

## LEGISLATIVE COUNCIL

Tuesday 18 July 1978

The **PRESIDENT (Hon. A. M. Whyte)** took the Chair at 2.15 p.m. and read prayers.

## PETITION: MINORS BILL

The **Hon. T. M. CASEY** presented a petition signed by 207 residents of South Australia, praying that:

- (a) good relationships between parents and their children are as important as medical treatment,
- (b) parents have a right to be involved in consent to medical and dental treatment of their children,
- (c) children need the protection that parents can offer,
- (d) emergency procedures allowing doctors to treat patients without consent are adequate, and
- (e) the common law protection of children, parents and doctors is already satisfactory.

Your petitioners therefore pray that your honourable House will either:

- (a) reject the Minors (Consent to Medical and Dental Treatment) Bill, 1977, or
- (b) amend the Bill to ensure that responsibility for consent to the medical and dental treatment of minors lies with a parent or guardian for minors below the age of 16 and jointly with both the minor and the parent or guardian for minors of or above the age of 16 years.

Petition received and read.

## QUESTIONS

## PETITIONS

The **Hon. N. K. FOSTER**: I seek guidance from you, Mr. President, regarding the presentation of petitions in this place. I do not have copies of the petitions with me presently, but I refer to petitions presented last Thursday by the Hon. Mr. DeGaris in this Chamber, when I asked whether or not I could obtain copies. The petitions concerned are correctly with the Clerk of the House. They were presented to this Council in accordance with the procedure set down for their presentation to the Clerk, and I have no dispute with that.

However, I have disputes regarding the mover of the petitions in this place, and regarding the preparation of the petitions; there has been a prostitution of the way in which petitions are normally presented in this Chamber and, indeed, in every other Parliament in the Commonwealth.

The petition specifically designated clearly and concisely that it dealt with valuations normally followed as a result of Parliamentary decisions and procedures, and designated the area involved as Port Adelaide. I found, on a cursory examination of the petition (after you, Sir, suggested a copy could be made available), that a number of signatories to this petition gave addresses well outside the municipality to which the petitions directly referred, in praying that this Parliament be so petitioned. I ask whether or not that petition should be disallowed. I am reluctant to do this because the people who put their signatures to the petitions probably did so in good faith, believing the false story told them by whoever prepared the petitions. Many of the petitioners are known to me personally, and I have asked them what they thought they were signing. That is a matter outside your direct guidance to me, Sir. Is there any procedure that can be adopted in this Chamber this afternoon which would cause the

petition to be disallowed, because the procedure has been prostituted by the Leader of the Opposition?

The **PRESIDENT**: The Hon. Mr. Foster's question has a number of facets. Petitions presented to the Council are required to comply with the provisions set out in Chapter 11 of Standing Orders, and the Clerk is required by Standing Order 93 to certify that these provisions have been complied with. However, it is the duty of the member who presents the petition to check it before it is presented and, if it contains any irregularities, to return the petition to the petitioners. A member who has reason to believe that the signatures to a petition are genuine is justified in presenting it but, if any irregularities are subsequently discovered, the Council may order the petition to be withdrawn. In the case of the petition presented last Thursday dealing with the valuation of properties in the Port Adelaide area, if any member has reason to believe that the petition contains irregularities it will be necessary, if any action to withdraw the petition is to be taken, for that member to specify the alleged irregularities and bring them to the notice of the Council. I hope that clarifies the position for the honourable member.

The **Hon. N. K. FOSTER**: Thank you, Mr. President. I accept your advice and move that this Chamber ignore the petition on the ground that—

The **PRESIDENT**: Order! The honourable member will have to seek the suspension of Standing Orders to move such a motion.

The **Hon. N. K. FOSTER**: I move:

That Standing Orders be suspended to enable me to move a motion without notice: that the petition on which I sought the advice of the President in this Council can be proven by myself without identifying signatories to that petition.

Motion carried.

The **Hon. N. K. FOSTER**: I do not wish to identify people by name in regard to the area.

The **PRESIDENT**: What is your motion?

The **Hon. N. K. FOSTER**: That this Council repudiate the petition as presented by the Hon. Mr. DeGaris in a session of this Chamber last Thursday afternoon.

The **Hon. R. C. DeGARIS**: I rise on a point of order.

The **PRESIDENT**: What is the point of order?

The **Hon. R. C. DeGARIS**: Could the notice of motion be tabled so that we can have a copy of it?

The **PRESIDENT**: That would be proper. Will the Hon. Mr. Foster bring his motion to the table in writing?

The **Hon. N. K. FOSTER**: Although it will delay the Council, I will present the motion in writing. I move:

That the petition as moved by the Hon. Mr. DeGaris regarding valuations in the municipality of Port Adelaide be withdrawn as not complying with the provisions of the Council relating to the presentation of petitions in the Council.

I said previously that I did not wish to identify by name the people referred to on the petition. Rather, I wanted merely to refer to the addresses of some of the alleged petitioners.

Before doing that, I will canvass what was said by those people who canvassed households in the electoral district in regard to the petition. It is frightful that the people were not informed fully as to what the petition was all about. The organisation of the petition was carried out by people in the Port Adelaide area associated with a Liberal Senator who sat in the President's Gallery last week. I will not name him, but he is well known to honourable members opposite.

The **Hon. F. T. Blevins**: Senator Messner?

The **Hon. N. K. FOSTER**: Is he a Senator? He was one of the organisers of this petition. If I may transgress for a

moment, Mr. President, I point out that it is obvious that the reason why the Liberals are pushing this petition is that they want to attack the present rating system of the council and, in doing so, they want to draw red herrings across the trail and to establish a relationship associated with differential rating, using this as a subterfuge, thinking that they can in future say to Port Adelaide ratepayers that they had petitioned the State Government on this matter when, in fact, their claim is false; there is no relationship in respect of the council's determination, differential or otherwise, in regard to the valuation system of this Government; indeed, the system was instituted by this Government's predecessors. It is therefore a dishonest claim. It was obvious that that was the intention, and it was with that in mind that I believed last Thursday that the petition ought to be subject to the utmost scrutiny as to the honesty and integrity of the people who canvassed the petitioners and of the people who presented it. On checking the petition, I noticed that a list was made available to those who canvassed—

**The PRESIDENT:** Order! I remind the honourable member that he is dealing with alleged irregularities in the petition.

**The Hon. N. K. FOSTER:** I am coming to that.

**The PRESIDENT:** The honourable member should not be dealing with the question of those who had the petition drawn up.

**The Hon. N. K. FOSTER:** If one examines the petition, one finds that street by street and area by area there is concentration on those to whom some people may refer as New Australians. There must be 150 people living in one house in West Lakes, because a certain number appears so frequently in the petition. I specifically refer to 18 Parker Street, Mile End, and 5 Bentley Avenue, Fulham Gardens. A number of signatures were noted by the Clerk as being identical. I refer to people in West Lakes, Woodville Park, Croydon, Athol Park, Woodville, Albert Park, and Semaphore Park. Some people are outside the Port Adelaide council area and clearly, from the headings and preamble, it is quite false, inaccurate and misleading. For that reason, I ask honourable members to support the motion.

**The Hon. R. C. DeGARIS (Leader of the Opposition):** The honourable member never ceases to amaze me. I shall recount the position in regard to this petition, which I presented. It was brought to my office by Mr. deFabio, who asked me to present the petition to Parliament. After examining it, I could see nothing wrong with it, and I therefore presented it to Parliament.

**The Hon. N. K. Foster:** You did not read it too well.

**The Hon. R. C. DeGARIS:** I read it well.

**The Hon. N. K. Foster:** You must be dumb.

**The Hon. R. C. DeGARIS:** We will see in a moment. I did everything in accordance with Standing Orders. I do not know who was involved in organising the petition except for the gentleman who brought it to my office and who asked me to present it to the House. The allegation has been made that this petition has been organised by the Liberal Party. I have no knowledge of anyone organising this petition, except for the gentleman who brought it to my office and a phone call from a person in Port Adelaide asking me whether I would present the petition on their behalf. That is what I did. Any allegation made against me that I have been involved in the organisation of this petition for political purposes is totally false and I deny it absolutely.

The only allegation that the Hon. Mr. Foster has made is that I claim that this petition was signed by ratepayers of the Port Adelaide area. No such statement has been made

by me and to my knowledge no such statement is made in the petition. I will quote *Hansard* of 13 July 1978:

**The Hon. R. C. DeGARIS** presented a petition signed by 508 residents of South Australia, alleging that the valuations placed on houses in the Port Adelaide area were quite unrealistic compared to today's prices, and praying that the Council would review the increases with a view to amending the valuations . . .

If they feel they are disadvantaged by any act of this Government, those people have a right, in my opinion, to petition and put their viewpoint before the Parliament. The Hon. Mr. Foster talks about people who live at Mile End signing the petition, and that may well be so. However, the petition refers to the Port Adelaide area, and those people may well be ratepayers in the Port Adelaide area, even though they live somewhere else.

I examined the petition. The Hon. Mr. Foster said that certain people who signed the petition were not informed about it. Does he expect me to contact all those people who signed the petition and ask them whether they have been informed about what they have signed? Such a task would be beyond any member of Parliament. The allegations made by the Hon. Mr. Foster cannot be substantiated. I have stated that, first, a woman rang me, asking me to present the petition.

**The Hon. N. K. Foster:** Will you name her?

**The Hon. R. C. DeGARIS:** I have no idea who she was. She rang me, and this gentleman, I think deFabio, came to the House and gave the petition to my secretary. I examined the petition, took it to the Clerk, as the Standing Orders provide, and presented it to this Chamber. That is my total knowledge of the position. As I have said, I believe that the petition should be accepted by the House. It refers to valuations in the Port Adelaide area. It does not deal at all with petitioners in regard to the Port Adelaide council; that is not mentioned in any way. I believe that the allegation made by the Hon. Mr. Foster should not be entertained by this Council in any way whatever.

**The Hon. C. J. SUMNER:** The Hon. Mr. DeGaris said that the petitioners might be ratepayers in Port Adelaide even though they might live outside the area. However, I would point out that the petition (at least, the one I have in front of me) refers to "The humble petition of the undersigned residents of Port Adelaide". As I understand that some of the people who have signed the petition have given Mile End addresses, they cannot possibly be residents of Port Adelaide, and this is part of the complaint that the Hon. Mr. Foster makes to the House. I agree that members cannot be expected to ask every petitioner whether he has signed correctly or how he came to sign, but we should at least ensure that the petitions we receive are, on the face of it, correct. I am afraid that, in this case, the Hon. Mr. DeGaris did not do that; he did not do it to the extent that should be required for the satisfaction of this Chamber. At the very least, he could have noticed the reference to residents of Port Adelaide, and seen, at a cursory glance through the petition, that many of the people who signed it were not residents of Port Adelaide.

**The Hon. R. A. Geddes:** Are you quoting from the actual petition?

**The Hon. C. J. SUMNER:** Yes, I have one petition.

**The Hon. R. A. Geddes:** Is it the one presented by the Leader?

**The Hon. C. J. SUMNER:** Yes, part of it; the remainder is with the Clerk. However, the part of the petition I have in front of me refers to "The humble petition of the undersigned residents of Port Adelaide".

**The Hon. R. A. Geddes:** *Hansard* is clearly the other way.

**The Hon. C. J. SUMNER:** If all the petitions have the same wording, the wording is, "The humble petition of the undersigned residents of Port Adelaide respectfully sheweth . . ." The Hon. Mr. DeGaris should have done more to check whether or not the petitions complied with the Standing Order and to check at least the *bona fides* of the petition. On the contrary, it appears, first, that there are people who have signed the petition who are not residents of Port Adelaide. Even if one expands the situation to include residents of, say, the Port Adelaide area, some signatories come from Mile End, which cannot possibly be regarded as being in Port Adelaide.

Secondly, I understand that some people signed the petition more than once, and that is obvious from examining the petition. The Hon. Mr. DeGaris should have verified the position before he presented the petition, but clearly he did not do so. Therefore, in those two areas the Hon. Mr. DeGaris has not done his duty by this Council. I do not say that he should have checked with every petitioner, but at least he should have checked that the petition was *bona fide* and that it was signed by people who purport to make the petition to the Council. Accordingly, I believe that the Hon. Mr. Foster's motion should be supported.

**The Hon. R. A. GEDDES:** The Hon. Mr. Sumner has certainly raised a debating point. However, we are not dealing with this matter in Committee and the Hon. Mr. DeGaris has no further right to comment. I refer to *Hansard* and the words referred to by the Hon. Mr. DeGaris; honourable members can usually take *Hansard* as being correct. I take it that the wording as to what the Hon. Mr. DeGaris should say was given him by the Clerk. The petition alleges that "The valuations placed on houses in the Port Adelaide area were quite unrealistic", and so on.

A further allegation was made that the Hon. Mr. DeGaris should have personally checked the petition to see that one person had not signed more than once. I ask you, Mr. President, although I realise that you cannot reply, whether it is really the responsibility of members of Parliament, when presenting petitions, to check every capital letter and to dot every "i". In my experience it has never been the responsibility of a member to adjudicate as to whether or not a petition is suitable for presentation to this Council. I have always been led to believe by former Clerks of the Council that it has been their responsibility to adjudicate on the suitability of petitions.

**The Hon. N. K. Foster:** That's passing the buck. You're blaming the Clerk. The Clerk cannot defend himself on the floor of this Chamber.

**The Hon. R. A. GEDDES:** An allegation has been made against the Hon. Mr. DeGaris, who no longer is entitled to speak on this matter. I refer to Standing Order 79, which provides:

Every petition shall be lodged with the Clerk at least two hours previously to the meeting of the Council at which it is proposed to present the same; and no petition shall be presented to the Council unless it bears the Clerk's certificate that it is in conformity with the Standing Orders.

**The Hon. N. K. Foster:** That's an unfair Standing Order.

**The Hon. R. A. GEDDES:** Nevertheless, it is the Standing Order.

I realise that the President is not permitted to reply, but whose responsibility is it to check petitions? From now on, is it to be the responsibility of honourable members, or is it to be the responsibility of the Clerks of Parliament? I am not trying to be unfair in my request, but this is a point that

we should clarify in reasonable time. I have listened with great interest to the Hon. Mr. Sumner's argument, but I can make my decision only according to the wording of the petition given to Parliament by the honourable member, and that does not use the words "people resident in Port Adelaide". It is on that basis that I will have to decide.

**The Hon. K. T. GRIFFIN** secured the adjournment of the debate.

**The Hon. N. K. FOSTER:** I seek your guidance, Mr. President, regarding Standing Order 79, which was referred to by the Hon. Mr. Geddes. I am seeking information on a matter which I hold to be important and over which members of the Liberal Party will ride roughshod.

**The PRESIDENT:** Order! Please state your point of order.

**The Hon. N. K. FOSTER:** The matter I raised in this Council today concerned serious prostitution of the petition procedure on the part of the Leader of the Opposition. I make no imputations against the Clerks, who cannot defend themselves in this Chamber.

**The PRESIDENT:** Order! The honourable member rose to make a request of me; what is it?

**The Hon. N. K. FOSTER:** I did raise this matter with you, Mr. President, and I stated specifically that I made no allegations whatever against the Clerks of this Council, who cannot defend themselves in this Chamber, and you know that.

**The PRESIDENT:** That is not a matter on which I can make any comment whatever. It has always been understood by all honourable members that the staff of this Council has no right of reply in this Chamber.

**The Hon. N. K. Foster:** Members opposite should not take unfair advantage of officers because of that. That is what DeGaris does.

**The Hon. R. C. DeGARIS:** I ask for a withdrawal of that last statement.

**The Hon. N. K. Foster:** You can have a withdrawal, and I will deal with the matter when the debate comes on next.

**The Hon. R. C. DeGARIS:** I'm sick and tired of your—

**The Hon. N. K. Foster:** Then play it honest and fair, and don't come up with dirty tricks.

**The PRESIDENT:** Order!

## QUESTIONS RESUMED

### RURAL WORKERS

**The Hon. N. K. FOSTER:** I ask the Minister of Health, representing the Minister of Labour and Industry, whether he will prevail upon his colleague to take up within his department and at the next meeting of the council of officers of his department at the national body, the extent of victimisation and exploitation of rural workers under the Federal scheme that provides that employers will be paid about \$60 to engage a farm worker. I believe that abuse of this system is rampant in rural areas, particularly in the South-East.

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

### SUPERANNUATION POLICIES

**The Hon. R. C. DeGARIS:** I seek leave to make a brief explanation, prior to asking a question of the Minister representing the Treasurer.

Leave granted.

**The Hon. R. C. DeGARIS:** On Monday 26 June the *South Eastern Times* carried the following story, under the headline "Private super savings may be taxed":

Superannuation policies could be decimated if the South Australian Government allowed taxing of private benefits for probate. This was stated at the combined meeting of Millicent Stockowners and U.F. and G. last week. Introducing a resolution, Mr. D. W. Altschwager, of Furner, told 30 farmers, "This hasn't leaked out yet—it has happened in the last couple of weeks." No warnings had been given to lawyers and solicitors.

Mr. Altschwager said millions of dollars of superannuation policies had been taken out but the beneficiaries were faced with losing the lot if the new probate tax measure were allowed to be adopted in South Australia . . . "It is most unfair to have this lumped on top of an estate's death tax—especially for rural people, as public servants are exempt," Mr. Altschwager said. He moved that the Stockowners Association investigate the situation of self-employed superannuation policies being included in State succession duties. Mr. Altschwager said an appeal on this had been lost in Western Australia. "Apparently someone in South Australia saw it—and now our State is to have the same taxing of private superannuation."

This article has caused much concern and comment in the South-East. Would the Minister take up with the Treasurer the points made in this article, and table in this Chamber a reply to these allegations?

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

#### SAMCOR

**The Hon. M. B. DAWKINS:** I seek leave to make a short statement prior to directing a question to the Minister of Agriculture.

Leave granted

**The Hon. M. B. DAWKINS:** My question refers to the South Australian Meat Corporation and the considerable problems being experienced by that body at present. The Minister would be well aware of the considerable concern about Samcor's operations, and some of its difficulties, because of the large deficit in its operations. Does the Minister have an explanation of these difficulties and the expansion of them because of the shortage of stock now, following the recent bounteous rains? I believe the Minister has acknowledged the difficulties, has negotiated with some parties concerned, and has called for a report on this matter. When will the report be tabled?

**The Hon. B. A. CHATTERTON:** The honourable member raises a number of questions. In Samcor's operations at present, there are considerable difficulties, and a considerable deficit is expected for the year ending 30 June 1978. However, contrary to the article that appeared in the *Advertiser*, the track record of the Samcor board has not been one of continually increasing losses. The article stated that, when the Samcor board took over losses were about \$500 000 and that they had now reached \$2 800 000. In fact, in the intervening period losses had declined and there has been a slight profit in one year. The argument that reports attempted to sustain, that there was a continued period of increasing losses, has not been supported by the facts.

The honourable member also points out that the shortage of stock during the current period of restocking is a major factor contributing to Samcor's present difficulties. An annual report is tabled every year, and I will be tabling the annual report and balance sheet of the

organisation for the year ended 30 June 1978, probably towards the end of August or early in September. The Act requires a statutory review to be carried out every third year, but that will not happen this year.

**The Hon. M. B. DAWKINS:** I ask a supplementary question. Am I to understand from that answer that the Minister has not sought a special report in this instance? I was under the impression that, because of the great difficulty, he had sought such a report some time ago. Has the Minister sought a special report, or does he intend to do so prior to the three-year statutory period being completed?

**The Hon. B. A. CHATTERTON:** Following Samcor's financial results last year, I have had studies undertaken by management consultants of the problems there, and these have been useful in negotiations which have just been completed, and which resulted in substantial increases in productivity at the works. I do not intend to table those studies. I think one part has been used by one of our newspapers, and it does not contain any particularly confidential material. I can supply the honourable member with some of the material used. It is fairly well out of date, as the report was presented to me last November. The report in the newspaper does not contain any material that is now relevant, because the situation has changed dramatically since then and the points made in the report have been implemented.

#### PEST PLANT CONTROL

**The Hon. F. T. BLEVINS:** I direct a question to the Minister of Agriculture. About 18 months ago, country councils started to group together pest plant control boards to provide a more effective system of weed control. Will the Minister say whether all councils now operate under such a system, and, if not, what progress has been made in this matter? Will he also tell the Council which councils have formed multiple-membership boards and which have formed single-council boards?

**The Hon. B. A. CHATTERTON:** So far, 35 pest plant control boards, representing 75 country councils and six city councils, have been established and on the basis of present negotiations this total of 81 out of 129 councils in this State is expected soon to increase to 103.

There are 129 councils in South Australia, and we expect soon to have 103 of them involved in pest plant control boards. The formation of these boards is certainly improving the efficiency and effectiveness of weed control measures in South Australia. The most remarkable improvement has been achieved in the areas where small councils did not previously have the manpower, time or equipment to do the job as well as they would have liked. In those areas, the boards have indeed proved their worth.

The honourable member has asked for a list of the boards and their membership. As it is a long list, I seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

#### PEST PLANT CONTROL BOARDS

Country Multiple Membership Boards proclaimed to date are:

- Burra Eudunda Robertstown—Comprised of the councils of: Burra Burra, Eudunda, Robertstown.
- Central Adelaide Plains—Comprised of the councils of: Light, Mallala, Owen, Tanunda.
- Lower Flinders—Comprised of the councils of: Crystal Brook, Pirie, Pt. Germein, Wilmington.
- Broughton Districts—Comprised of the councils of: Blyth, Clare, Pt. Broughton, Redhill, Snowtown.

Mid-Murray—Comprised of the councils of: Mannum, Ridley, Truro.

Southern Yorke Peninsula—Comprised of the councils of: Central Yorke Peninsula, Minlaton, Warooka, Yorketown.

Upper North—Comprised of the councils of: Carrieton, Hawker, Kanyaka-Quorn, Orreroo, Peterborough, C.T. of Peterborough.

Northern—Comprised of the councils of: Georgetown, Gladstone, Hallett, Jamestown, Laura, Spalding, C.T. of Jamestown.

Kangaroo Island—Comprised of the councils of: Dudley, Kingscote.

Northern Yorke Peninsula—Comprised of the councils of: Bute, Clinton, Kadina, C.T. of Moonta, C.T. of Wallaroo.

Riverland—Comprised of the councils of: Barmera, Berri, Morgan, C.T. of Renmark.

Mid-North—Comprised of the councils of: Balaklava, Kapunda, Pt. Wakefield, Riverton, Saddleworth-Auburn.

Loxton Waikerie—Comprised of the councils of: Loxton, Waikerie.

Murray Mallee—Comprised of the councils of: Brown's Well, East Murray, Paringa.

Murray Lands—Comprised of the councils of: Peake, Karoonda.

Cowell-Kimba—Comprised of the councils of: Franklin Harbor, Kimba.

Alexandrina—Comprised of the councils of: Pt. Elliot-Goolwa, Strathalbyn.

Country Single Council Boards have been proclaimed for: Munno Para, Salisbury, Stirling, Tatiara, Millicent, East Torrens, Lincoln District, Meadows, Victor Harbor, City of Pt. Lincoln, City of Mt. Gambier, City of Pt. Pirie.

Metropolitan Single Council Boards have been proclaimed for: West Torrens, Prospect, Unley, Payneham, Noarlunga, Walkerville.

### CHRISTIES BEACH HOSPITAL

**The Hon. C. M. HILL:** I seek leave to make a short statement before asking the Minister of Health a question regarding the proposed erection of hospital facilities at Christies Beach.

Leave granted.

**The Hon. C. M. HILL:** I have for a long time in the Council asked many questions regarding the proposed construction of hospital facilities in the Christies Beach region. I asked the most recent question on 11 October 1977, when I said that the people in the area sought an assurance that an early commencement of construction would occur. I also said that the Government had previously committed itself to a contribution of \$250 000 to the private developers, which contribution would be used to construct a maternity wing in the proposed building. At that time, the Minister told me that plans were still in train and that he expected that the developer would commence construction either late in 1977 or early in the next year, which is, of course, this year, 1978.

I have been told by a leading resident in the area who takes a keen and commendable interest in this issue that work on the hospital has not yet started. Therefore, can the Minister give any further information to the Council regarding these plans? Can he assure the Council that the Government's promise of a \$250 000 contribution still stands? Finally, will the Minister say when he expects this development to commence?

**The Hon. D. H. L. BANFIELD:** There has been no

change on the Government's part in relation to its undertaking about money for the proposed Christies Beach hospital. I am pleased that Mr. Wreford noticed that work on the hospital had not started before he contacted the Hon. Mr. Hill in this regard. I have had discussions with one of the developers and, subject to satisfactory finance being arranged, they are still anxious to proceed with the project. From the developers' point of view, the financial negotiations have not yet been completed.

**The Hon. C. M. HILL:** I ask the Minister a supplementary question, because previously, although the Minister told the Council that he expected construction to begin late last year or early this year, he tells us today that he cannot give a specific date. The Minister made some reference to the delay being caused by a lack of finance.

**The Hon. D. H. L. BANFIELD:** I didn't say "lack of finance"; I said "financial negotiations".

**The Hon. C. M. HILL:** I ask the Minister to give the Council the specific reason for the delay, because I assure him that this matter is of great concern indeed to the residents in that part of metropolitan Adelaide.

**The Hon. D. H. L. BANFIELD:** I gave the reason. I said that the developer had not yet finalised negotiations. Some of the negotiations relating to the Industries Assistance Committee take longer than do other financial negotiations that the developer is examining. This is their policy, not the Government's.

**The Hon. C. M. Hill:** In other words, they might not get it at all down there?

**The Hon. D. H. L. BANFIELD:** I did not say that at all. I said that the developer was still anxious to proceed with the project. The honourable member should not try to put words in my mouth. I did not say that at all, as he well knows. The honourable member asked two specific questions, and I gave him two specific answers. I will not let the honourable member put words in my mouth so that I must spit them out.

### PELICANS

**The Hon. ANNE LEVY:** I seek leave to make a statement before asking the Leader of the Government in the Council a question regarding pelicans.

Leave granted.

**The Hon. ANNE LEVY:** I noticed in this morning's press a report that a large number of pelicans in the river area are being fed by the local community. Although I realise that pelicans are not vicious birds, they have, nevertheless, rough edges on and sharp points at the end of their beaks. I should like to refer to my own experience in this respect. A few weeks ago, a pelican went for me and drew blood. I therefore wonder whether the Government will consider issuing a warning, particularly to young children, that pelicans can cause damage and certainly can give individuals a nasty fright if they are too close to them while holding food in their hands. To avoid upsetting children or having them injured in any way, will the Minister consider some form of publicity to the effect that some pelicans can hurt people inadvertently?

**The Hon. D. H. L. BANFIELD:** I will consider issuing a warning to the public along the lines suggested by the honourable member.

### K-MART PROFITS

**The Hon. N. K. FOSTER:** I seek leave to make a short statement before asking the Leader of the Government in

the Council a question regarding the exorbitant profits being made by K-Mart.

Leave granted.

**The Hon. N. K. FOSTER:** Honourable members have no doubt heard about the exorbitant profits made by the K-Mart sector of Coles. K-Mart is an American firm that took up an interest in Coles supermarkets and New World supermarkets some years ago. Their profits have increased steadily over the years and, according to the company's latest report, published in the *Advertiser* last week, the profits have recently exploded, having almost doubled over the past 18 months. In view of the fact that there is junior employment in this area, mainly comprising students, will the Minister request his colleague to ascertain what percentage of the exorbitant profits is made as a result of the fact that this company is notorious for employing low-cost labour, and will the Minister ascertain whether this is reflected in cheaper goods being made available to the community? The company's report would indicate that cheaper goods are not being made available.

**The Hon. D. H. L. BANFIELD:** I will obtain the information for the honourable member.

#### FISHERIES SURVEILLANCE

**The Hon. F. T. BLEVINS:** Can the Minister of Fisheries inform the Council whether it is true that the Agriculture and Fisheries Department is to purchase a helicopter for the surveillance of the State's fisheries? If such a purchase is to be made, what will the helicopter cost, and why is it necessary to obtain it?

**The Hon. B. A. CHATTERTON:** We do not intend to purchase a helicopter, but we will be calling tenders on 21 July for the supply of about 300 hours of helicopter charter time, which will start next month. The purpose of the charter will be for fisheries surveillance. We have already carried out feasibility studies on the use of a helicopter for the patrolling and surveillance of fisheries, and it has been very successful. It will be a useful adjunct to our surface patrolling for fisheries enforcement. It has a much greater cost efficiency than have present methods of enforcement. It is intended to use the helicopter for regular work in this financial year, and it will patrol the whole of the marine coastline and the Murray system, including the lakes and the Coorong. Of course, the cost of the charter will be known only when the successful tenderer has been selected, and I will inform the honourable member of the cost when that has been done.

#### CLASSIFIED PUBLICATIONS

**The Hon. R. C. DeGARIS:** I seek leave to make a brief explanation before asking a question of the Minister of Health, representing the Premier.

Leave granted.

**The Hon. R. C. DeGARIS:** My question is really a matter for the Premier and the Classification of Publications Board. In recent months there have been numerous confiscations of magazines through warrants issued by magistrates on the application of the police in Great Britain, particularly in Tyneside, Woodstock, Kidderminster, and Nuneaton. Have the publications, as listed, been classified for sale in South Australia, and, if they have, what classification has been given to them? I seek leave to have a list of these publications incorporated in *Hansard* without my reading it.

Leave granted.

#### List of Publications

<i>Adam and Eve</i>	
<i>Adult Digest</i>	
<i>Best of Forum</i>	
<i>Best From New Direction</i>	
<i>Caprice</i>	
<i>Carnival</i>	
<i>Cinema X</i>	
<i>Climax</i>	
<i>Club International</i>	
<i>Curious</i>	
<i>Double Take</i>	<i>Lolita</i>
<i>Exciting Cinema</i>	<i>Mayfair</i>
<i>Experience</i>	<i>Men Only</i>
<i>Very Best of Experience</i>	<i>New Chance</i>
<i>Erotic Dreams</i>	<i>New Direction</i>
<i>Fiesta</i>	<i>Best Of New Direction</i>
<i>Forum</i>	<i>New Exclusive</i>
<i>Heat</i>	<i>Open</i>
<i>Hot Line</i>	<i>Parade</i>
<i>How To Enrich</i>	<i>Probe</i>
<i>In Depth</i>	<i>Probe Spring Spread</i>
<i>Very Best From In Depth</i>	<i>Pentact Unisex</i>
<i>Intro</i>	<i>Penthouse</i>
<i>Janus</i>	<i>Profile</i>
<i>Janus Special</i>	<i>Relate</i>
<i>Knave</i>	<i>(New) Relate</i>
<i>Late Night Extra</i>	<i>Search</i>
<i>Love In</i>	<i>(New) Search</i>
<i>Sensuous Symposium</i>	
<i>Slant</i>	
<i>Special Search Soho</i>	
<i>Special Affair</i>	
<i>Variant</i>	
<i>Variant Special</i>	
<i>Vibrations</i>	
<i>Viva</i>	
<i>Witchcraft</i>	
<i>X Films</i>	

**The Hon. D. H. L. BANFIELD:** I will draw the Leader's question to the Premier's attention and bring down a reply.

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

**The Hon. ANNE LEVY** moved:

That the Minors (Consent to Medical and Dental Treatment) Bill, 1977-1978, be restored to the Notice Paper as a lapsed Bill, pursuant to section 57 of the Constitution Act, 1934-1978.

Motion carried.

**The Hon. ANNE LEVY** moved:

That the Minors (Consent to Medical and Dental Treatment) Bill, 1977-1978, be not reprinted as amended by the Select Committee and that the Bill be recommitted to a Committee of the Whole Council tomorrow.

Motion carried.

#### ADDRESS IN REPLY

**The Hon. D. H. L. BANFIELD (Minister of Health)** brought up the following report of the committee appointed to prepare the draft Address in Reply to His Excellency the Governor's Speech:

1. We, the members of the Legislative Council, thank Your Excellency for the Speech with which you have been pleased to open Parliament.
2. We assure Your Excellency that we will give our best attention to all matters placed before us.
3. We earnestly join in Your Excellency's prayer for the Divine blessing on the proceedings of the session.

**The Hon. N. K. FOSTER:** I move:

That the Address in Reply as read be adopted.

I intend to stick as closely as possible to His Excellency's Speech. I have given little thought to the matter, so I ask members to bear with me. Members opposite will realise that sticking to the Speech will involve much criticism of their political colleagues in Canberra. This is the most important year of decision on the fundamental matters that concern people in this State and the Commonwealth since the cessation of hostilities in 1945; indeed, since the recovery from the Great Depression of the 1930's. The recovery from that depression was brought about only by the unfortunate hostilities that have plagued the world from 1939 to the present time. A recent article in the *Advertiser* by Mr. Adams referred to how many days there had been since 1939 that were free of global conflict.

Because of that position, is it not opportune that we, as Parliamentarians, should reflect on our responsibility to consider whether or not there ought to be a change of attitude by political parties towards the welfare of the community as we know it in Australia today. For the past 30-odd years, we have believed that the number of unemployed should not exceed 1.5 per cent of the work force, yet that figure was exceeded during the whole course of the 23 years of unbroken office of Liberal-Country Parties Government between 1949 and late 1972. Indeed, it was exceeded by a Labor Government, which was unfortunate enough to come to office when a recession was already very pronounced in most countries of the Western world.

**The Hon. R. C. DeGaris:** In other words, they exported unemployment to us.

**The Hon. N. K. FOSTER:** The honourable gentleman has never worked in a factory in his life, never taken up the cudgels on a production line, never known what it is to experience the immorality of the chain system of employment, and never known the chain system of living, the chain system that has prevailed in western democracy in industrial terms for almost 60 or 70 years. That man who leads the Opposition in this place has never known the indignity of an empty pay packet, or of a dole queue; he has never had to sign his name at a State or Commonwealth office, indicating that he is not able to receive employment and therefore is not able to support himself. Thus, he cannot understand the unfortunate position that he and his ilk impose on a vast number of people throughout this State today. That is my answer to the man who says unemployment is being exported. He is obviously thinking of the narrow, shallow view of his colleague McLachlan in regard to the recent dispute about live sheep. He will get no bites from me on that other than to say that one of the great tragedies of that demonstration, viewing it on that day, and at Wallaroo, with stiff-legged cockies with iron pipes and tubing down their trousers—

**The Hon. R. C. DeGaris:** That is entirely untrue, and you know it.

**The Hon. N. K. FOSTER:** Let me not digress because of the interjections of the molecule that leads the Opposition. I have to agree that he is a man of some substance, so that "molecule" is the smallest particle to which I can reduce him. The problems of the community

today are much too serious for me to be so light-hearted and flippant that I may encourage honourable members to squawk like parrots, which in the past they have represented because they have never represented people. The Leader is a lightweight, a small number.

**The PRESIDENT:** Order! I would like the honourable member to continue his speech and not argue across the floor.

**The Hon. N. K. FOSTER:** I am glad you are going to shut him up, Mr. President. The fact is that the position is too serious to get jocular about. I am not speaking to the Opposition; I am speaking to the Parliament. I am not so narrow-minded as not to admit that the present Governments, State and Federal, and their predecessors, have been in error. For example, the 25 per cent across-the-board tariff cut by the previous Federal Labor Government, in the way in which it was done, was a mistake. What followed should have been foreseen. I was also opposed to the development of the Upper Murray River system, and openly advocated that we should not develop the Albury-Wodonga area. They are just two examples that show that I do not bend my knees willy-nilly to narrow political beliefs.

Politicians of both political persuasions say that if we do not embrace the full scope of technology we are indeed doomed to failure. I think that ought to be questioned today. If we look on technology as merely being a means to increase production, or to increase through-put, or output in a field, that may be all right in one way but it is disastrous in so many other ways. What if computerisation leads to multi-storey business blocks in the cities of Australia, particularly the city of Adelaide, being denuded of workers, who have no alternative means of employment or income? Technology ought to be questioned by every responsible member of the community; there ought to be a better way.

I hope that there are not people in the community who opt out and who say that there is a lot to be said for the machine gun in such a situation. Within the next few years, there must be a drastic change and improvement of attitude. Perhaps a change of direction may well result. Whilst you can put up with 5, 6, 7 or 8 per cent of the work force being unemployed, when it gets to 10 per cent, as it surely must with the present Federal Government's attitude, its false attitude towards deficit budgeting and inflation, you are in real bother. So, I think quite seriously that, apart from political ideology, in the interests of people and in the interests of this country there ought to be a great change, as there was almost 100 years ago in industrial relationships in Europe in respect of a number of innovations such as workers' compensation.

It is quite ridiculous for the leaders of Australia to barnstorm out of this country with about 50 people on a super jet and attempt to stand over people in the European Economic Community, when one recalls the statements of Fraser, Gorton, Sinclair, Menzies, Anthony, McEwen and so on when birth was given to the European Economic Community—they abused it. They never sought any form of consultation whatever, yet some 15 or 20 years later they are saying that we ought to get on the bandwagon with the European Economic Community.

Now the Hon. Mr. DeGaris has said that we export employment, and that has always been so. Let me remind the honourable gentleman that when the very first bale of wool grown by MacArthur was exported from Sydney Cove, we exported employment, because we exported it to Bradford to be spun into cloth. We still export to Bradford today so that wool can be spun into cloth, but the wool spun into cloth is a very meagre percentage of the total wool clip of Australia.

The Hon. Mr. DeGaris should examine his outbursts in relation to exporting wealth. Does the honourable member envisage that the North-West shelf deposits of hydrocarbons and other energy resources, or energy produced from natural gas or oil, should not be exported elsewhere in the world, that such production should also be contained in Australia to provide great industrialisation of the North-West area? He will say, "Give a fair go to private enterprise", even though that catchcry of the Liberal Party is so hypocritical. He rides to work in a socialistically provided vehicle; he travels on roads provided by the State, provided through socialised finance. Indeed, the hospitals he attends are probably provided from socialist resources. The philosophy of members opposite is involved especially in relation to the nationalisation of a certain entity or industry, yet socialisation in the strictest terms means that the State pays for a particular commodity—that the State pays for and bears the brunt of a particular service.

The Leader should examine Commonwealth *Hansard* over the past 10 years to see the amount of taxpayers' funds that has been poured into the free-enterprise system. Indeed, as the most conservative member of this Council, he would be staggered and shocked at the amount involved. Let us no longer have such hypocrisy, suggesting that this is a Government of socialism. This is not a Government of socialism, because that is prohibited by the Constitution, and that is unfortunate. That position does not and cannot obtain. Some areas in which the Government seeks to undertake its responsibilities can be described as socialistic. The very footpaths along which we all tread are financed from taxation, be it direct or indirect taxation. I refer especially to recent rumours emanating from Canberra about the forthcoming Budget but, in the final analysis, these funds come from a socialist source.

I refer to the position in Rundle Mall stores, where a high percentage of the total salary paid to junior workers in this bastion of free enterprise, which is so strongly supported by members of the Adelaide Club, is subsidised by almost \$70 a week. Am I incorrect in saying that? Members opposite do not interject, because they know I am right.

Where do the thoughts of members opposite lie regarding such social security provisions which enable such employment to be created? I am not knocking that situation on the basis that the jobs should not be there at all: I merely draw the attention of Opposition members to their hypocrisy in their outburst that this is a socialistic Government. Members of the Liberal Party should go to Canberra and tell our arrogant Prime Minister and the relevant Minister of the changes urgently required.

What about the outcry in this State by the Liberal Party when the State Government acquired shares in a private firm in the South-East! It was claimed that we were socialising free enterprise. However, we heard not one word about the circumstances surrounding the State forests and the Liberal Government's involvement, yet that is a similar situation. Why do those forests exist? The Hon. Mr. Geddes has referred to those forests and has even been involved in forest areas to the north of this State. The products of those forests have been provided to free enterprise to ensure that they make a profit. I believe that, if State forests exist, the mills, the preparation of the timber and all the technology related to the industry should reside completely and entirely in the State for the benefit of the people of the State, and I do not back away from that view.

Presently we have an interlocking of some State enterprises, yet attempts have been made to remove the profitable areas. Further, the medical fraternity profits

through the State's picking up the bills for hospitalisation. The profession needs somewhere to put its patients, and it puts them in hospitals provided by the State, by the taxpayer, yet members of the profession still charge exorbitant fees. I refer to profits made in many areas. It could be said that this position is not unfair until a level of exploitation is reached, and at that stage it does become unfair. I have already referred to the use of the machine gun, and eventually that is something that people may be reduced to.

The unemployment situation can be blamed on individual governments, but it is a fact of life. The effects of mechanisation, technological advance and automation have caught up with us. Not one principal employer in the Commonwealth today, or even a smaller employer, will give even a cursory thought to replacing a redundant worker or a worker lost through natural attrition.

The Fraser Government, in 1975, promised incentives to industry to mechanise, and it will spend \$250 000 to deny employment for 20 people, yet the taxpayer will have to pick up the tab for those 20 people, who can no longer survive from their own resources and who must now rely upon the resources of the State through social security benefits.

I have often referred to displacement through technology in Australia. Utah is a firm similar to Broken Hill Proprietary Company Limited, it deals in similar areas and makes similar profits. Having come on to the scene only in the past five or 10 years it employs a total of about 3 000 people in Australia, yet B.H.P. still employs about 65 000 or 75 000 people.

**The Hon. R. C. DeGaris:** You were once very critical of B.H.P.

**The Hon. N. K. FOSTER:** Where there has been exploitation by B.H.P. in specific areas, I have been, and I will be, critical of it, as I intended to be before the honourable member interjected. Does he realise from where, for every ship that came off the Whyalla slipway, a large percentage of the profit residing with B.H.P. came?

It came from the sale of the ship to the purchaser, at a cost to the taxpayer, because every ship was subsidised to the extent of almost 50 per cent. If it is a great free enterprise organisation it ought to bear its own cost.

**The Hon. R. C. DeGaris:** The Government could take it over.

**The Hon. N. K. FOSTER:** The reason why that was not done was that Governments of various political persuasions, in their wisdom or otherwise, decreed that employment was a god and had to be paid some respect. A work force had to be retained in specific areas such as Newcastle, Port Kembla and Whyalla. That should have been the desire of any Government whether acting from the hip pocket nerve or from the feel of the numbers game at elections every three years or less, and it is a matter on which members may satisfy their own minds.

I do not know the answer to the present-day headlong, almost fatalistic rush into automation. An example of this in this State not long ago was when the Police Department was confronted with a decision whether or not to employ just two more people in its credit union. Additional expenses for office accommodation might have been involved. The department did not create additional employment because additional office space had to be acquired or built. It decreased the labour force. Members of that organisation can walk into that building at any hour of the day or night, be it Sunday or whatever, put a card into a machine and take out \$25, \$250 or whatever.

*Four Corners* last weekend had an item on automation that showed that, if gigantic orders for motor cars were secured tomorrow for any market in the world, the



number of employees to be taken on by motor car firms would still not bring the level of those working in that industry to what it was in 1973. A member of this Council, the Hon. Mr. Laidlaw (and I do not mention this as critically as I should, because I did not get a chance to do my homework on a number of the areas of unemployment created in the past few days in the firms he has been associated with), is on the board of directors of at least 40 companies, as a quick count at about midnight one night showed.

**The Hon. D. H. Laidlaw:** Come off it.

**The Hon. N. K. FOSTER:** You told me 37, so 40 is not far off. How big, or small, the companies are, how many are interlocked, one does not know. Today companies have a system of surrounding themselves in secrecy, by expanding the number of companies from the centre, and that is designed to protect them against a number of business practices. A building company may be a parent company, and will form some other company. If there is a slump, as there is in industry today, that company will direct by order of priority the first one to go into bankruptcy with the least responsibility. All eight spokes have to be knocked off and prepared to go into bankruptcy before the hub, the centre (Lensworth Finance Company or SCA), is in any real danger. Such companies do not ever get into danger. They spin off the other companies, such as those the Prime Minister has been associated with in Melbourne and Sydney. They touch the public for millions, almost billions, of dollars and not one person involved has been placed behind bars for this.

That is the type of business system that operates today against full employment. It denies employment. The Leader of the Opposition in this place can only blurt out every now and again, when he takes his attention from doing the crossword in the Murdoch newspaper, that we export unemployment. If that means exporting raw material in terms of coal, steel or wool that ought to be retained in this country to be used to build up manufacturing industry here, I agree. But he errs in protecting the very means of encouraging that system.

The attacks that are made by the Opposition about a socialistic State are false. The Leader of the Opposition knocks the State, and there is a lack of any constructive criticism on behalf of the shadow Minister of Labour and Industry, who hits unions and who is known and who has a family background in relation to the moral rearmament association, the most internationally anti-trade union organisation in the world. He has protected himself well against publicity in regard to this matter. He and his family have certainly been associated with moral rearmament in South Australia. For the benefit of those members who do not completely understand it, I suggest they go to the library and find out what it is about. They have vast property in certain places, New York, and so on; they have an undue influence in undeveloped countries. They have vast properties in Bonn, where if anybody, particularly members of the left, wanted to denounce the left-wing philosophy in which they had believed for years, they could take themselves off for years of idle leisure with moral rearmament.

**The Hon. C. M. Hill:** What is that to do with the member of Parliament?

**The Hon. N. K. FOSTER:** Because he is steeped in what that stands for. He has an absolute lack of understanding of workers' problems, workers' security, trade unions or industrial relations. That is the shadow Minister, who has never picked up a shovel in his life, banged in a nail, swept the factory floor, or been engaged in industry in any shape or form.

**The Hon. C. M. Hill:** How do you know?

**The Hon. N. K. FOSTER:** I know, I have asked him. I have followed him for ages, one Dean Brown. He has never worked in his life in industry. This is the sort of bloke you put up as your shadow Minister. That is like the Federal Minister, Tony Street, who is a farmer.

**The Hon. J. C. Burdett:** When was the Premier engaged in industry?

**The Hon. N. K. FOSTER:** He is not the Minister of Labour and Industry. Jack Wright has worked his guts out for employees and employee organisations. He has shorn sheep. I am not necessarily saying that a person has had to work in a private capacity in the portfolio area. The Liberal Party does not have any lawyers in the Lower House or any doctors. They would be struggling to get an Attorney-General and a Minister for Health.

**The Hon. J. C. Burdett:** What about Dr. Tonkin?

**The Hon. N. K. FOSTER:** Tonkin is not a medical doctor; he is an ophthalmologist.

**The Hon. J. C. Burdett:** He's a medical practitioner.

**The Hon. N. K. FOSTER:** He does not want to be known as a doctor, and you know it. He wants to be known as plain mister. If he gets a quid on the side as an ophthalmologist, good luck to him; let him. He treats public servants in his surgery, yet he says they ought to be out of a job; that is how hypocritical he is.

Let him lay his books and what have you in the House of Assembly and you will find that he has got the grape vine of the Tonkin professional attendance running through the length and breadth of the Public Service. Many of his patients are public servants, and he accepts their money. It is a double standard, because he says we ought to sack 40 per cent of the public servants. The only reason the Opposition could not get rid of him as Leader is that there are too damn many of you who want his job. If only one bloke in the Liberal Party wanted his job, he would be gone tonight.

Members opposite have more problems with their leadership than they would with a porcupine in bed. Their Deputy Leader, on his return from overseas, said, "I have discovered that they have socialism in Great Britain." What a load of bloody rubbish!

**The PRESIDENT:** Order! The honourable member has had a good and open run with his description of characters in other places. However, I remind him that unparliamentary language will not be permitted and that he should return to the subject matter.

**The Hon. N. K. FOSTER:** I thank you, Sir, and apologise for using that frightful word.

**The Hon. C. M. Hill:** You should apologise to members of Parliament for the aspersions you cast on them.

**The Hon. N. K. FOSTER:** The honourable member was known, when he was a Minister, to buy 1 574 copies of the *Sunday Mail* to influence the course of a *Mail*-sponsored referendum. So, how can we believe what he says? I was pleased to hear last Thursday the Governor categorically telling the people of this State that the problems associated with the economic situation were a direct result of the actions of the Government in Canberra. I refer specifically to the fourth paragraph of His Excellency's Speech, as follows:

In reviewing the general position of the State, my Government continues to express its concern and disappointment at the depressed level of activity in the national economy, which is being reflected in our own State. The unacceptably high levels of unemployment which have been caused by this recession in the national economy continue to be a major concern of my Government. No less compelling than the constraints imposed by the conditions of the national economy are the restrictions in funding being imposed by the Commonwealth Government.

If ever members opposite needed to do anything, in order to look after the interests of this State, they need now to stand up and stop following blindly Mr. Tonkin's outbursts against the Government of this State. The Federal Government does not carry the burden of responsibility for the ills inflicted upon the community and, if ever there was a crying need for members opposite, especially the Hon. Mr. Laidlaw, to stand up and be counted, and to influence a change in attitude in Canberra, that need exists now.

Members opposite will recall press reports which clearly showed that, when the Redcliff matter was raised during the course of a meeting, a number of Ministers (including the Prime Minister and Mr. Anthony) moved that Redcliff be given absolute priority.

**The Hon. F. T. Blevins:** Even Lynch.

**The Hon. N. K. FOSTER:** Yes, it applies even to Mr. Lynch, who said, "For God's sake, give that absolute priority." But what happened? That arrogant, unfeeling multi-millionaire, Mr. Fraser, who owns 10 000 hectares of land in Victoria, then said "No". That arrogant man said at the meeting to which I have referred that such priority would not be given. Indeed, he ridiculed his deputy, his most senior Minister, in front of the meeting, almost shouting, "Shut your mouth and keep quiet."

Despite this, not one member of the Liberal Party in this State said in this place, or sought to be heard on the media saying, that the Prime Minister was wrong. Not one of them gave any encouragement to Mr. Anthony or Mr. Lynch, or tried to dissuade the Prime Minister from taking the course that he was taking. Their Leader merely said that he would speak to the Prime Minister, and made no tangible offer of support for the people of South Australia.

The Leader of the Opposition did not try to dissuade the Prime Minister from taking the stupid path that he was taking. He did not have the guts or the courage to make a decision on behalf of one State over another in relation to a certain type of development.

Also, did we hear anything of the lone South Australian Federal Minister, Mr. McLeay, the honourable member for Boothby? Have we heard him once supporting this State and its Government? If any member opposite can show me where Mr. McLeay has raised his voice constructively, as Minister for Construction, on behalf of the people of this State, I will even think about leaving the place! Rather, he has followed blindly the stupid attitude of the so-called shadow Ministers on the front bench. Fortunately, they will remain shadow Ministers for a long time yet.

The leading newspaper in this State has not yet written an editorial condemning South Australia's one and only Federal Minister for failing to take a positive stand on behalf of the people of this State. So, do not let me hear members opposite grizzling. They say that they are beholden to the true Liberal philosophy, but the Liberal Party thinks, "Give them nothing and take them nowhere."

I saw in this morning's press that a great personal friend of the Leader of the Opposition, a senior officer of the Liberal Party, rushed into print, saying that she had been appointed to a certain committee by the Federal Government. She was quick to tell the people that she deplored the newspaper for having, when announcing her appointment, said that she was a member of the Liberal Party and that that seemed to be her only qualification.

Since she has lost favour and support in the Liberal Party, her hopes of becoming a member of this Council have been diminished. The Opposition's whole philosophy is false, unending, and useless. The Opposition has failed utterly to condemn the Fraser Government's

proposals concerning the health and welfare of the lower-paid people of this State. Not one member of the Opposition has taken up the cudgels on behalf of the people of Whyalla. The Opposition has not concerned itself with the iron triangle, and has not uttered one skerrick of criticism against the Fraser Government in respect of its cuts in education spending, particularly pre-school spending. All that the Opposition can do is come here and say, "We will introduce a private member's Bill in regard to prostitution."

Actually, Opposition members are the greatest prostitutes of all when it comes to decency. I illustrated this point during Question Time today in exposing a mythical and dishonest petition presented by the Leader of the Opposition last Thursday. Recently the Federal Minister for Transport (Mr. Nixon) went to Japan and virtually said to the Japanese, "Don't trade with us, because the trade unions have a gun at your heads." This is the type of loyalty that Opposition members show. The only loyalty they show is the type displayed when they put kids' names in barrels and sent the kids overseas to unjust wars, as Menzies did. I shed no tears for him, nor should I.

**The Hon. C. M. Hill:** That is a nice way to speak of the dead.

**The Hon. N. K. FOSTER:** I make no apologies. There are about 60 kids buried in Adelaide cemeteries as a result of the policy to which I have referred. Go to the Athelstone cemetery this afternoon and look at an example. Some Opposition members pushed kids' names into the barrel while ensuring that their own kids' names did not go into the barrel. Was that any different from what we saw in the television programme *Holocaust* last week? No! It was a lottery of death, and Opposition members participated in it.

**The Hon. R. C. DeGaris:** What are you talking about?

**The Hon. N. K. FOSTER:** I am talking about loyalty. You, Mr. Leader of the Opposition, have not once, while having a privileged position in this Council and in connection with the media, advanced an argument to the Federal Government that was truly in the interests of the people. You have not told McLeay that it is time he did something in the interests of this State in connection with his portfolio. The Opposition is living on cloud 9 and does not give a damn about the people. The most junior member of this Council stood here with a slight grin and asked the Minister of Agriculture a question about Samcor, but I point out that Samcor's difficulties have been brought about by the downturn in trade. It has not happened to Samcor alone.

The Hon. Mr. DeGaris is a man of no substance. Last week the Hon. Mr. Burdett got up on the false issue of child pornography and a false survey done in the suburbs. I refer now to Mr. Jim Sheridan, a most respected member of the Labor Party who writes frequently to the *Advertiser*. Mr. Sheridan had been appointed by the Deputy Premier as a member of a school council. He was able to contribute to the council because he had worked in industry, had studied hard, and had been a teacher for between 20 years and 30 years in public schools and private schools. He is a dedicated person. However, the member for Coles in the House of Assembly, who says she wants to be fair and above board, had Mr. Sheridan removed from the school council in the last few months of his term of office, although Mr. Sheridan had said he would like to stay on the council until the end of the year.

Mrs. Adamson had the right to kick him out, and kick him out she did. She ought to be condemned for what she did. Her right comes about as a result of an amendment to the legislation instituted by a Labor Government. Members opposite are not sincere. Opposition members

should have listened to "Broadband" on 5CL last evening. That programme referred to civil liberties, the absolute power of the Shah, and the 60 000 Yankee troops in Iran. We have enough issues here. I wonder whether during this debate we will hear one breath of honest criticism from the Opposition, one breath of sincerity.

**The Hon. R. C. DeGaris:** We have been waiting for it from you.

**The Hon. N. K. FOSTER:** The Opposition ought to tell us where we ought to go, but all it does is drag out red herrings. It is trying to score points off the Government, and the people are suspicious. However, many people unfortunately cannot see the difference between what is happening Federally and what is happening in this State.

There have been members on the other side of this House (and I will name them in a later debate) who have purposely gone to country council areas and said to those on State unemployment relief who will get the sack, "It was Dunstan money you were being paid with, and it is Dunstan who is taking it away." Members opposite are looking at me with some consternation now, because they know it is a lie. It is quite false and I shall tell you about it in the Estimates debate. That is what you are doing, that is the false story you are telling the people outside, and that is the false way you approached the Salisbury affair. I suggest that you get better information from the adviser, Ross Story.

**The Hon. R. C. DeGaris:** You did say at the beginning that you had not done much work on this speech, and we agree.

**The Hon. N. K. FOSTER:** I hope you do. I will reply in the Estimates debate. I commend the motion to the House and I hope, Mr. President, in all sincerity that members opposite will stop their paling-fence politics, if I may refer to them as such, and look at the problems that confront us all.

**The Hon. F. T. BLEVINS:** Mr. President, it gives me much pleasure to second the motion. It is a tradition that in the Governor's Speech (and this has given me a certain amount of amusement in the past) we always get a weather report. Some speeches have said little else, but this is a comprehensive Speech, and I think one of the most important parts of it was the weather report.

You, Sir, would know, living on Eyre Peninsula, that we have suffered a tragic drought in the past few years. Fortunately, it has now broken. I congratulate the country people on the way they have handled the problem. My experience in the area in the past few years has given me a completely new understanding of country people and their problems, particularly in relation to drought.

There is a feeling abroad that cockies are habitual moaners. That is also said about some other people, but that again is not true. It is not true about cockies as a whole. Certainly, the farmers on Eyre Peninsula have gone through a very difficult period. They have come out of that period now, or look like coming out of it, and we all should be grateful for that. If honourable members had gone through that area six months ago they would have seen what looked like an absolute disaster. They would have seen the land drifting over the roads, leaving the fields, and to the person who did not know the area, it looked as though the area would never be productive again. I was constantly surprised when I was in the area, to listen to farmers saying that it might seem to be an absolute disaster but that, given Government drought relief assistance and the rain, they would be back on their feet again very soon.

In Brisbane a few weeks ago, I again saw people who had been on Eyre Peninsula with me about six months

earlier, and they asked what had happened to that area. I said, "You ought to go through it now." I was there with you, Sir, last Monday, and it really looked beautiful. It is a credit to the people concerned. Possibly, mistakes have been made in the past regarding soil conservation, but the people concerned on Eyre Peninsula do not feel that the mistakes have been major and they will easily correct them so that Eyre Peninsula will remain a very desirable place in which to live and work. However, the point of that, Sir, is that the Governor's Speech included a weather report, and that part, as well as the rest, is very important.

The bulk of the remainder of the Speech was taken up in outlining the problems that South Australians would face. It is no good getting away from these problems; they are there. The problems are severe and they are a direct result of the policies of this Federal Government. All the economists at Melbourne University announced yesterday in the press that they were totally opposed to the policies of that Government.

I will detail some things that will be affected in this State. One is the hospitals development programme, and I smile when the shadow Minister of Health, Mr. Hill, complains about delays in areas such as this. None of us likes those delays, but, without money, what are we going to do? Where is the money to come from? Water resources, welfare housing, community health programmes, urban public transport and childhood services, are projects that will be cut.

Perhaps the one that hurts me most of all is the cut in the school dental service. When I first came to Australia, I was surprised to see the state of young people's teeth. The national health scheme in the U.K. overcame such problems after the Second World War, and to come to Australia, as I did in 1965, and see young people with very bad dental health care was terrible. The school dental scheme, I think, has been an outstanding success in remedying that. I regret very much that the Federal Government has cut funds for this scheme.

I could go on for several pages of the Speech, dealing with the cuts that unfortunately have had to be made by the State Government because of its lack of finance. Another is the State Unemployment Relief Scheme, which has been responsible for the employment of 9 000 people. The State Government, for last financial year, appropriated \$22 000 000 for this scheme, and unfortunately this year it can appropriate only \$7 000 000. That will add enormously to the unemployment problem in the State, and it is a great pity that the Federal Government does not do something about job-creating schemes to get Australia back to work.

Madam Acting President, a very significant event occurred on Saturday 19 June this year in New South Wales. That event, of course, was the New South Wales referendum to reform the Legislative Council in that State, and I want to make a few comments on, first, the result, and secondly, on what it may mean for the future of Upper Houses in Australia.

**The Hon. C. M. Hill:** Do you support the system that the people of New South Wales voted for?

**The Hon. F. T. BLEVINS:** I crave the protection of the Chair from that unruly interjector. Regarding the result, it was heartening to those of us who believe in democracy to have our faith in the intelligence of the Australian people reinforced. The situation that the referendum was designed to change, that of Legislative Council members being appointed by State Parliament, was an absolute disgrace and an affront to democracy. It is interesting to note here that the Leader of the Opposition in this place, Mr. DeGaris, still believes in members being nominated to this place rather than being democratically elected as we

are now. I am sure that most members of the Liberal Party are ashamed to be associated with that kind of view in 1978.

The vote in favour of changing the New South Wales system was an incredible 84 per cent, and it is heartening to see that the vote for democracy in country areas was only marginally below the average, that is, 80.5 per cent. This country vote makes nonsense of the claim by some people that country people do not have the same commitment to democracy as everyone else. The common sense of country voters in New South Wales in this referendum was particularly welcome, as the Leader of the Country Party in that State, Mr. Punch, came out on the eve of the poll advocating a "No" vote. Even his own country electorate of Gloucester voted three-to-one for the proposition, against Mr. Punch's advice. Whilst the overall "Yes" vote was extremely good (every electorate in that State voting "Yes"), some of the figures make interesting comparisons. The largest majorities for "Yes" came from the working class electorates. For example, Cessnock voted an incredible 12:1 in favour, and Balmain 11:1 in favour. In contrast, in the elite and exclusive areas such as Gordon and Vacluse, the "No" vote was significantly higher than the average. In Gordon, for example, the "No" vote was 26.4 per cent. It appears that the commitment to democracy decreases with the accumulation of wealth.

I now come to my second point on this topic and what the result may mean for the future of Upper Houses in Australia. I refer to the editorial from the *Australian* of 19 June 1978. The editorial is headed "Worthless Upper Houses" and states:

The New South Wales referendum to reform the Legislative Council has been passed with its expected large majority—although it is doubtful if people voted for anything more than reform for reform's sake. New South Wales will now have a strictly party-political Upper House, with no real claim to being a house of review, which raises the national question: is there any longer any need for any State to have an Upper House?

Of course there isn't. There is a case for retaining the Senate, to give the less populated States some protection against centralism and being steamrollered by New South Wales and Victoria. But, in this grievously and expensively over-governed country, there is only the flimsiest of arguments for perpetuating repositories for party hacks, political dilettantes, axe-grinding opportunists and the like in gilded, ceremonial-ridden hangovers from the colonial days. Not all Upper House members come into these unflattering categories . . . but too many do. The New South Wales vote could well serve as a kick-off point for nation-wide abolition of State Upper Houses.

Everyone in this Council knows that what that editorial says is correct. There is no justification whatsoever to have two Houses of Parliament in the State. I believe the case for an Upper House in the Federal scene is very weak, but at least there is a case, although it certainly does not convince me. However, no case at all can be advanced for the retention of State Upper Houses. They are strictly Party-political Houses, usually gerrymandered and dominated by the most reactionary elements of the conservative parties. All Upper Houses do is duplicate the work of the people's House without adding anything of value at all. If there is a different Party majority in the Upper House than the Lower House, then all the Upper House majority does is to get as much of its own particular Party policy included in the legislation as it possibly can. Even worse than that, if the Party in control in the Upper House cannot have its own way, then it can, and does, reject outright the Bill from the people's House.

I think it is about time the people of Australia woke up to the incredible waste of time, effort and money involved in maintaining useless institutions such as this one and, as stated in the *Australian* editorial that I have just read, use the N.S.W. vote as a starting point for the nation-wide abolition of State Upper Houses.

Now, I want to discuss an issue that most people shy away from—the issue of dying. It is, I suppose, understandable but, because of the inevitability of it, it is a topic that should be discussed and thought about much more than it presently is. The particular aspect of dying that concerns me today is the lack of legislation in South Australia, or any other State, that gives a terminally-ill patient the right to refuse life-sustaining mechanical procedures when they serve no purpose except to delay artificially the moment of death.

I was prompted to think about this matter by an editorial in the *Australian* of 6 January 1977, headed "The Right to Death". That editorial states:

The question of a human being's right to die in dignity and with natural speed, rather than be kept alive as a human vegetable by modern life-support equipment after a normally terminal accident or illness, invokes the deepest emotions on either side. We have always favoured in these columns the view that genuine respect for the human individual is best shown by allowing nature to take its course once a patient's state has become hopeless, rather than by prolonging agony in refusing to switch off the marvels of technology which can maintain a semblance of life.

The State of California seems to have found the nearest approach so far to a clean answer to this dilemma in the decision to allow people over 18 to make "living wills", in which they can order their doctors to withhold life-support aid if they later fall into a physical state in which death would otherwise be imminent. If the premise can be accepted that it can be right in some circumstances to switch off life supports—and this has been accepted already by many religious leaders—it is common sense and indeed simple charity to allow people to make the decision themselves in advance. People in most countries are already able to will their kidneys, eyes and other organs for transplant donations in the event of an accident. It seems a logical step to go further on life-support systems in case of a similar eventuality.

This would be charity not only to the people concerned who may so insure themselves from the possibility of a lingering vegetable existence after illness or accident, but also to the medical personnel involved, who can be relieved by the patient himself in advance of what might otherwise be a dread responsibility. The notion of living wills is worth examination by Australian legal authorities, with an eye to its imitation here.

As honourable members know, adults of sound mind have the right to refuse medical treatment and, if a doctor goes ahead against the express wish of the patient, he could be open to some serious charges which could include prosecution for murder, manslaughter, or assault occasioning grievous bodily harm, depending upon what treatment was given and what was the result of that treatment. However, this is not a problem when a patient is able to signify his consent or otherwise to the medical procedure. However, the problem arises when the patient is unable to verbally exercise his right to refuse treatment.

In these circumstances the patient is entirely at the mercy of the doctor. It may be that a particular terminally-ill patient does not want to be kept alive by artificial means, but cannot say so, but the doctor holds the view that the machine should not be switched off, and in that case the doctor, in effect, is giving medical treatment contrary to the wishes of the patient. Of course, the

reverse can also apply, that is, the terminally-ill patient wants to be kept alive as long as possible and the doctor does not think it is worth while to use the hospital resources to that end and so orders the machine to be switched off. In these circumstances the doctor is denying the patient his wishes and also may be committing a civil or criminal offence, as I have just mentioned.

So that briefly is the problem. I think it is a very real problem and one we should attempt to solve. There are several schools of thought about the problem, and I want to briefly outline the three main ones and my opinions on them. First, there is the proposition that everything possible should be done to prolong life by whatever means are available. I appreciate this argument, but reject it for everyone because it denies what is generally accepted to be a human right, and that is that the individual himself has the absolute right to refuse medical treatment. As I understand it, this right has been upheld by the courts whenever and wherever it has been challenged.

The second proposition is that the whole problem should be ignored, which means that doctors are forced to make a decision on each individual case themselves. This again is unacceptable to me because it is paternalistic and takes out of the hands of the individual the right of decision affecting his own medical treatment. The result of this course of action, or rather inaction, is that doctors have to daily make decisions which could result in their breaking the law in the interests, as they see it, of their patients. Why should doctors have to jeopardise their careers in this way when there is a simple and obvious remedy?

That, Mr. President, brings me to my third proposition, which is the one I favour because it does solve the problem. I believe that an adult of sound mind should be able to sign a legally enforceable directive to his doctor stating that he does not want the artificial life that modern medical technology can give him when he is terminally ill. Such a legally enforceable directive would not only ensure the terminally ill patient's wishes were respected but also relieve the doctor of making that decision and the possibility of legal action if that decision was not agreed to by a relative of the patient or some other person.

At present, the only action that a person can take who does not want to be kept alive artificially when terminally ill is to write a statement to this effect to his doctor and hope that the doctor risks his career and acts upon it. This, incidentally, can be done now on a very well organised basis through the Medic Alert Foundation. Medic Alert is a non-profit charitable organisation that lists the medical problems of subscribers and issues a bracelet engraved with a registration number that should be worn at all times, so that in the event of the person being unable to speak due to accident or illness, reference can be made to the central registry so that any medical problems can be made known to the doctor so that wrong treatment or drugs are not given. Medic Alert is now accepting application forms with the request that life is not maintained by a machine, and are processing bracelets to this effect. However, Medic Alert is aware that this request has no legal backing, and to me, that is the flaw in the Medic Alert scheme. The proposal that adults should be able to sign legally enforceable directives is not new. In almost every State in America laws have been passed or Bills have been introduced to enable terminally ill patients to die. California was the first State to do so, and I have a copy of that Act.

I want to give the Council a brief outline of it to illustrate what has been done. The Californian Act enables adults to write a directive instructing their doctor to withhold extraordinary treatment that prolongs the dying

process. The directive is only legally binding if it is signed 14 days after a person is told that he has a terminal illness. If it is signed when the person is in good health, the doctor need only take note of the directive. It is not binding. The directive lasts only five years and can be revoked at any time, either verbally or in writing, or by destroying the directive. The directive has no effect on any insurance policy and does not limit the person's right to accept or reject health care of any kind. The Californian Act also includes this section:

Nothing in this chapter shall be construed to condone, authorise or approve of mercy killing, or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying as provided in this chapter.

I do not want to go into any more detail at this stage on the Californian Act. If any honourable members would like a copy, I should be happy to supply them with one. Acts in other American States vary in detail, but the intention of them is all the same and that is to permit terminally ill patients to die naturally if they choose to do so. The Californian Act was supported by virtually every organisation representing the elderly, many of the organisations such as Civil Liberty, Californian Medical Association, and Nurses Association. The religious community, including the Californian Conference of Catholic Bishops also supported the Bill. In no way has the Act limited the right of people to the maximum amount of medical treatment that is available. A report in the *Advertiser* of 8 July 1978 demonstrates this. The report states that a Californian doctor who told aides to disconnect life support systems was charged with involuntary manslaughter. It is only when there is a valid directive that doctors are exempt from civil or criminal liability.

The section of the Californian Bill that I read out dealing with mercy killing is very significant. It explicitly rejects the concept of mercy killing. What I am advocating has nothing to do with mercy killing, and I hope that no-one misinterprets what I am suggesting and attempts to link a natural death Act with mercy killing. That is an entirely different issue and one I do not want mixed up with this debate. Whilst views on mercy killing will vary greatly, I believe that most people would support a law that permits a terminally ill patient to die with dignity. Honourable members will know of instances where a natural death act would have been welcomed by a relative or friend. However, by way of illustration, I want to read a letter from a doctor published in *Medical Economics*, an American magazine that was quoted last year in an article on this subject in the *National Times*. This letter from a Massachusetts doctor argues as forceful a case for right to death statutes as any Legislature is likely to hear.

It is true that death is rarely dignified but it is also undignified to die with a urethral Foley catheter connected to a drainage bag, a continuous IV running, a colostomy surrounded with dressings, and irrigation tubes stuck in an abscess cavity around the colostomy, a CVP line, a moisturised oral endotracheal tube attached to a Bennett respirator taped to the face, an oral airway, a feeding nasogastric tube also taped to the face, and all four extremities restrained. This is the way a friend and colleague of mine died. When I went in to greet him two days before he died, I could hardly get to the bed because of all the machinery around him . . . the friend of course couldn't speak, and when he lifted his hand, it was checked by a strap. It is necessary to do this to a human being so his family won't feel guilty about wishing him to have peace at last?

Mr. President, I have an absolute horror of being in that kind of situation, being hooked to a machine that could do

nothing to cure me if I had an incurable illness. It would be bad enough to be dying without having to put up with medical technology that would prolong the dying process against my will. I want the right to say, "For goodness sake take away your machines; if I am dying nothing can stop that, keep me comfortable and let me die in peace." I want to make that decision for myself and not have to rely on the goodwill of doctors who may be, with justification, so scared of a malpractice suit that they could keep me existing for weeks, months, years.

I intend contacting as many organisations as possible to ask their views on the principle of a Natural Death Act in South Australia; organisations such as the A.M.A., the various church denominations and organisations representing the aged. I hope that honourable members also will let me know their views to enable me to find out just what support there is inside, as well as outside Parliament, for a measure such as this. The fourth report of the Mitchell Committee suggests an inquiry as to the circumstances under which life support systems may lawfully be withdrawn. Whilst I agree with this approach in relation to decisions that have to be made on maintaining life support systems where the wishes of the patient is not known, I think that if the wishes of the patient can be made known then the case is so strong for allowing those wishes to be fulfilled that an inquiry is not so necessary.

If there is sufficient favourable response for the proposal to have a natural death Act, I will, by way of private members' business, have Parliament consider a Bill in the hope that what I believe will be a successful and worthwhile measure will become law. I support the motion.

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

#### BUSINESS FRANCHISE (TOBACCO) ACT AMENDMENT BILL

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

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

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

Its object is to provide remedies for certain undesirable practices that have arisen in relation to the licensing of wholesale tobacco merchants under the provisions of the Business Franchise (Tobacco) Act, 1974-1975. The Bill provides for:

- (a) Monthly licences for wholesale tobacco merchants with the licence fee payable being assessed on the value of tobacco sold in the month occurring two months prior to the month for which the licence will be issued.
- (b) Group wholesale tobacco merchants' licences to cover the operations of related companies and to ensure that all sales are assessable for licence fee purposes regardless of changes in the composition of a group.
- (c) Various minor amendments to a number of provisions to facilitate the efficient administration of the Act.

Under the present Act licences are issued to wholesale tobacco merchants for a period of one year from 1 October, and the licence fee is based on sales made by the wholesaler during the previous financial year. It has been found that under this legislation it is possible for a wholesaler to avoid payment of a licence fee appropriate to the level of his turnover in the following ways:

- (a) A company obtains an initial wholesale tobacco merchant's licence on the basis of conducting a business with a small turnover, thus attracting a minimal fee for the first annual licence. Subsequently, the wholesaler proceeds to conduct a business with a substantial turnover and does not pay any licence fee during that year in respect of sales.
- (b) A company does not renew its licence, either by relinquishing its business altogether or by transferring or selling the business to another person or company or to an associated company already licensed as a wholesaler.
- (c) A company acquiring a business under paragraph (b) above does not pay a licence fee appropriate to the additional business acquired by it.

It is likely that one or more of these situations will arise in South Australia following the recent surrender of licences of four wholesale tobacco merchants. As a result of these surrenders, substantial revenue will be lost, and it will also provide an opportunity for profit making by certain wholesalers. The remedies proposed to be adopted are: First, to group associated wholesalers and therefore provision is made for the issue of a group wholesale tobacco merchant's licence. The grouping provisions proposed are similar to those applying under the Pay-roll Tax Act, 1971-1977. Secondly, to reduce the currency of the licence issued to wholesale tobacco merchants to a period of one month.

There is no change in the principle underlying the issue of wholesale tobacco merchants' licences, namely, that the licence will be calculated by reference to the sales made by the applicant for the licence in an antecedent period, and the licence when issued will apply for a prospective trading period. Honourable members will be aware that when tobacco licensing was first introduced the price of tobacco was increased in recognition of the licence fee before the fee became payable. That increase was passed on to the consuming public. The person required to be licensed thus normally increased his collection in advance of being required to pay licence fees. In these circumstances, the proposed change to a monthly licensing system will not adversely affect any wholesale tobacco merchant who has acted within the spirit of the legislation.

The Bill also includes some widening of the powers of inspection, an extension of two years of the time during which proceedings may be commenced for an offence under the Act, assessment of licence fees at any time if a person has not applied for a licence, elimination of the transfer of licences, recovery of unpaid fees from unlicensed persons, endorsement of invoices issued by licensed tobacco wholesalers, and other minor administrative changes. The proposed provisions are similar to those applying under the Business Franchise (Tobacco) Acts of Victoria and New South Wales which were amended in 1976 and April 1978 respectively to overcome similar problems.

Clause 1 is formal. Clause 2 makes various amendments to the definitions contained in section 4 of the Act. The most significant amendments relate to the definition of "relevant period". The amendments reflect the fact that this licence is to be, in future, a monthly rather than a yearly licence. Clause 3 inserts new sections 4a to 4f of the principal Act. These new sections deal with the criteria on which a number of tobacco wholesalers are to be regarded as forming a single group for the purposes of the principal Act.

Clause 4 provides that existing wholesale tobacco merchants' licences are to expire on 31 July 1978. Clause 5

amends section 8, which relates to the powers of inspectors. The amendments bring these provisions into line with the corresponding provisions of the New South Wales Act. Clause 6 makes a consequential amendment to section 9 of the principal Act. Clause 7 deals with the fee payable for a licence. The amendments reflect the introduction of the new "group wholesale tobacco merchant's licence" and the new basis for assessing fees for the monthly wholesale merchant's licence. Clause 8 expands the powers of obtaining information necessary for the administration of the Act. The amendment is in line with the corresponding provision in New South Wales.

Clause 9 makes a consequential amendment. As wholesale licences will in future be granted only on a monthly basis, the provision allowing payment by instalment is appropriate only to a retail licence. Clause 10 amends section 16 of the principal Act. This relates to the manner in which applications for licences are to be made. The amendments relate largely to the introduction of the new group wholesale merchant's licence.

Clause 11 deals with the duration and renewal of licences. Clause 12 deals with the surrender and termination of licences. Clause 13 deals with the reassessment of licence fees by the Commissioner. The amendments relate to the introduction of the new group wholesale merchant's licence. Clause 14 repeals section 20 of the principal Act. This section related to the transfer of licences. As wholesale licences are now to be issued on a monthly basis, it is considered that there is no further need for a provision providing for the transferability of licences. Clauses 15, 16, and 17 make consequential amendments.

Clause 18 enacts new sections 27a, 27b and 27c. These new provisions provide, first, for reassessment of a licence fee where the fee has been assessed on the basis of a false statement made by the applicant and, secondly, for the recovery of fees from unlicensed persons who have illegally traded in tobacco without a licence. A third new section provides that a wholesaler is to mark consignments of tobacco in a certain way so as to facilitate enforcement of the Act. Clause 19 provides that proceedings for an offence may be brought within two years after the day on which the offence is alleged to have been committed. Clause 20 enacts a schedule. This relates to the new definition of "relevant period" in so far as it relates to wholesale licences.

**The Hon. K. T. GRIFFIN** secured the adjournment of the debate.

#### PETROLEUM PRODUCTS SUBSIDY ACT AMENDMENT BILL

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

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

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

The amendments proposed by this Bill are designed to complement a scheme formulated by the Commonwealth under the States Grants (Petroleum Products) Act of the Commonwealth. The scheme will subsidise country freight differentials to the extent that country consumers of products covered by the scheme will pay a price which includes a component of no more than 4c a gallon by way of transport costs. The scheme will operate by means of grants made by the Commonwealth to the State pursuant to section 96 of the Constitution. These grants will be in amounts equal to moneys expended by the State in subsidising sales of eligible products by oil companies and other registered distributors, provided such payments are

made in accordance with schemes formulated by the Commonwealth Minister. The scheme sets out the respective roles of the Commonwealth and the State in the implementation of subsidy arrangements and details the relevant administrative procedures.

The freight differentials to be subsidised are based on costs submitted by individual oil companies to the Prices Justification Tribunal and accepted by that tribunal. Rates of subsidy are calculated by deducting from these differentials that part of the freight cost to be borne by consumers, namely, 4c a gallon (approximately 0.9c a litre). For example, in the case of a freight differential of 10c a gallon the consumer will pay 4c only and the remaining 6c will be covered by subsidy under the scheme.

The scheme in relation to the State provides that claims for subsidy are to be made only by oil companies and other distributors registered under the scheme by the Commonwealth Minister. Before such distributors may be registered they must enter into an agreement with the Commonwealth that they will pass on to consumers the full benefit of subsidy received in respect of all sales made at locations in the schedule.

Honourable members will appreciate that the proposal is directed solely to subsidising freight costs in excess of 4c a gallon. It will therefore have no effect on the prices of petroleum products in metropolitan and other areas where freight differentials do not exceed the 4c subsidy margin. In addition, I would point out that the scheme is not related to, and will have no effect on, present motor spirit discounting practices whereby resellers in some areas are prepared to operate on the basis of minimal margins and large throughputs. The present Bill brings the provisions of the Petroleum Products Subsidy Act, 1965, into conformity with the requirements of the new scheme. The definition of "Commonwealth Minister" is altered in view of the fact that the new scheme will be administered on behalf of the Commonwealth by the Minister of State for Business and Consumer Affairs rather than by the Minister for Customs and Excise. The definition of "registered distributor of eligible petroleum products" is altered to take account of the procedures for registration contained in the new scheme. The definition of the "the scheme" is amended to encompass the new scheme or any subsequent amendment made pursuant to the Commonwealth Act.

Clause 1 is formal. Clause 2 makes the operation of the proposed amending Act retrospective to 1 July 1978. Clause 3 brings the definition provisions of the principal Act into conformity with the provisions of the new scheme. Clause 4 provides that the appointment of authorised officers first appointed under section 6 of the principal Act after the commencement of the amending Act shall date back to 1 July 1978. Clauses 5, 6, 7 and 9 amend various penalties in the light of present money values. Clause 8 increases the amount that the State Treasurer may advance, in anticipation of receiving moneys from the Commonwealth, from \$50 000 to \$200 000.

**The Hon. C. M. HILL:** Because the Government treats this Bill as urgent, last week the Minister provided me with a draft copy of the Bill and a copy of his second reading explanation. Accordingly, I have had the opportunity to review the legislation. The Bill complements the Commonwealth Government's proposal and legislation to assist country people in this connection. The Commonwealth Government will subsidise the country freight differential so that the total price paid for fuel by country consumers will include a component of no more than 4c a gallon by way of transport costs. In other words, whenever the freight differential exceeds 4c a gallon, the consumer

will pay a maximum of 4c, and the Commonwealth Government will pay the balance. The State Treasury will advance the subsidy to registered distributors, and the Commonwealth Government will reimburse the State.

The Bill is retrospective in regard to the provision concerning the appointment of officers to administer the scheme; it dates back to 1 July. I see no reason why this retrospectivity should be seriously queried, despite the fact that one does not approve retrospectivity in general. The Bill increases penalties by about 100 per cent. At first sight, these increases may appear high but, considering that money values have increased considerably since the parent Bill was enacted in 1965, I do not strongly object to such steep increases.

I commend the Minister for his clear explanation of the Bill. In supporting the measure, I congratulate the Liberal Party and the National Party coalition in Canberra on implementing another of its many worthwhile promises and policies. The country people who will benefit

financially will be grateful that their problems associated with distance from the main commercial centres of the State are recognised in this way.

Bill read a second time.

In Committee.

Clause 1—"Short titles."

**The Hon. D. H. L. BANFIELD (Minister of Health):** Because it is desirable that this Bill be passed as soon as possible, I appreciate the co-operation given by the Opposition, particularly the Hon. Mr. Hill.

Clause passed.

Remaining clauses (2 to 9) and title passed.

Bill read a third time and passed.

#### ADJOURNMENT

At 5 p.m. the Council adjourned until Wednesday 19 July at 2.15 p.m.