LEGISLATIVE COUNCIL

Wednesday 19 July 1978

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

MINISTERIAL STATEMENT: NORTHFIELD HOSPITAL

The Hon. D. H. L. BANFIELD (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. D. H. L. BANFIELD: In 1976, following information provided to the Premier, the Government requested an Auditor-General's investigation of food use at Northfield Hospital. It was apparent from the Auditor-General's investigation that the accounting systems of that institution were not satisfactory for the proper control of food, and the Auditor-General subsequently reported that the accounting system should be tightened in all Government hospital institutions. The Director-General of Hospitals and Medical Services subsequently informed the Government that a series of joint operations had been set up to improve the accounting systems and make for tighter control of food. At the beginning of this year information reached the Premier which led him to believe that food controls remained ineffective, and he therefore set up a Public Service Board committee to review and report on the control of consumables at Government institutions. That committee has met, conducted its investigations, and reported.

The committee has made a number of findings showing that the existing systems of control of consumables are unsatisfactory and has recommended specific changes to improve those systems. The Government has accepted the report and given directions for its implementation promptly. In addition, the committee has recommended that it be authorised to conduct a further investigation into pharmaceuticals, and this it is proceeding to do. A copy of this report has been forwarded to the Chairman of the Parliamentary Committee on Public Accounts.

It should be noted that in the course of investigation some matters arose which led to police inquiries. The committee has been careful to avoid interfering with police work. The police work is continuing and I expect a report from the Police Commissioner shortly. The police investigation related to a possibility of pilfering or other dishonest practice. The committee reports that pilfering or dishonest practice was possible but it certainly was not taking place to the extent necessary to explain the discrepancy between the amount of meat actually used and the amount allowed for in the prescribed standards approved by the department. I table the report of the committee.

MINISTERIAL STATEMENT: PROSTITUTION

The Hon. D. H. L. BANFIELD (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. D. H. L BANFIELD: In an inquiry into prostitution in this State it is necessary to ensure that the inquiry is enabled to obtain evidence relating to the matter in the inquiry, and that is inevitably difficult where the matter inquired into is currently prohibited by the criminal law. It is not possible under the Select Committee procedure alone to provide the necessary immunities to witnesses which would ensure that a Select Committee could get the evidence necessary for it to draw conclusions and report to the House. But those immunities and that assistance could be provided by the Government. It would be necessary to provide similar immunities to those provided to witnesses before the current Royal Commission on the Non-Medical Use of Drugs.

The Government will consent to a Select Committee of Inquiry but only a Select Committee of the House of Assembly and not a Joint Select Committee of both Houses. In respect of a Select Committee of the House of Assembly it will provide the necessary immunities in the same way as it has done in respect of the Royal Commission mentioned.

The Government is concerned to see that all matters pertaining to the question of prostitution be dealt with by the Select Committee, and therefore the terms of reference of the Select Committee of the House of Assembly must be broader than those provided in the motion which has been placed on the Notice Paper so far in both Houses. The terms of reference which will be supported by the Government are as follows:

1. the extent of prostitution in this State and including the ownership and operation thereof and receipt of profit therefrom;
2. whether the law relating to prostitution should be altered in any way; and
3. whether it is advisable to introduce a licensing or registration system for massage services for reward by other than registered physiotherapists, legally qualified medical practitioners or chiropractors, where the massage is not connected with prostitution.

QUESTIONS

HOSPITAL OVENS

The Hon. C .M. HILL: I seek leave to make a statement before asking the Minister of Health a question regarding the possibility of losses within his department.

Leave granted.

The Hon. C. M. HILL: It has been reported to me that the Minister's department is installing in hospitals about 32 mealstream combined microwave convection oven systems at a unit cost of over $5 000 each, representing expenditure of about $160 000 of public money. It has also been reported to me that the mealstream system ovens have been purchased in the false belief that they are capable of reheating pre-cooked portions in lots of six at a time, using combined microwave and convection energy, whereas a convection system can be used for this purpose, although the time and power requirement makes its use impracticable. Will the Minister obtain a full explanation of this matter for me so that the public and I can be assured that further wastage in his department is not occurring?

The Hon. D. H. L. BANFIELD: Yes.

ENERGY CONSERVATION

The Hon. R. A. GEDDES: I seek leave to make a short statement before asking the Minister of Agriculture, representing the Minister of Mines and Energy, a question regarding the conservation of energy.

Leave granted.

The Hon. R. A. GEDDES: It is interesting to note that many sections of the private sector are expressing sincere

concern at the impending difficulties that will eventuate as the supply from Australia's own petroleum wells is reduced during the next 10 years. Is the Government aware of the impending fuel energy shortage, and has it any proposals for educating the public regarding the need to conserve petroleum and other energy supplies?

The Hon. B. A. CHATTERTON: I assure the honourable member that the Government is certainly aware of the problems involved. However, I will ask the Minister of Mines and Energy to furnish the honourable member with a full report.

DRY FARMING

The Hon. F. T. BLEVINS: I seek leave to make a brief statement before asking the Minister of Agriculture a question regarding dry farming.

Leave granted.

The Hon. F. T. BLEVINS: A report in yesterday's *Advertiser* gave me some concern. I should like to read the following part of it in explanation of my question:

> South Australia's dryland farming techniques are antiquated, uneconomic and, in terms of erosion, extremely dangerous, according to a New South Wales farmer and company director. He is Mr. C. Uebergang, of Crooble, who spoke to the Eastern Eyre Peninsula regional conference of the Agricultural Bureau of South Australia last week.
>
> He said South Australia's increasing soil erosion problems were equal to the worst in the world. Compared with world agricultural standards for erosion control, retention of soil fertility and increased productivity, South Australian techniques were at least 30 years behind.

He continued:

> The huge amounts of erosion and soil drift on Eyre Peninsula during the recent drought were a positive indication that farming methods in the area needed a substantial review. If farmers persisted with their conventional and costly methods of soil preparation, the problem would be increased.

I think the Council would agree that, if it is true, this is an alarming report. Will the Minister therefore tell the Council what is happening regarding soil conservation in South Australia, and what advice is being given to farmers, particularly those on Eyre Peninsula?

The Hon. B. A. CHATTERTON: I certainly refute the claims made in the newspaper article that the soil erosion situation in South Australia is the worst in the world, because I do not think there is any evidence at all to support such a claim. We do have serious soil erosion problems; no-one is denying that. But the South Australian situation is no worse than that in other States, and it is certainly much better than that in many other countries. The other remarks reported in that newspaper article are difficult to comment on because I have not yet received a full report on the methods actually advocated. Some of the reported methods seem to be quite sensible, and I do not think they conflict with advice already given by the Agriculture and Fisheries Department. On reading the article, I thought that the person concerned was trying to put forward revolutionary new methods as a promotion for some new items of equipment, but I do not think the new methods he was suggesting are nearly as revolutionary as they were perhaps reported to be. At present the matter is being investigated by my department, and I do not think there is really any basic conflict between what is suggested in the article and what is being suggested by district advisers in my department.

The soil conservation problem, also referred to by the honourable member, is very severe on Eyre Peninsula, and we have surveyed most of the areas on the peninsula to get some quantitative idea of the areas severely affected. After this season, we will certainly be introducing a programme to stabilise those hard-core areas that are not stabilised through the normal farm management practices carried out on farms. In some areas the problem will have got beyond the resources of individual farmers, and we will have to institute a programme to try to stabilise those areas over the next few years. That programme is currently being developed by the Agriculture and Fisheries Department.

GUN LAWS

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking a question about gun laws of the Minister of Health, representing the Chief Secretary.

Leave granted.

The Hon. N. K. FOSTER: Honourable members will recall that, when we were discussing gun laws previously, they took me to task, as I held very strong views on the subject. I thought that there should not be any guns in the community. Some honourable members, representing country areas, said, "How will we kill our stock?"

The PRESIDENT: Order! I think the honourable member had a rather wonderful run yesterday, and we do not want a repetition today. No matter what was said on the occasion that he has referred to, I ask him now to explain his question.

The Hon. N. K. FOSTER: Thank you, Mr. President. I think you have pre-empted what I intended saying. I was about to say that there may be some credibility in connection with honourable members' annoyance at what I said in an earlier debate about gun laws. However, I thank you, Mr. President, for drawing my attention to what I ought to do in this place. I am very much concerned about the implementation of new gun laws. Can the Minister say when we can expect those laws to be implemented? I know it is a long process.

The Hon. D. H. L. BANFIELD: I will seek from my colleague the information sought by the honourable member.

HOSPITAL MEAT WASTAGE

The Hon. M. B. CAMERON: I seek leave to make a short explanation prior to directing a question to the Minister of Health concerning hospital meat waste.

Leave granted.

The Hon. M. B. CAMERON: During the last election campaign there was a considerable controversy over the matter of hospital meat waste in a certain hospital, and during that time the Premier gave a number of assurances that the matter was in hand. In fact, at one stage he said that the Public Accounts Committee had investigated the matter and had found no impropriety. Shortly after that, in a debate in this Chamber, I pointed out that the Public Accounts Committee had not yet reported, so that the Premier could not possibly have known that there was no impropriety. The Premier also indicated, following the Auditor-General's Department report, that, whatever the problems were, they were in hand and the matter had been dealt with. I will read some of the matters raised in that report, called the Epps Report, on 6 April 1976, as follows:

> The audit examination disclosed that internal control was weak or non-existent, budgeting was poor, and reporting

ineffective. The records failed to furnish information necessary to determine and supervise policy.

That report also disclosed that an estimated $80 000 a year was missing from that one hospital, and that 2½ tonnes of beef a month was missing. It stated that the losses had been occurring for at least five years; in fact, officers of the department concerned had been aware of the situation for at least five years. It also disclosed that, in 1973-74, 311 000 meals were served to 172 patients, the equivalent of five meals a day a patient.

One could go on and on. Today, a report has been tabled in this Chamber, yet there is an article in today's press presumably based on the report, which was published before the report was tabled in this Chamber, a remarkable situation. The newspaper report states:

A top-level investigation has revealed too much meat is being wasted at some Government hospitals and institutions. It has found there may be pilfering of meat, but nowhere near enough to explain the discrepancy between the amount of meat used and the amount allowed for in Hospitals Department standards.

The committee which made the investigation says causes of waste include: failure to weigh meat on delivery; cartnotes not kept; excess quantities cooked and then disposed of as garbage; records kept but not used to control purchasing; and lack of budgeting.

This last matter has been raised over many years in the Auditor-General's Report.

The Hon. N. K. Foster: You're having a good go.

The Hon. M. B. CAMERON: The important thing in this particular—

The Hon. N. K. Foster: Question!

The PRESIDENT: "Question" has been called.

The Hon. M. B. CAMERON: Will the Minister explain why, for nearly two years after the Government's attention was drawn to the waste of meat within the Hospitals Department, and in particular in one hospital (although the report also discloses that it has occurred in other hospitals), we now have another report today disclosing similar weaknesses, yet we were assured that corrective action was taken more than two years ago?

The Hon. D. H. L. BANFIELD: It is true that at the election campaign members opposite tried to make this a very emotive issue. In fact, they said that 32 tonnes of meat had been stolen, or something like that. That statement has been corrected. Since then there have been investigations because the Opposition has continually attempted to have that false impression left in the minds of people. However, it has not been able to come up with one shred of evidence to show that that amount of meat has been stolen.

The Hon. Mr. Cameron was a leading light in running around the State insinuating that such an amount of meat had been stolen from the various places, and he cannot deny that. Now he asks why that report has only been tabled today. I can tell him that long before the last election the Public Accounts Committee was inquiring into this matter. Indeed, had the committee gone on with its work, and had some of its members not become political, we would have waited for the committee to finish its inquiry. Once Opposition members on the committee became political on this issue, we found that we could no longer refrain from having our own inquiry established. The reason for that delay was that we believed that members of the committee were doing their job thoroughly when, in fact, all they were trying to do was to stir up political muck.

Opposition members of the committee went to the extent of resigning from it. That shows how interested they were in inquiring into the truth of the allegations. Instead, they resigned from the committee. When those members found that, for their purpose they were getting nowhere, they decided to get off the committee. Those Opposition members were not interested in ascertaining the real truth. However, the Government was interested in finding out the truth. It initiated an inquiry when it determined that members opposite were not interested in going on with the investigation.

The Hon. M. B. CAMERON: For the Minister's benefit I will repeat what I have required in information from him. Will he explain (and I hope he takes this matter away and thinks about it) why, nearly two years after we have been assured by the Premier and others that corrective action has been taken in the Hospitals Department, such a report is tabled stating that meat is being, not that it has been, wasted at some Government hospitals and institutions?

The Hon. D. H. L. BANFIELD: If the honourable member had listened to the Ministerial statement that was made he would realise that the Government took action in 1976.

The Hon. M. B. Cameron: Why did the problem continue?

The Hon. D. H. L. BANFIELD: If the honourable member did not hear what I said, he can read it in *Hansard* tomorrow. This situation happened two years ago.

The Hon. M. B. Cameron: Four years ago.

The Hon. D. H. L. BANFIELD: The honourable member referred to the position two years ago. My statement this afternoon referred to what transpired in 1976. If the honourable member was not in the House when I read my statement, I refer him to *Hansard.*

The Hon. M. B. Cameron: You are a hopeless Minister.

The Hon. D. H. L. Banfield: Yes, I know!

TOURISM

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to directing a question to the Minister of Tourism, Recreation and Sport concerning tourism on Yorke Peninsula.

Leave granted.

The Hon. M. B. DAWKINS: During the recent recess I came into contact on Yorke Peninsula with Mr. Harry Dowling, regional tourist officer with the Yorke Peninsula Tourist Development Association, an association of district councils in that area. I suggest that Mr. Dowling has done an excellent job in promoting tourism in that part of the State, yet so far we have really only scratched the surface of tourist potential on Yorke Peninsula. The Minister will probably agree with that view, and the same thing can probably also be said about other areas of the State. Mr. Harry Dowling states:

The main aim of our work is to create and maintain employment for local residents, and every dollar which is spent by a tourist helps to do just this.

True, we are all aware of the value of tourism today. Indeed, I suggest that the association is doing an excellent job, and I commend the Minister for the assistance provided so far to people who wish to help themselves. First, does the Minister agree that there is much potential for the development of tourism in this area of the State, and does he commend the local people for their efforts? Secondly, does the State Government through the department, intend to continue to assist in this developmental work in every way possible, and will it endeavour to extend the promotion of tourism generally in this State?

The Hon. T. M. CASEY: I can only give an affirmative answer to all the questions the honourable member has

asked. I agree that Mr. Harry Dowling is doing a very good job as tourist promotion officer in the Yorke Peninsula district, which has quite a potential as a tourist resort. Many towns on the peninsula have excellent facilities, such as caravan parks, which are ideal for people who want to go on either a short or an extended holiday. I assure the honourable member that departmental officers are well aware of Yorke Peninsula's potential, as well as the potential of many other regions in South Australia, and we are doing our best to help in relation to promotion. Every consideration is given to Yorke Peninsula in decisions made in respect of the promotion of tourism, and I sincerely hope that this situation will improve to the extent that the honourable member wishes.

DEPARTMENTAL INQUIRIES

The Hon. C. M. HILL: Can the Minister of Health explain why the Premier instigated the inquiry into the Minister's Department regarding reported wastage and food losses, and why two weeks ago the Premier instigated the inquiry into reported computer losses within the Minister's department, when such departmental inquiries are usually initiated by the Minister himself?

The Hon. D. H. L. BANFIELD: The matter was a Government decision. The Public Service Board is under the Premier and it is time that the Hon. Mr. Hill woke up to that fact. Therefore, it was natural for the Premier to issue the instruction.

INCORPORATION OF MATERIAL IN *HANSARD*

The PRESIDENT: As members are aware, the Ninth Conference of Presiding Officers and Clerks was held in Adelaide last month. The conference was worth while, as those who had the opportunity to attend would undoubtedly agree. I, of course, had not previously attended one of these conferences and I found the proceedings most interesting and instructive. Of the subjects discussed at the conference, I wish to draw the attention of members to one topic, namely, the incorporation of material in *Hansard*. I commend this particular paper to the attention of members and have arranged for a copy to be placed in members' boxes. I shall be pleased to supply any further information on the subject that they desire. As our Standing Orders are silent on this matter, I consider that it would be of benefit to members and to the Council if I laid down guidelines on the matters which may be incorporated in *Hansard* without being read. If is, of course, necessary for any member wishing to incorporate material in *Hansard* to do so by leave of the Council and therefore any member may object to the proposed incorporation of material.

In recent years a practice has developed where Ministers seek leave to incorporate in *Hansard* all or part of their second reading speeches on Bills received from the House of Assembly. While I am not totally opposed to this practice, I feel that it is desirable that Ministers at least outline to the Council the subject matter of the Bill and then perhaps incorporate the detailed explanation of the clauses of the Bill. It is also appreciated that statistical tables and graphs may be more easily comprehended in print than when referred to in speech and it appears reasonable that these tables and graphs be incorporated without being read. However, apart from the above two matters I am of the opinion that leave should not, except in exceptional circumstances, be granted for the incorporation in *Hansard* of any other material and I would ask that, if any member considers that there are grounds for the incorporation of material, then that material be submitted to the Presiding Officer prior to incorporation being sought. This would enable the Presiding Officer to decide on the relevancy of the matter to be incorporated without being read and also to decide whether the incorporation would be to the disadvantage of other members.

That is an outline that honourable members should consider. I have not made any hard and fast rules at this time, but in recent times I believe the approach to this matter has been rather loose. A great deal of material incorporated in *Hansard* is already available to honourable members if they merely pick up the particular report from which the incorporation has been made.

LEAVE OF ABSENCE: HON. J. E. DUNFORD

The Hon. C. W. CREEDON moved:

That three months leave of absence be granted to the Hon. J. E. Dunford on account of absence overseas on Commonwealth Parliamentary Association business.

Motion carried.

PROSTITUTION

The Hon. J. C. BURDETT: I move:

That in the opinion of this Council a Joint Select Committee be immediately appointed to inquire into—

1. The activities of massage parlours in this State and in particular the following matters:
   - *(a)* To what extent are massage parlours in fact brothels;
   - *(b)* Whether a licensing system to operate health studios should be set up:
     - (i) to ensure that proper standards of competence in massage and in hygiene are observed; and
     - (ii) to prevent massage parlours from operating as brothels;
   - *(c)* To determine the extent of criminal involvement in the operation of massage parlours;
   - *(d)* All facets of the operation of massage parlours in South Australia;
   - *(e)* The location, owners and occupiers of all premises used as massage parlours;
   - *(f)* Whether a definition apt to the activities can be established so that criteria for the registration of premises and persons can be defined;
   - *(g)* Whether the State Planning Act and regulations and Local Government Act and regulations and any other Act are satisfactory for the control of such parlours;
   - *(h)* Any other matters pertaining to the procurement, earnings, soliciting and employment of persons associated with massage parlours;
2. That all hearings of the Joint Select Committee be open to the public and media and where deemed necessary the committee may at its discretion protect the identity of witnesses; and
3. That the Select Committee recommend necessary legislative action.

That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

I listened with interest to the statement read by the Minister earlier. It is certainly better than nothing.

The Hon. F. T. Blevins: It's wider than yours.

The Hon. J. C. BURDETT: It is not wider than this motion. It would be hard to imagine anything wider than the kind of inquiry proposed in the motion. Evidently, the Minister and the Hon. Mr. Blevins have not read the motion.

The Hon. F. T. Blevins: It was decided it was too narrow.

The Hon. J. C. BURDETT: It was not really looked at properly. Paragraph 1 *(d)* provides that one of the inquiries is to be into all facets of the operation of massage parlours in South Australia. It is hard to imagine anything wider than that.

The Hon. F. T. Blevins: The whole of prostitution.

The Hon. J. C. BURDETT: Paragraph 1 *(a)* of the motion states: "To what extent are massage parlours in fact brothels."

If you read the whole of the motion, it would hardly be possible for one to imagine anything wider. However, the most important thing is that it is obvious that the Minister's statement was pre-empted by this motion and by the motion moved by the member for Hanson in another place. Otherwise, we would never have had this statement.

The Hon. D. H. L. Banfield: Was he upstaging Millhouse?

The Hon. J. C. BURDETT: I do not know. However, one thing that is perfectly certain is that we would not be having any kind of inquiry at all had the member for Hanson and I not given notice of this motion. At least it made the Government stop burying its head in the sand and realise that it must do something about the matter. When listening to the Minister's statement, it seemed extraordinary that it rejected the concept of a joint Select Committee.

Why exclude the Legislative Council? It would have been far more proper to include members from both Houses of Parliament on a Select Committee investigating a matter such as this, which is of much concern to the whole State. It is not a money matter or one that is exclusively within the jurisdiction of the House of Assembly.

I wonder (although perhaps I do not have to wonder too much) whether the Government rejected this proposition because of the voting aspect. Perhaps it wanted a Select Committee of another place only so that it could have a majority of Government members on the committee. The kind of Select Committee that the member for Hanson and I contemplated would have comprised an equal number of members from both Parties.

The Hon D. H. L. Banfield: You don't say that in your motion.

The Hon. J. C. BURDETT: No, because I did not actually call for the appointment of a committee.

The Hon. D. H. L. Banfield: It's too late. Had we known that before the announcement we could have—

The Hon. J. C. BURDETT: Perhaps the matter had better be returned to Caucus, then. The motion reads simply, "In the opinion of this Council." It does not purport to set up a Select Committee. However, it is obvious, as a result of what has happened in the past, when we have proposed equal numbers on Select Committees—

The Hon. D. H. L. Banfield: You haven't always done that.

The Hon. J. C. BURDETT: For some time, we have. I cannot understand why the Government wants to exclude Legislative Council members from the committee. This motion is one for an inquiry by a joint Select Committee into a matter that has concerned the public for some time, namely, the question of massage parlours in fact operating as brothels. It seems clear to me that there are massage parlours which operate quite properly and legitimately and which provide a beneficial service. It was not my intention in moving this motion to reflect in any way on health studios or massage parlours that have no sexual overtones but provide a genuine service. On the contrary, I hope that an inquiry such as that proposed in the motion will enable the legitimate massage parlours and health studios to be freed from any kind of stigma.

The Hon. N. K. Foster: Can you define that area, for the benefit of members?

The Hon. J. C. BURDETT: No, I think that is perfectly clear. The massage parlours—

The Hon. N. K. Foster: Give us a definition.

The Hon. J. C. BURDETT: If the honourable member would only shut up, I would give it to him.

The Hon. N. K. Foster: Mr. President, ask him to control himself.

The Hon. J. C. BURDETT: If the Hon. Mr. Foster would stop interjecting, there would not be any need for this kind of thing. It is perfectly obvious that services are provided by masseurs by way of massage, which as I have already said, have no sexual overtones and which are perfectly legitimate and proper. There has been a profession of masseurs for a long time. On the other hand, I think the South Australian public would support me and would tell the Hon. Mr. Foster, if he does not already know, that many massage parlours in fact operate as brothels.

The Hon. N. K. Foster: How do you know that?

The PRESIDENT: Order! If the Hon. Mr. Burdett will address the Chair, I will look after him in the necessary manner in relation to interjections, which are out of order. The honourable member should not argue with the Hon. Mr. Foster across the Chamber.

The Hon. J. C. BURDETT: I thought I had made it perfectly clear that this motion was one to set up an inquiry by a joint Select Committee. I admit that there are matters about which I do not know. If I did know, I would be introducing a private member's Bill. However, because I do not know, I want an inquiry so that I will know. I hope that an inquiry such as that proposed in the motion will enable legitimate massage parlours and health studios to be freed from any kind of stigma.

From what has been reported in the media alone, it seems to be clear that many massage parlours are in fact operating as brothels. It is well known, of course, that it is an offence under section 28 of the Police Offences Act, 1953-1978, to keep or manage a brothel or to receive any money paid in a brothel in respect of prostitution. This offence carries the magnificent penalty for a first offence of a maximum of $100 or imprisonment for three months!

It would appear that this provision is being flagrantly flouted by many so-called massage parlours. I do not think that many members of the public will seriously doubt that this is the case. We do not have all the facts on this matter, and I cannot give them to the Council. That is precisely why I am calling for an inquiry. We want to know all the facts. If the inquiry discloses that there is nothing contrary to the law and nothing harmful to the community in the activity of massage parlours, and if members of Parliament and the public can be assured of this, no-one will be more pleased and relieved than I will be. It would appear that it has been impossible in many cases for the police to obtain evidence on which to base a prosecution under section 28.

The PRESIDENT: Order! At least three audible conversations are being conducted in the Chamber, which is making it extremely difficult for other honourable members, and it must also be making it difficult for

Hansard, to hear the honourable member who is speaking.

The Hon. J. C. BURDETT: The police have been thwarted by locks, a succession of locked and barred doors, and elaborate systems of alarms and long corridors. It may be that the Police Offences Act is out of date and ought to be amended. However, the position is serious if a law of the land is being flouted quite flagrantly and the Government wants to bury its head in the sand and do nothing about it, and will not even conduct an inquiry. Steps must be taken to either enforce the law or see that the law is changed, or both.

Prostitution and brothels are one thing and, if the evils of brothels stopped at prostitution, that would not be so bad. However, the question of the vice, possibly drug trafficking and other undesirable practices, seems always to be associated with illegal brothels. That is the point of paragraphs 1 *(c)* and 1 *(d)* of the motion calling for an inquiry into criminal activities and all facets of the operation of massage parlours in South Australia. I do not know the answer to all these questions and that is why I want an inquiry. One solution that has been suggested is that of licensing some brothels. The Premier said last year that he would not countenance this. He said that this would amount to trafficking in persons. I find that a very persuasive argument. It might also be noted that experience elsewhere has shown that licensing of brothels has often not reduced the incidence of illegal and uncontrolled brothels at all.

Also, I think almost every member of the community is deeply disturbed by the greatly increased incidence of reported rape in South Australia. I would certainly have great sympathy for a measure to license brothels if I was satisfied that its enactment was likely to reduce the incidence of rape. However, experience overseas does not indicate this. An alternative to licensing massage parlours as brothels is as follows. As I have said, the difficulty has been in the past that the police have been unable to gain entry sufficiently expeditiously to find the evidence necessary for a prosecution.

I suggest that legitimate massage parlours be licensed. There should be conditions in the licence about hygiene and a measure of proficiency in massage. It would be illegal to conduct a massage parlour at all, even for legitimate purposes, without a licence. It would be a condition of every licence that all premises used as massage parlours provided immediate access to the police through a specified door available at all times when business was being conducted. This would certainly provide a much better means of control than at present. This scheme does not include licensing massage parlours as brothels. This suggestion may not work. It is precisely because we do not have all the information that I am calling for an inquiry so that the Government and Parliament may act on an informed basis.

The Government may object to the idea of a joint Select Committee. The Government had the opportunity almost two years ago when the member for Mitcham moved a motion for a Government inquiry. The Government, in another place, chose to vote against the motion, and it was defeated on the Speaker's casting vote. The Government had its chance to agree to set up a Government inquiry, but it refused. An inquiry is now needed by a wider body with members of both Houses and both Parties.

All this motion asks for is an inquiry to investigate what has been recognised as a real problem to which no solution at all has been offered by the Government. I trust that the Government will have no objection to at least an inquiry into the matter. I commend the motion to honourable members.

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

CROWN LANDS REGULATIONS

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

> That the regulations made on 15 June 1978 under the Crown Lands Act, 1929-1978, in respect of fees, and laid on the table of this Council on 13 July 1978 be disallowed.

Since this regulation was gazetted it has certainly caused much concern among people who hold perpetual leases. Of course, the Government, under the Crown Lands Act, cannot alter the rental paid under a perpetual lease. There are some circumstances in which it can happen, but those circumstances are rather rare. One of the ways in which it is done occurs when someone wishes to subdivide, and he surrenders an existing lease; two, three, or perhaps six leases are subsequently reissued in relation to the subdivision. Then, rentals can be reviewed.

Usually, however, perpetual leasehold rentals remain the same and cannot be altered by the Government. Following the gazettal of this regulation, people who received their annual accounts from the department had added to their accounts a $5 fee, known as a service fee. That service fee is being applied under the regulation made following the passage of the Crown Lands Act Amendment Bill last March. New section 288 (1a) *(b)* provides:

> prescribe and provide for the recovery of fees and charges to defray administrative expenses or for any other purpose.

On reading that, I would say that no honourable member would have any idea that the Government intended to come in through the back door and virtually increase every perpetual lease in South Australia. I do not know how many are affected by this service fee, but I would say that 20 000 would be affected; that means that the Government's increased revenue amounts to about $100 000 a year under the blanket of defraying administrative expenses in regard to perpetual leaseholds. That virtually means that the Government is charging a person who holds a perpetual lease $5 to send him an account. How much further can we go in connection with charges made as a service fee "to defray administrative expenses or for any other purpose"? Really, it is only a means of getting around the principal Act. Schedule P of the regulations provides:

> For every land grant (including registration $4), $35 per annum. For preparation of every lease or agreement (not including registration), $20 per annum.

The schedule covers a whole range of fees, but I draw attention to the last one, as follows:

> Service charge for each lease (other than war service perpetual leases, war service irrigation leases, revaluation leases, and leases of a terminating tenure), $5.

This fee is a service charge on every lease in perpetuity in South Australia, and it is unjust. One landholder has 13 leases on his property, and it is not a very big property. His perpetual lease rental has virtually been doubled as a result of this service fee. I have been informed that another leaseholder, as a result of increases in rental, will by paying $300 a year as a result of this service fee regulation.

I do not believe that the Government is justified in gazetting this regulation. Usually, we wait until the Subordinate Legislation Committee has reported, but in this case I have taken the unusual step of speaking to the matter before that committee has reported to this Council. I have done so because of the urgency of the matter.

Whilst one can criticise many of the other charges involved, this particular one is objectionable and, if the committee decides that it should call evidence on the matter, perhaps the regulation can be altered by taking out this objectionable provision.

The Hon. T. M. CASEY secured the adjournment of the debate.

PETITIONS

Adjourned debate on motion of the Hon. N. K. Foster:

That the petition as presented by the Hon. R. C. DeGaris regarding valuations in the municipality of the City of Port Adelaide be withdrawn as not complying with the provisions of this Council on the presentation of petitions.

(Continued from 18 July. Page 31.)

The Hon. K. T GRIFFIN: One could debate for a considerable time some of the finer points in the motion and the way in which the preamble to the various petitions which comprise the one petition received by the Council could be interpreted. In my view the petition is in the form required by Standing Orders, and the Clerk is only required to give his certificate that it is in conformity with Standing Orders. He does not have to dissect the preamble and the prayer of the petition to ascertain whether they are valid in every respect, and the member who presents the petition is not required to check all the signatories or dissect the preamble and the prayer of the petition.

Looking at the petition, it seems, as I have said, that it is in the form required by Standing Orders and a form in which it may be received by this Council. The point which I think is highlighted by the debate is that there may be a need to review the procedure by which honourable members receive petitions for presentation to the Council. Instead of petitions being slipped into members' boxes without members knowing who has put them there or knowing the identity of any of the petitioners, there should be a more effective contact between at least one or more of the petitioners and the member who is being requested to present the petition to this Council. I oppose the motion, but draw attention to what I see as a need for reviewing not Standing Orders but some procedures by which members present petitions to this Council.

The Hon. N. K. FOSTER: Yesterday, I raised this matter quite seriously. I sought an explanation, and then, of course, took a point of order, finding it rather difficult to sustain myself on my feet within Standing Orders. I was very concerned about the trend of the debate yesterday, that trend having been introduced by the Hon. Mr. Geddes by quoting Standing Orders. I looked at the Standing Orders and made copious notes of what you, Mr. President, said prior to the debate. I do not want to worry this Chamber again by reading what you said about the responsibility of a member of this Council in respect to petitions.

The suggestion made yesterday by members opposite in quoting Standing Orders, namely, that the Clerks of this Council have a responsibility to protect members from themselves in the presentation of petitions, is drawing an extremely long bow. My experience of the Federal and State Parliaments has been that the requirements of the Clerks are clearly understood, if not as clearly spelt out in the Standing Orders, as the member who has just resumed his seat, in opposing the motion, has made abundantly clear. I commend him for making abundantly clear that the Clerks cannot be held in any way responsible concerning petitions. This may be a subject of some disputation and a motion later.

My examination clearly indicates that the responsibility of the Clerks relates to minor procedural matters. There is the procedural matter of how the petition gets from the member's hand to the House. Changes are made from time to time. My first experience in the Federal House was that members read the preamble. That was continued until 1972, when by decision of the House a member would deliver a petition to the Clerk, who would read what the petition was about and merely say it was presented on behalf of so many members or electors. Then the petition would be put in the archives.

I regard what the Hon. Mr. Griffin has said as an assurance that Opposition members will not question those who serve this Council but have no voice in it. The Clerks satisfy themselves that the petitioners are residents of the State, or, as is required in some cases, electors of the State. Coming to the responsibility of the individual, I learnt a lesson fairly early in my political career, when a trap was laid by a Liberal Party branch in the eastern suburbs. I had presented a petition to the House of Representatives on a Thursday and people were at my office at the A.M.P. building on the Monday morning drawing my attention to the fact that I had presented a petition on behalf of some people who were no longer living.

I was a green-skin at the time, but I made sure that I photostatted every petition I presented to the House. My defence was that the names of the deceased had been taken at a time when other signatures were taken in an aged citizens' area. It rebounded on the Liberal Party branch. I told them they were hitting below the belt and it would react on them if they took the matter any further. They did not.

Since then I have always had a close look at petitions. I have a number here which I would not present because there is no way in which a Clerk could carry out his duty under Standing Orders concerning them. Accordingly, they have not been presented to the Clerks. I would not have spoken on this petition if I had not adopted a personal policy towards petitions, bearing in mind that people always have the right to petition Parliament. Parliaments generally in the whole of the Western world do not pay much attention to petitions. Really, they have become a fallacy.

Reverting to this petition, members opposite may vote on my motion on Party lines if they wish. That is their business, but they ought to reprimand the member who introduced it, their Leader. He allowed himself to be trapped so easily. Certainly, I am not suggesting that he organised or engineered the petition. However, the Leader did have access to the person who presented the petition to him. The several petitions in my possession all arrived by mail, and I was not in such an advantageous position as the Leader who, in the case of the petition he presented, had the opportunity to question the man concerned, who I think was Mr. deFabio. The Leader should have questioned him when he had him there.

The Hon. R. C. DeGaris: I never saw him.

The Hon. N. K. FOSTER: You said you did—

The Hon. R. C. DeGaris: No, I did not see him.

The Hon. N. K. FOSTER: If I have misjudged the Leader in that respect, he has my apology, but he did say that he had some contact with the man, and subsequently he had a telephone call from a woman—

The Hon. R. C. DeGaris: No, before.

The Hon. N. K. FOSTER: Before. Did he question that person as to the petition's intention?

The Hon. R. C. DeGaris: Not at all.

The Hon. N. K. FOSTER: Why not? The Leader is paid nearly $30 000 by the taxpayers to do just that on their

behalf. Why did he not do that? Certainly, I get much less than that, and I do it. It was irresponsbile on the part of the Leader of the Opposition to move that the petition be received. He must have smelt a rat last Thursday when he moved his motion, because I questioned it then.

No such petitions have been presented to me. Indeed, knowledge of the petition came to me only as a result of many telephone calls from people who had signed the petition and who realised afterwards what it was. They believed they had been misled, and that seems to be the case. The Leader, in seeking to have the petition accepted by this Council—

The Hon. R. C. DeGaris: When did you get that telephone call?

The Hon. N. K. FOSTER: I have had a number of telephone calls. I forget when.

The Hon. R. C. DeGaris: Why didn't you advise me?

The Hon. N. K. FOSTER: Why do I have to advise you?

The Hon. R. C. DeGaris: Why didn't you?

The Hon. N. K. FOSTER: In fact, last week I attempted to draw the Leader's attention to the situation surrounding this petition and I expressed to him, across the Chamber, that it should not be taken at face value. Further, in the Council last week I dissociated myself from the preamble of the petition regarding the private member's Bill introduced by the Hon. Anne Levy but, before I could complete that task, you, Mr. President, I believe, accepted the Leader's motion that the petition be received, thereby preventing me from drawing any further attention to this matter.

Therefore, the Leader should try to be more honest today than he was last Thursday. He was deceitful and wilfully moved that the petition be received when, in fact, he knew that he was misleading the Council. As a member of the Liberal Party he knew the way in which this petition would be used in a particular municipality at a future time. He knew that well.

The Hon. R. C. DeGaris: I had no idea.

The Hon. N. K. FOSTER: The Leader was advised by Senator Messner.

The Hon. R. C. DeGaris: He never spoke to me.

The Hon. N. K. FOSTER: I can understand Messner's not wanting to speak to such a disreputable person on such a matter, but the Leader had the papers in his hand. However, if the Leader does not want to admit that he has made an error, that is his decision. Does the Leader want to skulk and hide behind, as his colleague stated, outmoded and outdated procedures regarding petitions and Standing Orders? The Leader's colleague, in seconding the motion, made the points that I had intended to raise, and that is why I commended him for having made them. Indeed, I was going to make those points strongly myself. I cannot add to them.

Regarding the motion, there is no question about what I have said, and perusal by the Leader will prove conclusively that there are signatories to the petition who are clearly not residents of Port Adelaide or even that municipal area. I made that point several times yesterday, because I knew that the Leader would raise that matter now. Without saying one word to any member from this side of the Chamber, the Hon. Mr. Sumner, by reference to the actual petition, proved conclusively that it is couched in the terms that I referred to yesterday, and not in the terms that the Leader once again suggested when he attempted to mislead the Council.

This is not an important matter, because I agree basically with what the Hon. Mr. Griffin has said about it. I am annoyed with the Leader, who should be a person of integrity in this place but who did not act with integrity regarding this matter last Thursday. He compounded his error yesterday by attempting to defend an indefensible position, thereby exposing his guilt, which is now laid bare to this Council. The Leader should take the initiative in this matter and dissociate himself from the presentation of the petition so that the Council does not have to vote on the motion. Even if it is not allowed by Standing Orders, I believe that the Leader should be given the opportunity to make such a withdrawal.

The PRESIDENT: The honourable member is aware that he has closed the debate.

Motion negatived.

MINORS (CONSENT TO MEDICAL AND DENTAL TREATMENT) BILL

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

The Hon. ANNE LEVY: I move:

Page 1, after line 5 insert definition as follows:

"consent" in relation to any medical treatment or dental treatment means an informed consent given after proper and sufficient explanation of the nature of the medical treatment or dental treatment and of the likely consequences of the treatment:

This amendment was unanimously proposed by the Select Committee that reported to this Council last week. The amendment arose from discussion, as the legal opinion seemed to be that the word "consent" implied an informed consent. It was considered that this would not necessarily be understood by non-legal people. Therefore, it was desirable to have in the definition provision of the Bill a definition of what a consent means so that it is clear to anyone looking at what the law is in this area.

The Hon. J. C. BURDETT: I support the amendment. The Select Committee was advised to make such an amendment to clarify the matter. I agree with the honourable member that consent can only mean to accede to something when one knows what it is all about. I think that was implied in any event. This amendment spells out clearly that consent means an informed consent.

Amendment carried; clause as amended passed.

Clause 3—"Effect of consent to medical or dental treatment of minors."

The Hon. ANNE LEVY: I move:

Page 1, line 25—Leave out "and" and insert "or".

The relevant words would then read ". . . the consent has effect in relation to a claim by the minor for assault or battery in respect of the treatment . . .". This may seem a minor point but it is put to us that the Bill should be as comprehensive as possible. It is unlikely that anyone would ever sue for assault without at the same time suing for battery, and vice versa, but in case such a situation should arise we felt the separate category should certainly be included so that we would cover all possible contingencies.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 2, line 2—Leave out "fourteen" and insert "sixteen".

This amendment refers to the age at which a minor is capable of giving consent to medical treatment such that that consent has an effect in relation to any claim by himself or others for a charge of assault or battery. The views given to the Select Committee with regard to the age at which such a provision should be applicable varied. A number of people suggested that the age of 14 years was too young for a minor to have this responsibility himself. Other people agreed with the age of 14 suggested in the Bill, and I think it was perhaps notable that the only two

witnesses before the Select Committee who were in their 20's fully supported the age of 14 remaining in the Bill. The older people who presented evidence to the committee tended to be opposed to 14; many of them when questioned by members of the Select Committee felt that an age of 16 years would be an appropriate age. If I remember correctly, only one witness felt that 16 was not appropriate, and all the others, when questioned, agreed that the age of 16 seemed appropriate.

It is certainly true that at the age of 16 in our society many young people have certain rights and responsibilities to a greater extent than applies at 14. For instance, at the age of 16 a minor can leave home if he so wishes, and it is the age at which one can get a driver's licence. At 16 individuals may marry with court approval. While not adults, many 16-year-olds have far more legal responsibilities than do minors of younger ages. It is true that the New South Wales Act includes the age of 14, and that Act is identical to the legislation I have introduced here. No witness before the Select Committee could give any evidence of dissatisfaction in New South Wales with the age of 14. There was no opposition to the age of 14 when the legislation was introduced in New South Wales. No moves have been made by any individuals or organisations in New South Wales to change from the age of 14.

In New South Wales the Hospitals Commission and the A.M.A. recommended to hospitals and doctors that for minors of 16 and above they should make sure they have the consent of the minor. For minors below the age of 14 years they should have the consent of the parent or guardian, and for minors between the ages of 14 and 16 the medical profession should obtain the consent of both minor and the parent or guardian. Although this is not required by the legislation, it is undoubtedly the practice which is adhered to by a large proportion of the medical profession in New South Wales.

Certainly in New South Wales from the age of 16 upwards the consent of the minor is always obtained before medical procedures are carried out, and we could discover no objection whatsoever to this from any section of the community. I think what finally made the recommendation of the Select Committee unanimous that in this Bill before us the age of consent be changed from 14 to 16 was the publication of the fourth report of the Mitchell committee in South Australia on the substantive criminal law, where at page 81 it is suggested that an appropriate age for the present day would be 16 years as the age at which a person should be able to consent to medical or surgical treatment, which if administered without consent could be an assault.

It is true, of course, that the Mitchell committee referred only to the criminal law and not to the civil law, but it seemed to the members of the committee that there was no good reason why the civil law should differ from the criminal law in such a matter. No doubt other members of the Select Committee may wish to advance their reasons why they felt the age of 16 was an appropriate one, but the Select Committee was certainly unanimous in recommending this amendment to change the age from 14 to 16.

The Hon. J. C. BURDETT: I support the amendment. I agree with the Hon. Anne Levy that the report of the Mitchell committee probably did influence most members in relation to the age of consent for medical and dental treatment. Regarding the possibility of an action for assault, either criminal or civil, being brought against a practitioner who carried out an operation or treatment of any sort without consent, there did not seem to be any difference between the civil and criminal law. I am sure that we were all, at least to some extent, influenced by that report.

This Bill has been considerably misunderstood in the community. It has been spoken of as a Bill to reduce the age of consent to medical and dental treatment. It was not, of course, a Bill to reduce the age of consent; it was a Bill to define the age of consent because, with the law as it now stands, there is no age of consent to medical and dental treatment.

There is perhaps some doubt about the common law, but only because there has not been any need to define it by judicial precedent. The common law position at present is almost certainly that there is no age of consent. A young person (even one below 14 years of age) may consent to medical and dental treatment, provided it can be established that he or she knew the nature of the treatment, that it had been explained, that it was understood, and that he or she knew of the possible consequences of the treatment. So, this Bill has been wrongly categorised by the public and the media as a Bill to reduce the age of consent. It is, in fact, a Bill to define the age of consent.

It is perfectly true that the present law has counselled caution because, where a practitioner knew that if an action was brought against him for assault he had to establish that a young patient understood the nature of the treatment involved and the possible consequences, he would, of course, be cautious. This is true, and this argument was used by some witnesses that appeared before the Select Committee: when we define an age, as the Bill does, the tendency is to come down to that age. That, I think, most members of the Select Committee realised.

I said in my second reading speech that I had grave reservations indeed about 14-year-olds being able to consent to medical and dental treatment without the knowledge and even contrary to the wishes of their parents. It seemed to me and indeed to many of the witnesses who came before the committee that in most cases in the below-16-years group children are subject to parental discipline. Parents have a right and duty to look after their children, to know what sort of treatment they are receiving, and to have some say in the matter. Also, the children are entitled to the protection of their parents.

The age of 16 years seemed to be reasonable. As the Hon. Miss Levy said, a child can leave home at that age and cannot be forced to return. It would therefore seem reasonable to fix the age at 16 years in relation to medical and dental treatment.

Some members of the Select Committee (of whom I was one) had reservations about agreeing to the Bill when it provided for the age of 14 years. The Hon. Miss Levy said that only one witness agreed with the age of 16 years. I think that was correct. However, I think some others expressed reservations, and some witnesses supported the age of 14 years. So, it seemed to the committee that it was reasonable to provide for consent by minors to medical and dental treatment at the age of 16 years, as recommended in regard to the criminal law in the Mitchell report.

The Hon. Miss Levy also said that the only witnesses in the younger age group who gave evidence agreed with the age of 14 years. This matter is referred to in the report, and there was a minority view on the matter, which also is referred to in the report. I was one of the minority. We considered that there was no relevance in regard to the age of the witnesses. Almost all, if not all, of the witnesses who gave evidence gave it in some sort of representative capacity; I cannot recall any private witnesses. All the witnesses that I can recall represented professional bodies, social worker groups, church bodies, and so on. So, it was

not surprising that we did not find any in the very young age group.

It seemed to be perfectly natural that the witnesses who gave evidence and who were not private individuals but represented professional and other groups should have developed some sort of seniority. Of course, the committee's activities were advertised and given some publicity, and anyone, however young, could have given evidence to the committee. So, it was irrelevant to say that only two witnesses of the younger age group supported the age of 14 years. However, the amendment brings the age to 16 years, and I support it.

The Hon. M. B. DAWKINS: I support the amendment and, indeed, all the amendments that have been brought forward by the Select Committee, but not because I have agreed with the Bill. Indeed, I have grave reservations about whether the Bill should have been introduced. However, I agree that the age of 16 years is a much more suitable age than that of 14 years. If the Bill should pass, it is much better for it to pass with the amendments brought forward by the Select Committee than in its original form.

I commend the Select Committee for the work that it has done, but I still doubt the need for the Bill. I believe that the situation was catered for adequately, as the Hon. Mr. Burdett said, by the common law. I had grave reservations indeed about fixing the age of 14 years. However, I am pleased that the Select Committee has come forward with what I regard as considerable improvements to the Bill. With some reservations regarding my attitude in the third reading, I support the amendments as they stand.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 2, line 3—Leave out "and" and insert "or".

The reason for this amendment is exactly as stated in relation to my first amendment to this clause.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 2, line 6—After "affect" insert:

—

(a) such operation as a consent may have otherwise than as provided by this Act; or

(b).

The effect of this amendment is to put the Bill in the same form as the New South Wales law, except, of course, for the difference in the age, that is, 14 years and 16 years. Initially, when I drew up this Bill from the New South Wales legislation, I was told by legal advisers that this subclause had little meaning and was not really necessary. I therefore omitted it from the Bill that I drafted.

However, the evidence presented to the Select Committee suggested that it would be wise to put back this provision. One might say that it is lawyer's law and, as I am not a lawyer, the fine details of some of the legal arguments escaped me. However, we wanted to be sure that this Bill, when it became law, was an addition to, and not a subtraction from, the existing law. By inserting this paragraph, it is clear that we are adding something to the law and not thereby removing any provisions that may exist under the common law. This safeguard, as recommended to the committee, makes clear the intentions of the Bill.

The Hon. J. C. BURDETT: What the honourable member has said is quite correct; this is a saving provision to make clear that any consent which may at present legally be given may still be given. This provision was in the New South Wales Act, of which this Bill is almost an exact copy. The provision was omitted from this Bill because I think the Hon. Miss Levy could not find anyone who could explain to her how it could have any relevance. During the Select Committee's inquiries it was suggested that at common law there may be some circumstances in which people who have custody of a child, such as grandparents, may consent; that is not covered by the Bill. The purpose of the saving provision is to make clear that where, by law, someone may consent at present, that may still be done.

The ACTING CHAIRMAN (Hon. R. A. Geddes): Or guardians?

The Hon. J. C. BURDETT: Yes.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

BUSINESS FRANCHISE (TOBACCO) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 July. Page 43.)

The Hon. K. T. GRIFFIN: I appreciate the opportunity given to me of being able to discuss the complex provisions of this Bill with Mr. Tucker, the State Commissioner of Taxes, who has given me considerable assistance in connection with the general administration in so far as it affects the Act and similar provisions in other legislation. I personally have no interest in keeping down the cost of tobacco or in the implications of a franchise fee or licence fee on this commodity. The broad concept of a franchise tax is something that the Leader of the Opposition in the other place has indicated is under review in the State Liberal Party and is not a matter for debate in connection with the Bill.

My primary concern is to ensure that as far as possible the provisions in the Bill will achieve what they are intended to achieve and that their scope is not extended beyond achieving that purpose. The provisions are almost verbatim the provisions enacted in New South Wales last April which, in turn, are almost identical with the provisions in the pay-roll tax amendments passed in 1975. I acknowledge, too, the existence, particularly in the Eastern States, of a scheme to avoid responsibilities for payment of fees under similar legislation there.

I have been concerned to ensure that the provisions of the Bill do not have retrospective effect to the extent that something will be taxed which was not previously taxed and that they will not result in double taxation. I have been informed by the Commissioner that that is not the way in which it will work. At the appropriate time I hope the Minister will reassure me that the impact of the legislation is not to give the effect of double taxation. I have said that this legislation has been adopted from New South Wales legislation and from the pay-roll tax provisions, and I point out that several aspects appear inappropriate. I do not see it as my task or that of the Opposition to amend the drafting in this respect.

I draw particular attention to new section 4c, which relates to employees and employers and creates criteria that will establish that a particular business or series of businesses is carried on by a group. This provision is particularly appropriate to the pay-roll tax provisions but, in the context of a business franchise fee, it is inappropriate for establishing criteria. The provisions of the Bill would have been as effective without that provision as with it. I have been concerned, too, to satisfy myself that there are adequate rights of objection and appeal, particularly in relation to determinations that the Commissioner may make under new section 4a. New

section 4a (2) provides:

> The Commissioner may by writing under his hand determine that a person who would, but for the determination, be a member of a group for the purposes of this Act is not a member of the group of wholesale tobacco merchants if he is satisfied that that person has continuously carried on tobacco wholesaling independently of the group and will continue to carry on tobacco wholesaling independently of the group and is not subject to control by any other member of the group.

New section 4a (3) also relates to determinations. Having discussed the matter with others, I am satisfied that that determination can be the subject of an objection or appeal when an objection or appeal is taken by a person who may object to the assessment or reassessment of a particular fee. A possible area of concern occurs in new section 27a, which provides for an additional assessment but, in the context of the clause, refers to an additional amount. I suppose it is arguable in that context that the additional amount is not part of the fee against which a right of appeal or objection is provided under the Bill.

I have given notice of an amendment at the appropriate time concerning the time within which complaints may be issued for offences against the provisions of the Act. The present Act does not provide a particular time, and it is my understanding that then the provisions of the Justices Act would apply, which would mean that complaints must be issued within six months of the date of the offence. The period of six months is a fairly common period within which complaints must be issued for offences against particular Statutes.

It is not unusual for a period of 12 months to be the period in this context, and therefore, in view of the nature of this legislation, I will be moving at the appropriate time for a reduction from the proposed period of two years to a period of one year. I believe that, in the circumstances of this legislation and in the context of other similar legislation, a period of one year is perfectly reasonable in order to protect the revenue, and yet to allow citizens, bodies corporate, or other persons affected by the legislation to know where they stand concerning the administration of the Bill.

The only other general comment which I make is about the change from an annual licence to a monthly licence. The provision for the recovery of fees from persons who should be licensed but who in fact are not licensed, on the value of goods sold, suggests to me very much that this is coming closer to, if not already becoming, a duty of excise, which time and again has been held to be beyond the competence of a State to levy. Notwithstanding that, I do not want to propose any particular amendment concerning that. I merely draw attention to that possibility in case at any time in the future there is a challenge and that particular point is taken. I do not want it to be said that we as an Opposition did not at least give some notice of what we saw as a possible difficulty concerning the nature of the franchise fee which is imposed by this legislation. Apart from intending to move the amendment to which I referred, the Opposition supports the Bill. I support the second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank the honourable member for the attention he has given the Bill and I thank the Opposition generally for its co-operation. I also thank the Hon. Mr. Griffin for the confidence he has in me by asking me to give an assurance. I do give the Council the assurance that this Bill is not meant to have that effect.

Bill read a second time.

In Committee.

Clauses 1 to 18 passed.

Clause 19—"Summary procedure."

The Hon. K. T. GRIFFIN: I move:

> Page 14, line 46—Leave out "two years" and insert "one year".

I have already indicated the reasons for so moving.

The Hon. D. H. L. BANFIELD (Minister of Health): The Government opposes the amendment. The extension is considered necessary because of the period which could elapse before an inspection can be made and an offence detected. It is true that it is sometimes difficult to obtain the necessary information required to launch a prosecution. I know that no-one here would want a guilty person to get off because of insufficient time to investigate an offence against the Bill. I do not think that is the purpose of this at all.

I point out to honourable members that an investigation may not be completed with in 12 months. I ask honourable members not to proceed with the amendment. This amendment is similar to the provisions recently inserted in the Business Franchise (Tobacco) Act of New South Wales, and I believe the period of two years is not considered excessive in relation to the periods provided in other Acts such as the Land Tax Act (providing a three-year period), the Builders Licensing Act (a two-year period), and the Land and Business Agents Act (a two-year period).

I believe that there is no reason for this Bill to be different from those. I earnestly ask members not to agree to the amendment. The only effect it can have is for someone who breaches the Act to get off on a technicality, and I do not think that is the purpose of the Bill.

The Hon. J. C. BURDETT: I support the amendment. It is true, as the Minister says, that no-one wants a guilty person to be acquitted because of insufficent time to investigate. On the other hand, no-one wants anyone to be left on the hook for an unduly long period. Under the parent Act, and also under the amending Act, an offence is punishable summarily. The whole idea of a summary offence is that it be dealt with in a summary way. In the Justices Act the time limit is six months. It is interesting to note the parent Act provided for six months, and now the time is to be extended to two years.

I do not think we have been given sufficient evidence that investigations cannot be conducted in a period of 12 months. The Hon. Mr. Griffin's amendment still doubles the period under the existing law. The Minister referred us to the Land Tax Act and the period of three years. However, that is a taxation Statute, whereas this is not. It is for a franchise selling fee. If it were a taxation Act, it would be unconstitutional. Under the Licensing Act one is simply paying for a licence fee and the offences relating to the administration of that Act cover a period of six months. I have just looked at the Licensing Act, and there is nothing in it to fix the period, but offences are punishable summarily, so the period is as provided in the Justices Act, and that is six months. We have the situation at the present time where the period is six months and the Bill seeks to amend that to two years.

The Hon. Mr. Griffin has struck a reasonable compromise in his amendment with a period of 12 months. I suggest the Licensing Act is the nearest real parallel, and the period there is six months. It seems to me that a 12-month period is appropriate. The Minister properly pointed out that investigations could take some time, but there was no specific evidence that they would take more than 12 months. We were not told where that had occurred. As the parent Act has been in operation since 1974, we would have been told by now if there had been

any real problems. The 12-month period is eminently reasonable.

The Committee divided on the amendment:

Ayes (8)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, and D. H. Laidlaw.

Noes (8)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, C. W. Creedon, N. K. Foster, Anne Levy, and C. J. Sumner.

Pairs—Ayes—The Hons. Jessie Cooper and R. A. Geddes. Noes—The Hons. J. R. Cornwall and J. E. Dunford.

The CHAIRMAN: There are 8 Ayes and 8 Noes. There being an equality of votes, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 20 passed.

Title passed.

Bill read a third time and passed.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 18 July. Page 42.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the motion, and I should like to express my loyalty one again to Her Majesty Queen Elizabeth II, through her representative in South Australia, the Governor. I am pleased that the Governor this year was provided with a Speech containing some important measures. The Speech was a little longer than that provided for His Excellency last year.

First, I should like to comment on the mover and the seconder of the motion. I was unimpressed by the speech made by the Hon. Mr. Foster, as mover of the motion. I believe a tragedy that has occurred in this Council is that many of the comments have descended to the point where they are personal abuse, rather than constructive viewpoints.

Members interjecting:

The PRESIDENT: Order! I should like to remind the Hon. Mr. Foster that audible discussion in the gallery is out of order. The honourable member may entertain his guests where he likes and he may be seated with them, but audible conversation during a sitting of the Council is out of order. I request that the honourable member be seated. The Hon. Mr. DeGaris.

The Hon. R. C. DeGARIS: The constant allegations and accusations being made by the mover that people are dishonest or have no integrity is wearing thin in this Chamber. Therefore, I appeal to the honourable member, if he wishes to make a contribution in debate, to try to be more constructive. It is totally unfair to the Council that one has to put up with this sort of constant personal attack upon the honesty and integrity of members not only of this Council but also of another place and in other Parliaments.

The Hon. Mr. Blevins raised an important issue, one that has previously been discussed by members of Parliament. I do not know whether it was mentioned on the floor of the Council, but I do know that it has been raised in various committees. I refer to the right of a person to die. This matter was raised departmentally when I was a Minister. Further, I did examine overseas some of the intensive-care units that were then being established. I agree with the general position that, whilst there is a right to life, there should also be a right to die.

I disagree with the Hon. Mr. Blevins' contention since I do not believe that at this stage anyway the Legislature should involve itself in that question. I do not believe there is any real problem with this matter in South Australia, although, as I have said, I have seen in other countries old people with terminal diseases, old people unconscious, who will never regain consciousness, being kept alive on very expensive machines. That is worrying to see, but I believe that the position in South Australia is reasonable, and that it is best left in the hands of the medical profession and other people who are responsible in this area, rather than that the Legislature enter into this area.

The question has been discussed before, and has no doubt been discussed by various political Parties, committees, and health departments. I suggest that the correct method is this: whilst one must express concern about many of these matters, the best thing is to leave that area alone. There is always a tendency for members of Parliament and Governments to try to legislate for everything; I think this is a propensity that we should be very careful about. In other words, I believe we are becoming an over-legislated society. Often we run into the idea of legislating for something that would be better left alone. I think one of the tasks of future Governments, whether of the Labor Party or the Liberal Party, will be to examine this question of the capacity to over-legislate and to over-regulate our society beyond the point where it is reasonable so to do.

The Governor's Speech refers to the fact that for three years many parts of South Australia have suffered severe drought conditions. The opening this year has been most promising, and no doubt the Minister of Agriculture, who is listening attentively to what I am saying, is relieved that we have had widespread and good opening rains in South Australia, particularly in areas that have been up to the present time most seriously affected by drought.

In some places concern has been expressed that those areas where a good deal of drift took place may remain a serious problem in the future. Experts in the field who have visited parts of Eyre Peninsula have said that we are creating there vast areas of desert that probably will remain as desert. With the opening rains we have had, this worry will be forgotten for a time. I do not believe that at present there is a serious problem, or that there is a process of desertification taking place on Eyre Peninsula, and I do not think that there is a possibility of continuing loss because of over-exploitation on Eyre Peninsula. Nevertheless this problem should not be overlooked.

In other parts of the world this formation of deserts is continual and is a worrying process to anyone who thinks about this problem. The creation of the Sahara Desert and its continuing expansion south is one thing we must bear in mind in the development and exploitation of our lands in South Australia. Indeed, it is probably better to look at prevention during the good years rather than express concern during the poor years.

I would impress upon the Minister of Agriculture that this matter be borne in mind. I am quite certain that, if members of the farming community are given assistance, not necessarily financial, and the position is explained to them, they will be responsible in regard to the possible increase in areas of desert in Australia. I point out to the Minister that the good years are the best time to work with the farming community to assist in the prevention of any desertification that may take place on Eyre Peninsula. I hope the emphasis is to be placed on preventive programmes in a series of good years.

I referred to the Hon. Mr. Foster's attack on the honesty and integrity of the Liberal Party in this Chamber and in other places. That prompts me to deal with my next point, and I am somewhat sorry to do it, but I believe it is an important question that concerns South Australia.

Therefore, I believe that in this Parliament I have a right to express the view I hold. We have some differing views as to the meaning of democracy, and differing views on how we should structure the institutions we cherish inside that particular concept of the democratic tradition. Our view on democracy, expressed in the institutions we establish, needs to be constantly examined and, if necessary, improved, or changes need to be resisted that necessarily inhibit the expression of the democratic privilege. Recently Lord Hailsham visited this country to deliver the Menzies Oration at Sydney University. He has just published a book entitled *The Dilemma of Democracy* that I commend to anyone who is interested in the continuation of democratic institutions.

Publicity given to the proceedings of Parliaments, and the views of Governments, tends to exaggerate the raw political power aspects, rather than the more delicate concept of traditional and true democracy. In South Australia we have had a Government that has built its reputation partly on its ability to sell itself as being more interested in providing true democratic principles than is its competitor. That can be said to be true because so many people in South Australia have viewed democracy through the rather narrow viewpoint of equal numbers in each electorate, or adult franchise for this Chamber. While those objectives in themselves may be justified, it does not necessarily follow that what is built on that base has to be democratic, or that it necessarily improves the democratic institutions that we cherish so much.

I am one who disagrees that the Government deserves its reputation as a protagonist for democracy because of its electoral and constitutional beliefs and achievements. However, that is not the point I want to pursue; I want to say that we must be aware, as Hailsham is aware, of the dilemma facing democracy. There is a continued movement towards a more authoritarian and centralising system that removes the democratising power of a correctly structured Parliament. This Government is losing its reputation for several reasons. We have seen a tremendous fall in the popularity of the Premier, and the catalyst in this gathering process was the sacking of the Police Commissioner, Harold Salisbury. I am not arguing the question of whether the sacking was right or wrong. What I am saying is that the Government's loss of reputation has been due to the sacking of the Police Commissioner. Whatever the Government does, it cannot overcome that loss by the very hasty action it took in that regard.

The sacking of Mr. Salisbury is only a symptom of a much more deep-seated problem facing the present administration of South Australia. That problem is highlighted by Hailsham in his article on the dilemma of democracy. I have always believed strongly that the Public Service must be regarded as being separated entirely from political opinions. It is there to carry out the policies of the Government and must not be a mere tool of the Government. Yet I am of the opinion (and many people hold the same opinion) that such a process is being gradually undermined in South Australia. Public servants who have retired and who will remain anonymous have spoken to me regarding this matter. They have said that they feared the growing evidence of politicisation of the Public Service in South Australia.

In no way must this statement be interpreted as a criticism of the great number of public servants for whom I have the highest possible regard. However, many public servants privately would be perfectly aware of the point I am making. Indeed, many people, including members of Parliament, understand what I am saying. This process is reflected inside Cabinet itself in the growing power of the Premier's Department. This involves a continuing, centralising process, the centralisation of the power structure in South Australia. It is an extending process as it moves more and more into a position of power in the policy-making decisions of boards in private and banking sectors in South Australia, through many of its agencies, such as insurance, banking, guarantees, or industrial development.

This is a gathering power structure, which I should bring to the Council's attention, because I believe that it is not in the best interest of what I consider to be a democratic structure. I refer to the influence being exercised through judicial appointments, and the use of the Judiciary on matters that it is best kept out of. This is highlighted in papers by Reid in Western Australia. This is being done not for the public good but for the benefit of the Government's supporters or personal associates.

This matter has been raised and debated in the Council previously. I know that these are serious allegations. Some of the matters to which I have referred have already been raised in the Council over the past few years. However, the number of complaints coming to me from concerned people has not diminished since those questions were raised. So I put to the Council that the Salisbury sacking is a symptom of the power structure being built up in South Australia. This is related more to the use of raw political power than it is to the concepts of democracy that we all espouse with such fervour.

The second matter on which I should like quickly to touch is that of pornography in South Australia. This matter was referred to rather scathingly by the Hon. Mr. Foster in his speech when moving the motion. Today, the Hon. Mr. Burdett quoted the Premier in another motion that he moved earlier. The honourable member said that the Premier opposed trafficking in persons. How the Premier can say that in relation to prostitution and not relate it to pornography in South Australia, I do not know, because there is no more vicious trafficking in persons or more vicious exploitation of human beings than there is in the hard-core pornography trade.

The policies adopted by South Australia are the most open in Australia; indeed, they are probably the most open in the world. We need here to look at first principles. How many of us heard, when this matter was one of public debate, that people are entitled to read and see what they like? Of course they are not! There is any amount of material that people are not allowed to read, and the Government makes certain that they cannot read it. What about the Duncan Report, which related to the Torrens River incident? Are people entitled to see and read that? The answer is, "No". There is censorship on that information.

The more one examines the question, the more one realises that the statement that people are entitled to see and read what they like cannot be a principle at all. In South Australia, we now agree, after much pressure was applied in this Council, that child pornography should not be classified. Therefore, the Classification of Publications Board is acting virtually as a censor. How does the statement that people are entitled to see and read what they like stand up now, when the Classification of Publications Board was virtually instructed that it was not to classify child pornography?

I make the point that this statement, which was the centrefold of all the debate previously, is no longer a principle at all, much less a first principle. If one wishes to use the further analogy, one can quote Butt in the *London Times*. He said:

> It can be said that people who earned profits by sending children into mines and factories in the nineteenth century

> could claim the right to do so on the grounds that the consumer was entitled to burn what coal he liked.

Today we are appalled at the exploitation of children in the mines, yet human beings who are exploited and degraded for the commercial gain of the pornographers are, in my opinion, in the same state.

We should not forget that up until recently child pornography of the most vile kind was being classified and made available in South Australia. It is still being classified and is available here. When the pornographic trade was opened up in South Australia, it was said with conviction, particularly by the Premier, that if this material was freely available people would reject it. This was one of the great arguments of the liberationists. However, the growth in pornography in country after country, and now in South Australia, refutes this claim. The evidence of this is that it is available. As each new generation arrives, new customers are found, and the evidence of rising sexual crimes hardly supports such a bogus contention.

Regarding the effect of freely available hard-core pornography and sexual crime, it cannot be stated with certainty that it has had an effect on the sexual crime rate. Certainly, however, it cannot be said that it does not have an effect. I believe that it has. Judge after judge has commented on the effect of the availability of this sort of pornography. In this respect, I should like to quote some references. I refer, first, to a report headed "Pornography linked with crime—Judge" in the 14 February issue of the *Age*, as follows:

> There is a direct link between pornographic films and crimes of violence, according to a County Court judge. Sentencing a rapist to 15 years gaol yesterday, Judge Ogden said it was paradoxical that the community condoned films portraying sex and violence yet condemned such crimes.

The same kind of comment is made in the *Telegraph* of October 19. The article is headed "Pornography triggered off rape: Judge". One can go on with this type of quote. Judges constantly point out that the availability of this type of pornography affects the crime rate. In any amount of pornography in this State girls are depicted as being raped by perhaps six men. Readers can see all the horror of the rape and then, at the end, the fact that the girl is perfectly happy and satisfied and that she enjoyed it. This kind of pornography is available in South Australia and is being classified. It is time we returned to first principles—not the first principle that I have demonstrated is foolish. We have gone past the time when this is merely an exercise in debating skills. It is time we concentrated on what we know to be right in logic and in regard to human values, and we should act accordingly. We should stop sweeping this sort of thing under the carpet.

There is a big difference between good-natured eroticism and hard-core pornography. When I refer to hard-core pornography I mean pornography relating to bestiality, children, masochism, and sadism. Can anyone tell me whether we are justified in allowing to be sold to South Australians pornography dealing with rape and bondage—people being tied up and tortured? All these things, which are against the law, are being depicted in publications sold openly in South Australian bookshops. The Federal authorities have a responsibility where many of the more revolting types of pornography come from overseas; for example, I am informed that the importation of pornography dealing with bestiality is prohibited by the Federal authorities. However, *Animal Orgy* is a good seller at the Whisper shops and Love Art shops in South Australia. This kind of book has a pictorial series on bird buggery. After the bird is sexually assaulted and abused, the bird is shown to be dead. This material is produced in Australia, and its importation is banned by the Federal authorities, but it has been classified here in South Australia. Other States have adopted much more stringent guidelines than we have in South Australia. Queensland and Tasmania, in particular, have adopted much more stringent guidelines. Tasmania has banned 1 400 titles, which we are classifying.

Publications of this kind are being brought before the courts in Great Britain as obscene publications. A change took place in South Australia in 1977. Child pornography, which had previously been classified A, B, C, and D, is now available as A and AB. Much of this classified material would be prohibited from importation into other countries. *Just Boys No. 3* is prohibited from sale in Queensland, Western Australia, Tasmania and New South Wales, but it is unrestricted in South Australia. In this State we give the financial exploiters of human depravity the best go of any State in Australia. In delicatessens patronised by young people one can find exposed some of the worst pornography. I make this plea, and I am not a prude in any way: we must come back to first principles, and we must get rid of the emotional nonsense that people have a right to read and see what they like. That is no principle at all. There is only one principle: child pornography will not be classified and, therefore, people cannot see and read what they like. Therefore, it is a question of censorship. We have to take the blue pencil a bit further in many areas used by young people. We should go back to first principles.

I turn now to the question of petroleum usage, and I hope the Hon. Mr. Geddes will expand on my remarks on this point. At present Australia is producing 70 per cent of her petroleum requirements and, of course, importing the remaining 30 per cent. If we had to import all our petroleum requirements, the national import bill would be about $4 000 000 000 to $5 000 000 000 annually. In 10 years time if prices remain the same and no further discoveries are made in Australia, we as a nation will have to find at least another $2·5 billion to purchase our petroleum needs.

To offset this cost and at the same time maintain our existing standards it may be possible to increase our export income to cover the cost of importing extra petroleum products. However, the task of achieving this increase in export income appears to be, at this stage, almost an impossibility. Therefore, I believe that we as a nation must begin to plan a much more certain way of overcoming some of the problems that must occur in Australia as our indigenous fuel supplies decline.

Policies must be adopted, both at the State and Federal level, to assist in the conservation of our dwindling petroleum resources. For example, faced with the certain $2·5 billion deficit in petroleum needs by the middle of the 1980's, about $1 billion of this could be saved by correct conservation practices. I do not wish to place before the Council a watertight programme for such conservation practices, except to draw attention to the fact that such a programme can be implemented if we have sufficient will to achieve definite targets.

The two major petroleum consuming sectors in Australia are transport and industry. In these two areas significant savings can be made in the consumption of petroleum. If these savings are to be made, all levels of Government need to initiate conservation programmes, provide taxation incentives, and remove any inhibited aspects already existing in legislation to the proposed programme.

Australia is well supplied with energy resources. We already export large quantities of coal and liquefied gas and are well on the way to becoming the world's largest producer and exporter of uranium. On the other hand, our

reserves of petroleum are seriously limited.

As I pointed out earlier, from a 70 per cent self-sufficiency position in relation to petroleum products at present, Australia seems likely to change to a 70 per cent dependency on imported petroleum by the mid-1980's. Apart from the pressures on our economy, the increased cost to the consumer in this position would possibly double. The demand situation for petroleum in Australia is such that 94 per cent of that demand is from primary and secondary industry and transportation. The remaining 6 per cent is devoted to commercial and domestic use and power generation. Re-examining the transportation sector, we find that 81 per cent of the petroleum products used in transport are used in commercial vehicles, cars, station wagons, and motor cycles, and the remaining 19 per cent in ships, aeroplanes and trains.

Faced with these figures, I believe that significant savings are possible in the road transport sector, which accounts for 81 per cent of the transport sector and 43 per cent of Australia's total petroleum consumption. Of this road transport sector, about 75 per cent of the consumption is classified as personal consumption.

It has been argued by some people that, as the cost of petroleum fuels increases, the personal consumption factor will decline, but overseas experience shows that consumers are slow to respond to heavy petrol price increases. Reductions in fuel consumption can be achieved in other ways: first, vehicle design; secondly, reduction in the use of private cars; thirdly, improved traffic management and better land use planning; and fourthly, Government policy both State and Federal.

Regarding substitute fuels L.P.G. and L.N.G., L.P.G. is an unavoidable part of the oil and natural gas streams. At present almost all of our production of L.P.G. is exported. Unlike L.N.G., L.P.G. can be stored in light-weight cylinders. The cost of conversion of a motor vehicle to L.P.G. is about $500 but L.P.G. offers cleaner combustion and reduced engine wear, and gas cylinders occupy valuable space.

Regarding Ethanal (Ehthyl Alcohol) and Methanal (Methyl Alcohol), Ethanal could be produced in Australia as a substitute fuel using grain, sugar, etc., as the feed stock. Methanal can be produced from Ethane, present in natural gas or from coal. These alcohols can be used as a complete or partial substitute for petroleum and have similar advantages to L.P.G. from a pollution viewpoint. A substitution of, say, 20 per cent in alcohol gasoline blends could save hundreds of millions of dollars in overseas funds alone. In the area of electric cars, further emphasis is required. In industry there are many areas where conservation can assist in this particular problem.

I do not intend to go through all the areas where conservation and substitution can assist in this problem, but I suggest to this Council that we should establish some authority, whether it be inside Parliament as a committee, or an established statutory body, to identify the areas where the State could assist in policy matters to reach certain conservative targets and make recommendations to the Parliament for legislative or administrative action to minimise our reliance upon petroleum fuels.

I believe that this is a most important issue and that there are several areas where changes in legislation and changes in emphasis of legislation can assist and encourage alternative uses where tremendous impact can be made in the conservation of our small petroleum resources and substitutes at the fields, which will assist in lengthening the period for which we will have these petroleum resources. I congratulate His Excellency on the opening of Parliament, and I support the motion.

The Hon. C. M. HILL: I support the motion and I commend His Excellency on the manner in which he opened Parliament. Again I express deep sympathy to Mrs. Potter and her family. I made special reference to the contribution that the late Mr. Frank Potter had made to this Parliament and referred to my close friendship with and high regard for him when this Council expressed sympathy at the time of his untimely death.

In the formal address at the opening of this current session, the Government went to considerable lengths to blame the national economy for the ills of South Australia. I do not deny that secondary industry, particularly the motor industry, is adversely affected by some national factors, but I do not accept that it is reasonable to place so much emphasis on the national economy as the reason for the difficulties besetting this State. The Government itself must accept a large share of the blame. There is remarkable evidence on the Stock Exchange of a dramatic loss of confidence in South Australia compared to Australia as a whole. This lack of confidence and faith in our State can be seen by the reduced demand for shares in South Australian companies, both by buyers within the State and investors outside it.

The Stock Exchange is widely accepted as a barometer of business confidence. What investors are showing in fact is that South Australian companies cannot succeed and prosper while the Labor Party remains in office. Share prices in these South Australian companies are not moving in unison with the ebb and flow of the national share market. The particular lack of demand for such shares at times when the demand strengthens for shares in companies based in other States indicates to me that the Government's actions and policies, after the Government has been in office for eight years in South Australia, are proving quite disastrous.

The backwater into which the Labor tide has carried South Australia was evidenced recently, when Australian share prices began to move up at the end of March 1978. The rise in industrial share prices for the whole of Australia is best measured by the Melbourne Stock Exchange. The all ordinaries index, which excluded metals, minerals, oil and gas prices, taken from the *Australian Financial Review* of 2 March 1978 and 3 July 1978, shows the following figures:

1 March 1978	139·28
1 July 1978	152·31

This is a rise of 9·3 per cent. I point out that South Australian companies are included in those figures.

If investors' confidence in South Australia was on a par with their confidence in the whole of Australia earlier this year, one could have expected a rise of about the same degree in prices of shares in South Australian companies. From the same newspaper, I list the share prices on the same dates of the 17 leading South Australian companies. They are:

SOUTH AUSTRALIAN COMPANIES

	1 March 1978 cents	1 July 1978 cents
Adelaide Brighton Cement Holdings	101	92
Adelaide Steamship Co. Ltd.	109	114
Advertiser Newspapers Ltd.	185	191
Argo Investments Ltd.	150	162
Bank of Adelaide	165	163
Beneficial Finance Corp. Ltd.	75	74
C-C Bottlers Ltd.	106	102
Elder Smith Goldsbrough Mort Ltd.	186	220
Hills Industries Ltd.	102	95
Kelvinator Aust. Ltd.	90	81
John Martin & Co. Ltd.	100	97

News Limited	235	222
Orlit Holdings Ltd.	79	56
Quarry Industries Ltd.	110	105
S.A. Brewing Holdings Ltd.	76	77
Softwood Holdings Ltd.	220	215
Uniroyal Holdings Ltd.	135	120
Cents	2 224	2 186

Mining companies are excluded from the survey because very few have their home exchange and activities in South Australia. My figures show a fall of 1·7 per cent. The result of this exercise is the tragic fact for South Australia that, while Australia-wide prices increased by 9·3 per cent, the leading South Australian industrial companies show a fall of 1·7 per cent.

I now refer to statistics concerning the same South Australian companies some years ago when investors had faith and confidence in our State. Late in 1971 and during 1972, share prices all over Australia were rising in a buoyant market. There is remarkable evidence that both overseas and Australian purchasers sought and purchased South Australian shares during that year with amazing confidence. The Labor Government had been in office for about two years. The people had faith in the Government of the day. They were prepared to believe that the Government would continue providing a political climate in which employers and employees could work and prosper. As shown in the *Australian Financial Review* of 1 December 1971 and 1 December 1972, the all ordinaries index (excluding metal and mining) on 30 November 1971 was 112·93. On 30 November 1972 the same index was 164·89, resulting in a 12-month increase of 46·01 per cent.

Taking the South Australian companies as previously stated (excluding Orlit Holdings, which was not registered in 1972), I have a table listing those companies that I have already referred to, and I seek leave to have that table incorporated in *Hansard* without my reading it.

Leave granted.

SOUTH AUSTRALIAN COMPANIES

	30 Nov. 1971 cents	30 Nov. 1972 cents
Adelaide Brighton	140	196
Adelaide Steamship Co. Ltd.	60	98
Advertiser Newspapers	165	255
Argo Investments	138	175
Bank of Adelaide	203	305
Beneficial Finance Corporation	87	135
C-C Bottlers Ltd.	282	475
Elders G.M.	148	310
Hills Industries	65	108
Kelvinator Aust. Ltd.	108	132
John Martin & Co. Ltd.	116	205
News Limited	210	490
Orlit Holdings	Not Listed	
Quarry Industries	120	150
S.A. Brewing	88	130
Softwood Holdings	185	225
Uniroyal Holdings	63	115
Cents	2 178	3 504

The Hon. C. M. HILL: This represents an increase of 60·88 per cent. Therefore, we see that South Australian company shares enjoyed an increase in value of more than 60 per cent in that 12-month period compared with a national average increase of 46 per cent.

The Hon. R. A. Geddes: Which year is that?

The Hon. C. M. HILL: The boom year of 1972. I emphasise that in South Australia shares increased in value by more than 60 per cent in comparison with the national average of 46 per cent. This is in stark contrast to the position in the recent increased activity on the Stock Exchange, where against a national average rise of 9·3 per cent the same company shares in South Australia fell by 1·7 per cent.

The Hon. B. A. Chatterton: That demonstrates the bias of the sample.

The Hon. C. M. HILL: How can the sample be biased if I have taken the same 17 leading industrial stocks?

The Hon. B. A. Chatterton: There is not necessarily the same representation of industries as the Melbourne all ordinaries index.

The Hon. C. M. HILL: What do you mean by "the same representation of industries"? It is a list of the same industries; no sample is involved.

The Hon. B. A. Chatterton: You've picked out 17 companies.

The Hon. C. M. HILL: I have picked out the 17 leading companies.

The Hon. F. T. Blevins: It's most unscientific.

The Hon. C. M. HILL: It's not unscientific. They are the 17 leading industrial companies based in South Australia. I have not picked out one or two, nor have I left out any of the prosperous companies.

The Hon. B. A. Chatterton: There could be a bigger proportion of companies involved in construction in that sample than are contained in the Melbourne index.

The Hon. C. M. HILL: The Melbourne index includes the all ordinaries index, all ordinary companies in Australia that are registered on the Melbourne Stock Exchange, excluding mining and metal shares, as I have already indicated. There is no sample involved in the Melbourne Stock Exchange figure, and no sample is involved in the South Australian companies that I have quoted.

The reasons for this change have little to do with the national economy: the reasons are local. The State political climate in which these South Australian companies and, indeed, all local business operates is tragically poor. The South Australian Government is socialist, and commercial owners and investors the world over know that socialists wreck free enterprise economies. After two years of Labor Government, people were still prepared to trust that Government. However, eight years of such rule has brought inevitable results. I mention specific reasons for this loss of confidence.

The worker participation plans of the Government, despite all the Premier says now about their voluntary aspect, are still frightening to business and commercial interests. These interests fear Government and worker control. These interests know that the resolution passed at the South Australia Labor convention in June 1975 has not been rescinded and is still binding on the Premier and on all members of the State Labor Party. That resolution is that boards of directors be in three groups of equal size: the first elected by shareholders, the second by the workers, and the third being persons trained and appointed by the Australian Labor Party.

These interests have witnessed great play by this Government upon the merits of worker participation in communist Yugoslavia. These interests know that the State Government is training public servants to be company directors. The fear of the consequences of the Premier's worker participation schemes, despite all his propaganda and glossy talk, is deep and real within the business community in this State. The Government's proposals to reform the law with such measures as the Residential Tenancies Bill, Contracts Review Bill, Debts

Repayment Bill and other legislation have had a chilling effect on the business community in South Australia. This has occurred at a time when understanding, encouragement and incentive are needed by the State Government to help and assist our South Australian employers. Instead of this approach, the Government is bring down legislation which will have the effect of weakening initiative and enterprise and discouraging expansion of existing companies and the establishment of new developments.

The third serious and obvious reason for loss of confidence is that the State Government continues to expand the public sector of employment, as the private employment sector contracts (as a percentage of total civilian employment in this State). Socialism always results in an expanded bureaucracy. From the Australian Bureau of Statistics figures on various issues of employment and unemployment, it is seen that in the first full financial year of the Labor Government's office, ending June 1971, State Government employment stood at 77 700 or 19·6 per cent of total civilian employment. In June 1977, the State Government employed 110 500, or 24·9 per cent of total civilian employment. By comparison, private employment stood at 285 100 or 71·8 per cent in June 1971, and 295 300 or 66·5 per cent in June 1977. Federal and local government employment figures in South Australia are not included in the above State Government figures, of course. South Australia simply cannot afford to have its public sector increasing at the above rate as a percentage of total civilian employment whilst private employment decreases at the above rate and as a percentage of the same basis.

As a result of these and other policies, investors reject the claims by the State Government that South Australia is a good place in which to live. Also, they see that the South Australian population is very highly taxed. This socialist Government that is supposedly helping the company employee sees to it that he pays $730 stamp duty when he purchases a house to the value of $35 000. It is the highest stamp duty of any State, the comparable figures being Victoria, $700·00; New South Wales, $612·50; Queensland, $600·00 (but if principal residence $525); Tasmania $587·50; and Western Australia $500·00.

The same employee, when he purchases a car (and I take a current model HZ Holden manual with a 202 motor at $6 730 as an example), pays $212 stamp duty to the Government, and this is the highest rate in Australia. The comparable figures are Victoria, $170·00; New South Sales, $136·00; Tasmania, $102·00; Queensland, $68·00; and Western Australia $51·00.

Investors also note that the State's total population itself is decreasing in numbers compared with the position interstate. The first report of the national population inquiry shows that in 1971 South Australia had a population of 1 173 700. This represented 9·2 per cent of the Australian population. By 2001 South Australia is expected to have 7·78 per cent at worst, and 8·70 per cent at best of the total Australian population, a decrease from the 1971 share. An examination of the projected rates of growth of the population shows that South Australia is likely to experience the slowest growth of any of the States and Territories. South Australia of the future will be relatively less populous than it is now and on some projections will be overtaken in population size by Western Australia.

When one reflects on these matters it is easy to see why the Government has been instrumental in causing the South Australian companies to suffer in assessment on the Stock Exchanges throughout Australia. Perhaps more damning than the interstate evaluation is the criticism emerging within this State itself of the Government's policies and their effect upon the value of South Australian companies. On Friday 19 May 1978 the Chairman of Bounty Investments Limited, Mr. J. N. McEwin, delivered a damning criticism of the present Government in his address at the Eighteenth Annual General Meeting of that company, the business of which is investment of its funds in selected equity stocks to the best possible advantage. Amongst other things, Mr McEwin said:

> A matter of increasing concern to your directors is of course the extent to which it may be sensible in the present local climate to acquire or retain investments in companies based in South Australia. We hear so much every day about the "environment" in many different senses. It would be well to remind ourselves (and others) that even in matters of investment (whether we be individual investors or corporate investors) the political philosophies operating in a particular environment can be a decisive factor when determining where to invest or not to invest.

After explaining his criticisms in detail he concluded by saying:

> It is a tragedy that the individual development of this State, initiated by the late Sir Richard Butler, and very effectively continued by Sir Thomas Playford over several generations, can be virtually destroyed within a year or two by academic idiocy and socialist pragmatism. Everyone will suffer, but none more than the workers themselves, because few existing industries can survive long in such an environment, and few new ones are likely to come. With all these matters in mind, your directors will be continuing to watch the company's portfolio with the greatest care, particularly in respect of the South Australian investments it still contains.

My examples of Stock Exchange prices for South Australian shares show that the public had great faith and confidence in South Australia and indeed in its Government in the early years of this Government's reign. Now after eight years the present low ebb has been reached. When one looks to the future one recognises that the Government can remain in office for another two-and-a-half years. Therefore, the Premier has a clear duty to act now, reappraise his policies and his whole approach. We have in South Australia, in the business and commercial sector, direction, management, and labour second to none in Australia. We have large and small business enterprises, some old established, others relatively new, but all able to compete nationally and all able to provide service and productivity to standards as good as anywhere else if this Government will provide leadership and opportunity. We had, until a few years ago, a will to work and succeed despite the natural restraints such as limited water supply, lack of natural harbors, geographical distance from the eastern markets, and minimal mining operations. In former years Governments have produced the political direction and have provided a political climate in which prosperity abounded. It is abundantly clear to visitors to Western Australia (where I spent three weeks in May of this year) and Queensland (where the Premier visited recently and expressed a desire to acquire property) that confidence within such States is strong and unshakeable. There is Australia-wide opinion of the bright futures of those States. To get back on its feet, South Australia needs good Government and the people in this State demand that the Dunstan Government stop making excuses, improve its record and performance, and play its full and necessary part in this much needed recovery.

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

ADJOURNMENT

At 5.15 p.m. the Council adjourned until Thursday 20 July at 2.15 p.m.