying that membership of the sports association involves compulsory membership?

The Hon. C. J. Sumner: All students are members of the students association and the sports association.

The Hon. C. M. HILL: The sports association could be dealt with in discussions now under way that will doubtless continue during the time that this Bill is before Parliament.

The Hon. C. J. Sumner: You're trying to nobble A.U.S., be honest.

The Hon. C. M. HILL: I am not doing that: I am seeking to give any student the freedom of choice as to whether or not he wants to be involved in A.U.S. That is one of my objectives. I want to give students the right of freedom of choice.

The Hon. C. J. Sumner: Don't you apply that argument regarding the sports association?

The Hon. C. M. HILL: I am willing to look at that association to see what can be done.

The Hon. R. C. DeGaris: There's a difference between service and amentities.

The Hon. C. M. HILL: True, there is much more to be gone into; I admit that. However, I am putting a general principle that should be pursued and looked at closely. I am unhappy about the situation in South Australia where young people, individuals who Parliament should ensure have freedom of choice, are, first, compelled to pay union fees and, secondly, are compelled to be members of students association and are compelled to be involved with A.U.S., when that organisation is criticised in such an article.

The Hon. F. T. Blevins: Where was the article published?

The Hon. C. M. HILL: In the *Bulletin*. A change of the kind I have suggested, which would be in the best interests of the university, would not in any way prohibit a students

association. Those students who are interested in the students association will join it; they will handle their own affairs and collect fees. Perhaps they could apply to the union for funding for certain purposes, but they would have to measure up with all the other groups which, when seeking funds, have to submit reasons for needing funds. It would allow those who do not want to be involved with the association or with the A.U.S. to have that choice.

Generally, I support the Bill, but I take strong objection to that one aspect of it. I will therefore support the second reading, but I hope that in Committee further debate can take place and that some change will be effected. After that, I hope that the University Council will fully consider the views expressed here. Further, I hope the Government will be flexible on the matter in the interests of the students.

The Hon. C. J. SUMNER: I hope to clarify the situation regarding the students association and other bodies at the Adelaide University, because it is clear from what the Hon. Mr. Hill has said that he is very confused about the situation. I am sure that, if honourable members opposite consider what I have to say, some of their confusion will disappear and they will vote for the Bill in its present form. I do not wish to comment in detail on the Bill because most of the clauses are non-contentious. I shall discuss the questions of honorary degrees and the union fee. Adelaide University is an independent statutory body set up with a council as its governing body. Representatives on the council include members of Parliament and other responsible members of the community.

The Chancellor is the Chief Justice of the Supreme Court, and the Deputy Chancellor is a judge of that court. One would hardly describe it as an organisation likely to act in an irresponsible or radical manner. Parliament must retain ultimate control over the Act, which grants powers and responsibilities to the university. However, in this situation Parliament ought to give great weight to recommendations from the independent statutory body, particularly when discussions on the recommendations have gone on in the university over a considerable period. I do not say that Parliament should necessarily accept without question those recommendations, but great weight should be given to them.

The first matter on which I wish to comment is the question of honorary degrees, dealt with in clause 4. I have never been convinced about the need for Adelaide University to introduce a system of honorary degrees. It has been suggested that it is the only university in Australia that does not have provision for such degrees, but that has never influenced me. There is no justification for introducing such a system, even if we are the only university in Australia that does not have it. As the matter has been considered by the university and as the recommendation comes from it, I will not oppose the clause.

The Hon. Miss Levy said that a system of honorary degrees could be open to abuse; a university could give an honorary degree to the Prime Minister or the Premier because the university was looking for funds to boost a particular project. So, there could be a taint of corruption. The Adelaide University, in requesting this provision, has tried to overcome that possibility. In the explanation of the provisions, the Registrar makes the following statement:

> The university wishes to be able to recognise persons who have rendered distinguished service to the university and who are not members of the staff of the university by the award of an honorary degree of Doctor of the University. The honorary degree may also be used to honour a member of staff after his resignation or retirement, in appreciation of long and meritorious service to the university.

So, the university has said that it intends to limit the award of honorary degrees to those who have rendered distinguished service to the university or to someone in appreciation of long and meritorious service to the university. Whilst that is included in the explanatory notes, the position is not so restrictive in the new subsection (2a), which provides:

> The university shall have power, in accordance with the statutes, regulations and rules of the university, to admit a person to an honorary degree of Doctor of the University, whether or not that person has graduated at the university or any other university.

So, if the provision is passed, there is no restriction on the awarding of this degree. If the university wished, under this provision, it could award the degree for anything it liked. I referred earlier to the question of awarding honorary degrees to political figures in the hope of gaining a benefit. I believe that the university is *bona fide* in its statement of the intended use of the honorary degree. I trust that, when the statutes relating to it come before the University Council and the University Senate, they will include a restriction on the award of the honorary degree in keeping with the explanatory notes supplied. Otherwise, they could be accused of having misled the Government and Parliament in their intention on this matter.

As I said, I would be more opposed than I am to inserting this clause in the Bill if I thought it would be used as honorary degrees are used at other universities but, in view of the explanatory notes which I assume will be followed through in the statutes of the university, I do not intend to vote against it. However, I trust that the university will ensure that these restrictions are applied.

The second matter I wish to discuss is the union fee and the compulsory levying of it by the university on all its students. This has been a matter of controversy; there was opposition in the House of Assembly to it and opposition has been expressed in this Council to it but, as I said at the beginning of my speech, I believe the opposition to it has been misconceived. I trust the Hon. Mr. Hill will note what I am saying. The dissatisfaction with this arises out of problems connected with payments by student bodies and associations, including the Australian Union of Students, for activities that are considered political and not related to the interests of students. There should be no objection to political activities by students in pursuit of their education aims, but the attack comes on political activities outside that arena. Unfortunately, the attack has gone beyond that, and the attack, particularly in the Melbourne University case that has been cited here by the Hon. Mr. DeGaris, has gone to an attack on the compulsory levy that universities have required of students. The attack in Melbourne was that the university had no power compulsorily to levy on the students a fee for general services, as it is called there, or the union fee, as it is called here; and the attack there was upheld by the courts.

While that is subject to appeal at present, the current position in Melbourne is that the university cannot compulsorily levy the students in this way. I am sure that that attack upon the compulsory levying of the union fee will create a chaotic situation within the university. It will certainly be a break with tradition. As far as I can remember, I commenced at university in 1961, and I understood that the union set-up at Adelaide University had been the same as it was at that time for many years before that, so it would be a considerable break with the practice that has existed, without criticism, so far. Without the compulsory levy, how can a university maintain the

refectory, the theatres, the sports grounds, and all the activities considered to be legitimate by most people? There is an enormous investment in building through the university union on the campus, running into millions of dollars. If there is no compulsion to collect this fee, how will that be maintained? Perhaps the Hon. Murray Hill would like to see the State Treasurer and ask him whether he is going to levy taxpayers.

The Hon. C. M. Hill: I have no objection to that being compulsory.

The Hon. C. J. SUMNER: Ah!

The Hon. C. M. Hill: I have already said that.

The Hon. C. J. SUMNER: So there are different forms of compulsion—is that what you are saying? It is all right to compel people for an activity that you like but for activities that you do not like you do not want to be compelled.

The Hon. C. M. Hill: I said that absolute freedom is too theoretical. I have no objection to the union obtaining its fee as it does at the moment.

The Hon. C. J. SUMNER: Then you will be voting for the Bill?

The Hon. C. M. Hill: I will vote for any clause that deals with the union having the right to collect the fee.

The Hon. C. J. SUMNER: That is all this does.

The Hon. C. M. Hill: There is more to it than that, and you know there is more to it.

The Hon. C. J. SUMNER: You have the wrong end of the stick. I shall try to put you right. I am glad to hear that the Hon. Mr. Hill does not object to the levying of fees for these activities, because I thought he might he have had in mind—

The Hon. C. M. Hill: The activities you have just mentioned, but not including the students association.

The Hon. C. J. SUMNER: You are saying there should be a security officer at the doors of the refectory to exclude those students who have not paid; you are not suggesting that, are you?

The Hon. C. M. Hill: No.

The Hon. C. J. SUMNER: Or that there should be guards at the grounds of the university sports arena?

The Hon. C. M. Hill: You are being quite foolish now.

The Hon. C. J. SUMNER: That is what you are saying; up to now it has been a reasonably sensible debate. That is where the logic of your argument takes us. Let me take the argument of the sports association. Students who enrol at the university are compelled to belong to the sports association; they are all members of it. Are you saying that that is compulsion that should not apply?

The Hon. C. M. Hill: I said in my speech that I am prepared to look at that aspect.

The Hon. C. J. SUMNER: You are happy, then, with compulsion for the union, compulsion to maintain the refectories, the theatres, and the sports grounds, even though particular individuals in the university may not have an interest in sport.

The Hon C. M. Hill: I said that the aspect of sport is something I am prepared to look at. I said it in my speech and I said it a moment ago.

The Hon. C. J. SUMNER: But a person who is not interested in theatre is still compelled to contribute to the upkeep of the Union Hall; and somebody who does not like the food at the university refectory is compelled to contribute to the upkeep of the refectory.

The Hon. C. M. Hill: I do not object to that.

The Hon. C. J. SUMNER: I am glad the Hon. Mr. Hill does not push the logic of his argument to those extremes, but I am sure he will see that perhaps there is some problem with his logic.

The Hon. J. E. Dunford: What about the malpractices in the ballot?

The Hon. C. J. SUMNER: I am not sure that that is relevant but I appreciate that interjection. As I understand it, the ballot that occurred last year was a ballot for the students association and all members of the students association were able to participate in that ballot. There were four persons, three of them members of the Liberal Party.

The Hon. F. T. Blevins: What are their names?

The Hon. C. J. SUMNER: I do not know the names of all of them but I understand that one had the name of Cooper, and one may be able to draw his own conclusions as to the relationship between him and a member of the Council. I also understand that some of them were on the State Council of the Liberal Party.

The Hon. F. T. Blevins: Is there anybody left on the State Council of the Liberal Party?

The PRESIDENT: Order!

The Hon. C. J. SUMNER: As I understand it, these individuals decided that they would try to get a few extra votes for their cause, a Liberal cause. It may well have been a cause against the A.U.S. They stole from one of the returning officer's booths about 80 ballot-papers. This was done with the intention of forging the returning officer's authorisation, inserting their votes and placing the ballot-papers in the ballot-boxes. I understand that, although they did not get away with the 80 ballot-papers that they had stolen, they managed to insert 15 in the ballot-boxes. I understand that there was such an overwhelming majority against these students that the 15 votes did not matter, anyway. Nevertheless, it was an attempt to rig the ballot, an attempt for which the Liberal Party, through a member of the State Council and the Liberal Club, must take responsibility.

The Hon. J. C. Burdett: What about the embattled Labor Party?

The Hon. C. J. SUMNER: It has not come to anyone's notice, and I am sure that it has not come to the Hon. Mr. Burdett's notice; otherwise, he would have raised it in this place. This Bill seeks to place beyond doubt the power of the university to collect, on behalf of the union, the statutory union fee. It does not say anything about where that fee is to go. So, it is important that members opposite, when considering this matter, make that distinction. It merely clarifies the power of the university to collect the fee. It does not say anything about where that fee shall go after it has been collected. That is the distinction that honourable members opposite should bear in mind. Section 22 (1) *(f)* of the Act provides:

> The council shall have power to make, alter or repeal any statute, regulation or rule for any of the following purposes . . . prescribing the fees to be paid in respect of instruction, tuition, applications for awards, or any other matters;

It is probable that a court would hold that the union fee is included within "any other matters" in the current power to make the statutes and regulations. In other words, there may not be any need for this new clause. However, to place that power beyond doubt and to ensure that the practice that has gone on for decades continues, the university and the Government considered that it was necessary to clarify that power relating to the compulsory collection of the fee. Paragraph *(fa)*, to be inserted in section 22 (1), provides:

> prescribing, with the concurrence of the Adelaide University Union, the fees for membership of the union, and providing for the collection and recovery of those fees by the university on behalf of the union;

So, there is no mention of collecting fees for the union in the Act at present, although it is referred to in the new

paragraph. This Bill therefore clarifies the existing practice and situation. It might be that, if there was a legal challenge to the Act as it stands at present, the Act would be upheld. This provision is meant to clarify the point and to avoid the necessity of lengthy and involved court proceedings on it.

Given that this will clarify the power, I emphasise to honourable members opposite that it does not say anything about where the fee goes after that, except, of course, that it goes to the union. If the portion of that fee that goes to the students association is being used by these bodies outside of the aims set down in their constitution, they will be able to challenge the matter in the courts. In other words, the students association and the union cannot disburse these fees for purposes that are not covered by their constitution. So, this new provision, if inserted in the Act, would not take away the rights of people to challenge certain payments if those people thought that the payments were made outside the constitution of those two bodies.

There are two ways of acting. The first and by far the best way is to act politically on campus. If students at the university are dissatisfied about the allocation of funds that they pay compulsorily, they have a number of remedies. They could run for election on the union council. The university union comprises all the students, as well as staff and graduates.

The students could run for election on the union council and, if successful, change its policy. If they were dissatisfied with the constitution of the union, they could move for a change in it to restrict the powers that the union has to disburse the funds. The same thing applies to the students association; the students can run for election. All of them are entitled to do so if they disagree with the association's policies or constitution. There are provisions for changing the constitution and restricting, if they wish, the powers to disburse fees. If they fail to do that, they would still have the right to go to the court. So, the power of the students to operate in a democratic context is quite clear. They are able to change the situation if they so desire and if they operate in that political and democratic context on the campus.

The problem with Liberal members opposite is that, although they have tried to do this and to operate in a democratic way on campus in order to change the policy of the students association, they have not been able to get the numbers. They have failed in a democratic election,and now they are looking for a second bite at the cherry. They are looking to use their representatives in Parliament to achieve what they were unable to achieve on the campus through elections there. If they cannot convince their fellow students—

Members interjecting:

The ACTING PRESIDENT: Order! There is no need for cross-talk in the Chamber. Only one honourable member should speak at a time.

The Hon. C. J. SUMNER: —it is not up to us in this place to correct that situation. All students have a right to participate in the elections and, if they are unhappy about affiliation of the students association with A.U.S., they have a right to conduct a referendum to dissociate with A.U.S. The union provides money to the students association to affiliate with A.U.S. only because that was a decision of the elected members. Democratic means exist on campus for that affiliation to be rescinded. So, the attack by students on the campus can be conducted through the union or the students association.

Regarding the status of the sports association, the Hon. Mr. Hill has sought clarification. The university collects the statutory fee. It is paid to the union, and the union is responsible for disbursing it. It is used on administration and maintenance of refectories and theatres, and some is allocated to bodies that apply for funds. One of those is the students association and another is the sports association. Both have compulsory membership, by virtue of the students having paid the union fee, although there is provision for conscientious objection to membership of the union and, thereby, of the sports association and the students association.

The sports association is in parallel with the students association on funding, and it seems that the Hon. Mr. Hill wants to remove compulsion regarding the students association but to insist on it for the sports association. I have pointed out that that could produce a chaotic position. The sports association has affiliated clubs and societies that apply for funds for work other than what the sports association pays for in keeping the grounds. In the same way, clubs and societies apply to the students association for funds. It has been pointed out that the Liberal Club at the university has received such funds in the past.

I do not see how one can draw a distinction between the two bodies. If there was a distinction regarding the sports association, there probably would have to be security people at the sports ground to prevent people who were not members from using the facilities. There would have to be some identification. This would produce chaos.

I believe that there is a distinction between the compulsory levy for the range of activity in the university and the purposes for which the money is used. We are arguing not about the purposes but merely about the compulsion. The purposes can best be decided by the students, and if the students are still dissatisfied, they can take action in the courts to have payments stopped.

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

SUBORDINATE LEGISLATION BILL

(Second reading debate adjourned on February 15. Page 1538.)

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—"Publishing of regulations."

The Hon. A. M. WHYTE: Regulations in general are not known to the community as they should be. Governments generally are using regulations more and more, and we do not deny them that, because it includes a flexibility that is not in a normal Act. However, I appeal to the Government to use the media or whatever means it can to bring to the notice of the public the fact that new regulations are being made.

Clause passed.

Title passed.

The Hon. T. M. CASEY (Minister of Lands) moved:

That this Bill be now read a third time.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support what the Hon. Mr. Whyte has said and believe that the Government should examine the point that he has made. Many of us receive complaints from people that they know nothing about a regulation or a piece of legislation. If one goes back, one finds that the daily newspaper was used by the Government to publish notices. Regulations should be publicised in the daily newspaper now, as should legislation that is before the House. Recently, a Bill passed the second reading stage quickly and was referred to a Select Committee. Even now people are asking what it is all about. Not enough

information is getting out about what Parliament is doing. We would get more information if it was published in the newspaper or other media.

The Hon. C. J. Sumner: I have asked the President about it 15 times. He does nothing about it.

The PRESIDENT: I will tell you something about it in a minute.

The Hon. C. J. Sumner: Don't blame the Government. I've been trying for 2½ years.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: I am supporting what the Hon. Mr. Sumner has said. Will the honourable member speak during the third reading stage and make a contribution? Have you, Mr. President, or the Government dealt with this matter, because I believe this information should be published in the daily press?

The PRESIDENT: Before putting the vote, in view of the matters raised by honourable members, I have to say that I have had an interview this morning with the Editor of the *Advertiser,* who has promised to do what he can.

The Hon. C. J. Sumner: He did that last time.

The PRESIDENT: The *Advertiser,* like other newspapers, has its own peculiar problems and difficulties, but something may come of the matters that were put to Mr. Colquhoun by me today on behalf of both Houses.

The Hon. F. T. Blevins: You didn't bother with the *News?*

The PRESIDENT: Not yet.

Bill read a third time and passed.

CRIMINAL INJURIES COMPENSATION BILL

Adjourned debate on second reading.

(Continued from February 15. Page 1540.)

The Hon. R. C. DeGARIS (Leader of the Opposition): In rising to support the Bill and the comments of the Hon. Mr. Burdett, I indicate that the Bill raises to a maximum of $10 000 the compensation payable under this legislation for people who suffer injury as a consequence of the commission of an offence. The full formula for assessing payments is provided in clause 7 (8). Although I do not object to the wording, I draw the Council's attention to the fact that, when two of us examined this provision, we came to the wrong conclusion on first examination. On further examination we found that the clause was satisfactory, but it could be misleading.

A simple way of saying what subclause (8) provides is that the amount of compensation up to $2 000 will be $2 000, and the amount above $2 000 will be $2 000 plus three-quarters of the excess, and the maximum compensation payable will be $10 000. One can be misled into believing that between $8 000 and $10 000 there is an anomaly, but that is not so. That subclause is correct in what it says, but I believe the formula could be expressed much more simply. Apart from that, I have pleasure in supporting the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Applications for compensation."

The Hon. R. C. DeGARIS (Leader of the Opposition): If this clause were more clearly expressed no-one could make a mistake about its interpretation. Subclause (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 two thousand dollars, the amount awarded shall, subject to paragraph *(b)* of this subsection, be two thousand dollars plus three-quarters of the excess; and
>
> *(b)* where the amount of compensation would, but for this paragraph, exceed ten thousand dollars, the amount awarded shall be ten thousand dollars.

If the amount of compensation is $10 000, does the person get $10 000?

The Hon. T. M. Casey: Yes.

The Hon. R. C. DeGARIS: The Minister is wrong, and that emphasises the point I made during the second reading debate.

The Hon. T. M. Casey: If it exceeds $10 000 he gets $10 000.

The Hon. R. C. DeGARIS: No. This provision is confusing. The clause does this: where the amount of compensation is up to $2 000, they get $2 000; where it is above $2 000, they get $2 000 plus three-quarters of the excess, but one can get no more than $10 000. Why does it not say that? It is easy to make the same mistake that the Minister has made. But for subclause (8) *(b),* the provision would have meant what the Minister thought. Therefore, the clause could be better phrased, although whether that should be done here or not, I do not know.

The Hon. T. M. CASEY (Minister of Lands): I am willing to draw the Attorney-General's attention to the provision, and perhaps this provision can be referred to the Parliamentary Counsel. I can see that it is confusing.

Clause passed.

Remaining clauses (8 to 14) and title passed.

Bill read a third time and passed.

COMMERCIAL AND PRIVATE AGENTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 15. Page 1543.)

The Hon. T. M. CASEY (Minister of Lands): A question was asked of me yesterday by the Hon. Mr. Hill but I have been unable to ascertain for him why a member of the Securities Institute is not placed on the board. I am sure that the Attorney-General will write to the honourable member in due course and explain why that is the case.

Bill read a second time.

In Committee.

Clause 1—"Short titles."

The Hon. C. M. HILL: I thank the Minister for his reply to the second reading debate, and I note his reference to the Attorney-General. Why the Attorney-General is in New Zealand at such a time I would not know, but we must bear in mind that he is one of the young Turks, a privileged group. Other questions were raised during the second reading debate, apart from the matter referred to by the Minister. I asked why the Securities Institute was not given the chance to have representation on the board and whether the two people appointed by the Attorney-General to the board had had experience in the industry. I trust that the Minister, when he finally catches up with the Attorney-General, will seek full replies to the points I made. I hope to receive replies in due course.

Clause passed.

Remaining clauses (2 to 11) and title passed.

Bill read a third time and passed.

LOTTERY AND GAMING ACT AMENDMENT BILL

(Second reading debate adjourned on February 15. Page 1543.)

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

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 15. Page 1543.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill amends section 14a and section 19 of the principal Act. Section 14a gives to a member, who is making contributions for "additional salary", the right to continue those contributions even if the "additional salary" ceases. At present, if the "additional salary" is diminished, there is doubt whether a member can continue the contributions to which I have referred. Clause 3 clarifies this point, and I raise no objection to it. If it is fair for a member to be able to contribute for "additional salary", it is reasonable that he should be able to continue such contributions notwithstanding that his "additional salary" ceases.

Clause 4 amends section 19 of the principal Act. I have found it difficult to understand the Minister's explanation of this provision, and I should like the Minister to state whether what I am about to say is correct. Section 19 of the principal Act provides for the suspension or part-suspension of a pension if the member superannuant becomes a member of the Federal House, another State House, or a judge. The Minister's second reading explanation states:

> 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 the derived pension is less than the pension payable under this Act, that pension is abated by the amount of that salary or derived pension.

Clause 4 deals with the suspension or part-suspension. The Minister's second reading explanation states that, before an office or place can be prescribed, it must carry some right to superannuation or retirement benefits. The second reading explanation refers to the question of the new salary and to the question of any superannuation or retirement benefits attached to that salary. Any job that a member of Parliament takes when he retires could have a very small benefit associated with it yet, under this provision, there would be the right to prescribe the salary, and the member could lose superannuation. I believe that that is possible under this provision. What has the Government in mind?

I can understand that, if a member moves to the Federal sphere, it is unfair that he should be drawing superannuation from the State while he is a member of a Federal House. If a member of Parliament, say, at 60 years of age retires and then takes another job and, in that other job, he has a salary which has attachable to it a retirement benefit which may be very minor, would it be possible for that situation to be prescribed, with the member thereby losing superannuation in respect of his Parliamentary service? What is the real purpose behind this provision? I do not object at this stage, but I am not clear as to what it means. I will support the second reading of the Bill, but I will listen to the Minister's explanation of the points I have raised. I may ask further questions during the Committee stage.

The Hon. R. A. GEDDES: I add to the comments of the Hon. Mr. DeGaris in this regard and cite what may be a case that he was trying to emphasise. A former member of this Parliament may be appointed to the board of the Savings Bank of South Australia, and it is not unusual for such a board to prescribe for the board members a superannuation scheme or some retirement benefits. I cannot substantiate whether the bank provides such a scheme, but it is a case in point I wish to emphasise, following the remarks of the Hon. Mr. DeGaris, where a person's allowances or salary for being on the board would not be of great significance but where, on his retiring from that board, a sum of money may be paid to him. This is not uncommon at board level.

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

STATUTES AMENDMENT (REMUNERATION OF PARLIAMENTARY COMMITTEES) BILL

Adjourned debate on second reading.

(Continued from February 15. Page 1544.)

The Hon. M. B. DAWKINS: I rise to commend the Government for the introduction of this Bill, the main thrust of which, as the short title indicates, is directed to the remuneration of Parliamentary committees. As I remember it, fairly early in my period here, a Bill was put through Parliament, with some retrospectivity, with regard to the legalisation or the formality of payments to Parliamentary committees. Whatever the situation was then, this Bill puts the matter beyond doubt as far as payments to the Parliamentary committees are concerned. Also, it straightens out what has been a fairly untidy situation with regard to these committees.

As honourable members will be aware, the arrangements for the payment of expenses and allowances to members of Parliamentary committees have been the subject of several Bills which, in themselves, refer to those committees individually. This Bill seeks to bring all those under the one umbrella, and payments to Parliamentary committees in future will come under the judgment of the Parliamentary Salaries Tribunal. The Government is to be commended for bringing in this Bill, which will clear up what at one stage was not completely clear and what, as I have said, has been the subject of several different Acts of Parliament.

As the Minister said, the purpose of the Bill is to provide a uniform scheme for the determination of allowances payable to the Chairmen and members of the various permanent Parliamentary committees, and also the Select Committees. Clause 5 of the Bill amends section 5 of the principal Act accordingly. The clause provides for the Parliamentary Salaries Tribunal to determine what remuneration should be paid to the Ministers of the Crown and officers and members of Parliament, as is presently the case. Also, it gives the Parliamentary Salaries Tribunal the power to determine what, if any, remuneration should be paid, respectively, to the Chairmen and members of each of the following committees: Industries Development Committee, Joint Committee on Subordinate Legislation, Parliamentary Committee on Land Settlement, Parliamentary Standing Committee on Public Works, Public Accounts Committee, and Select Committees of either or both Houses of Parliament. The remainder of the Bill, in several parts, refers to the amendment of the Constitution Act and also the amendment of the various Acts relating to the committees I have just enumerated. I believe the legislation is an improvement on the present position and I have pleasure in supporting the Bill.

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

ELECTION OF SENATORS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from February 15. Page 1544.)

The Hon. J. C. BURDETT: I support this Bill, the purpose of which is simply to reduce the time between the proclamation of an election for senators and the return of the writs from nine days to five. It was stated in the second reading explanation that the present nine-day period causes difficulty because of the time limits imposed by the Federal authorities. I have no objection whatever to making the machinery for the issue of writs by the State Governor for the election of senators easier to operate. I would strongly object to a Bill which sought to destroy or impede the procedure of the State Governor issuing the writs for the election of senators who, after all, represent the States.

The preservation of the Senate as a States House is essential. However, this Bill does not do these latter things but only makes it easier for the State Governor to control the election of the representatives of the State to the Senate. I would like to ask the Minister a question when he replies to this debate or in the Committee stage. The Bill, of course, deals with the election of senators to represent the State of South Australia in the Federal Senate. My question is whether the Government consulted the Federal Government and/or the Federal electoral department before introducing this Bill. My question is not whether there would have been consultation but whether the State Government did in fact consult the Federal Government before introducing this Bill, which deals with the election of senators to the Federal Parliament. I support the second reading.

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

ADJOURNMENT

At 5 p.m. the Council adjourned until Tuesday, February 21, at 2.15 p.m.