LEGISLATIVE COUNCIL

Tuesday 15 August 1978

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

QUESTIONS

PRAWN LICENCES

The Hon. C. M. HILL: I seek leave to make a statement prior to directing questions to the Minister of Fisheries concerning prawn licence fee increases.

Leave granted.

The Hon. C. M. HILL: Today's *Advertiser* contains an announcement to the effect that prawn licences are to be increased in this State from $200 and $300 a licence to $5 000 and $9 000 a licence. The Australian Fishing Industry Council's Executive Officer (Mr. Stevens) was critical of the Minister in the press. Indeed, he said that prawn fishermen no longer had any confidence in Mr. Chatterton and in one of his senior officers. He claimed that AFIC believed that it had been completely misled by the Agriculture and Fisheries Department. Mr. Stevens is quoted as saying:

> We understood the proposal was not going to Cabinet until it had been discussed with the industry. Action has been taken without any consultation. Prawn fishermen in this State are fed up with being sold down the drain by the existing Administration and will not tolerate being treated in this fashion. If the Minister wants a confrontation he has got one.

The Minister, in defence, said he did not believe that the taxpayers should subsidise the research that his department had carried out in this area. The two questions I ask the Minister concern the matters of consultation and actual research. First, what is the Minister's version of the claim that AFIC was not consulted adequately before the Government had approved these large increases? Secondly, can the Minister say what research has been carried out on behalf of this section of the fishing industry? In particular, will the Minister refer to the costs to the Government of this research and make some reference to the *Joseph Verco* programme?

The Hon. B. A. CHATTERTON: I will answer the points raised by the honourable member about increased fees for prawn-fishing authorities, but I ought to make the general comment that the Government believes that the industry is in a position to pay for the costs of the services provided by the Government's contributing to the prosperity of that part of the fishing industry. It is worth recording that 53 prawn fishermen in South Australia share between them the yield of the prawn fishery, which is about $9 700 000, and I believe therefore that they are quite capable of paying increased fees. It is also important to note that the present fees being used by some people as a comparison were set in the early stages of exploration and development in the industry.

Now that the fishery is both prosperous and stable, it is obviously an opportune time to consider the whole fee structure of the industry. As regards the cost of research programmes, the estimated cost this year will be greater than $100 000 in terms of the prawn fishery alone, and the present fees, which yield about $12 000, will nowhere near cover that cost. It is also important to consider the other costs associated with the fishery, not merely the research costs but the whole cost of the management programme.

I should like to draw attention to just one aspect of management that has been agreed to by the prawn-fishing industry, and that is the closure of Spencer Gulf next year to allow prawns to grow to a larger and more marketable size. The purpose of that closure is to improve the profitability of the prawn fishery, and we agree with and heartily support the move. We are quite ready to implement the closure, as requested by the industry, but it will cost the Government money to do this, and it will require enforcement and policing to be effective. This policy is being implemented solely for the benefit of the prawn fishery, and we believe that that industry has an obligation to contribute to the cost of that management policy.

Regarding the question of consultation with AFIC, I deny the claims that were made in the press this morning by the Secretary of that organisation. This question was raised with it in fairly general terms in July last year, and it was raised by the Assistant Director of Fisheries more specifically in June this year, when the matter was discussed with the prawn boat owners association in this State. More recently still, the matter was raised at an AFIC management committee meeting last week, and the President of the organisation contacted me, and we spoke over the weekend about this matter. Because of the cash flow problems that might occur for individual fishermen, I agreed to modify the proposals, so that those fishermen would be able to pay on a quarterly basis.

This has occurred as a result of the strong representations made to me by the President of AFIC. The other point to which I should like to refer is that the Ministerial permit holders' fees have not been amended in any way.

JOB EXPORTS

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Minister of Health, as Leader of the Government in the Council, a question on the matter of Adelaide-based companies exporting jobs to our near northern neighbours.

Leave granted.

The Hon. N. K. FOSTER: Much has been said, particularly by my political opponents sitting on the Opposition benches, about the export of jobs from Australia. I suppose it may be said we have exported jobs since McArthur exported the first bale of wool, but I will not deal with that. Will the Minister ascertain to what extent the company, previously known as British Tube Mills and now known as Tubemakers of Australia, has passed forgings manufactured in Indonesia and sent back to Australia? To what extent has the labour force of British Tube Mills (or Tubemakers of Australia) been reduced over the last few years, and what are the wage rates applicable in Indonesia for that company to carry on its operations previously associated with the Kilburn works?

The Hon. D. H. L. BANFIELD: I will get the information for the honourable member and bring back a reply.

PRAWNS

The Hon. M. B. CAMERON: Would the Minister of Fisheries be prepared to supply to the Council a detailed list of the expenses that he stated earlier were associated with prawn fishing research ($100 000), and also could he indicate what amount of money he expects to receive from the increased licence fees?

The Hon. B. A. CHATTERTON: I did say that the $100 000 was the budget for prawn research for this coming year, and I will supply a detailed breakdown of where that money will be spent. The other part of the honourable member's question related to income from the new licence fees. I can get the details and let the honourable member know in due course, but the amount is about $250 000.

FISHING LICENCES

The Hon. F. T. BLEVINS: I seek leave to make a brief statement prior to asking a question of the Minister of Fisheries about B-class licences.

Leave granted.

The Hon. F. T. BLEVINS: Many fishermen in my area have been disturbed by the confusing situation surrounding the renewal of B-class licences this season. The confusion has not been helped by noises from members of the Opposition who have loudly voiced their usual misinformed opinions on what is clearly a difficult situation. Could the Minister of Fisheries explain to the Council the Government's intention with regard to B-class fishermen, and what is the current position about the renewal of B-class licences?

The Hon. B. A. CHATTERTON: I know that the Opposition has taken a somewhat hypocritical attitude on this matter. I say that consciously, because there are frequent complaints from the Opposition that we are not obeying the powers granted to us by Parliament within the various Acts. This is a very clearly defined area within the Fisheries Act.

The Director has clear responsibilities under that Act in regard to granting B-class licences. Of course, we depend on the advice provided by the Crown Law Office, which has provided us with interpretations of the various aspects of that Act, particularly the section relating to B-class licences. This interpretation was tested before an independent magistrate (Mr. Harniman) and upheld. Until there is some other court decision, we have a legal obligation to use that interpretation. Also, we are well aware that hardship could be caused by sudden and strict use of that interpretation. Recently, we have been developing, in discussions with the fishing industry, acceptable transitional arrangements to give B-class fishing licence holders in South Australia every opportunity to adjust their arrangements to come within the ambit of the Act. As honourable members are aware, many B-class fishing licence holders were sent "show cause" notices earlier this year. Fishermen who do not comply with the Crown Law interpretation and who have incomes above $210 a week (that is, a group of about 30) have been refused licences. Those who comply with the Crown Law interpretation have been reissued with their licences, and the remainder, the group of which I spoke earlier who are in the pending category, have been offered several choices. First, they have been given the opportunity to appeal to an independent person appointed under the Act. If they take that opportunity of appealing, they will be granted a special permit to fish while that appeal is being heard, so that they will not be disadvantaged. Secondly, if they do not wish to appeal, they will be issued with a licence to expire on 30 June 1979.

FESTIVAL CENTRE

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Health, representing the Premier, concerning the Festival Theatre plaza and car park.

Leave granted.

The Hon. J. C. BURDETT: On 25 October 1977 I asked a question relating to works undertaken on the Festival Theatre plaza. On 15 November 1977 I received a reply indicating that the work was in connection with a defective waterproof membrane. I have observed in the past couple of weeks while driving into the car park great sheets of water in the car park itself. In November 1977 I was told that the work undertaken was under warranty and would not cost the Government anything. Can the Minister say what work is being undertaken to rectify the entry of water into the car park? Is the cost of this work covered by warranty and, if it is not, what is the cost?

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

SCHOOL BUILDING COSTS

The Hon. ANNE LEVY: I seek leave to make a short statement before directing a question to the Minister of Agriculture, representing the Minister of Education, on the subject of school building costs.

Leave granted.

The Hon. ANNE LEVY: Early last month a meeting of the Australian Education Council was held in Adelaide, and the Minister of Education (Hon. D. J. Hopgood) was the Chairman of that meeting. The council, which is comprised of Ministers of Education from all State Governments and the Federal Government, considered a report on school building costs in all the States and Territories.

I also understand that it was decided at this meeting that all the other Ministers should let the Hon. Mr. Hopgood (as current Chairman) know by early this month their views regarding the publication of this report. Have the other Ministers notified the Minister of Education whether they agree to the publishing of this report and, if so, when can we expect the study of comparative school building costs to be published? Alternatively, if any of the Ministers object to its publication, can the South Australian Minister, as Chairman of the Australian Education Council, inform us of this fact and make public whatever details he can regarding this study on comparative school building costs?

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

PRAWN LICENCES

The Hon. J. A. CARNIE: I seek leave to make a brief explanation before directing a question to the Minister of Fisheries, supplementary to the questions asked regarding prawn licences.

Leave granted.

The Hon. J. A. CARNIE: As reported in this morning's paper and in a reply to a question from the Hon. Mr. Hill, the Minister said that the fees collected from prawn fishermen did not go anywhere near covering the amount currently being spent on research into prawn fishing.

The Hon. B. A. Chatterton: The current fees.

The Hon. J. A. CARNIE: Yes. The amount quoted by the Minister to the Hon. Mr. Hill was about $100 000 being spent on research, while fees were bringing in about $12 000.

In reply to a supplementary question from the Hon. Mr. Cameron, the Minister said that the amount that the department expected to collect from the proposed new rates was about $250 000. I am somewhat surprised at the disparity between these two amounts. The Minister said that the department wanted to cover the cost of research, but this sum is two-and-a-half times the cost of research. Does the department intend to increase in future the amount spent on research, so that it will be nearer the amount collected from prawn fishermen? If not, will he consider reducing the proposed fees, so that they are nearer the amount spent on research?

The Hon. B. A. CHATTERTON: I think the honourable member did not quite hear what I said.

The Hon. J. A. Carnie: You mentioned $250 000.

The Hon. B. A. CHATTERTON: I said specifically that the fees would raise about $250 000. The point that the honourable member missed was that I did not make a specific reference to research: I referred to Government services, including research. The point I was making was that, in addition to research, we have considerable expenditure in terms of enforcement of management policies. I mentioned only one of those, the closure of the gulf, which is being done specifically to increase the profitability of prawn fishing. This will involve inspectors ensuring that fishermen do not infringe. It will involve helicopter patrols, or other patrols by vessels, to ensure that the closure is working. There will be considerable expense involved in that. That is not the only area of enforcement of management policies that we are involved in.

Other fishermen who do not have authorities are trying, on occasions, to fish within the declared zones. We have to carry out patrols to ensure that it is only the authority holders who are fishing within the prescribed areas. So, there is considerable expenditure over and above what is carried out for research purposes. I made the point that it was the Government services supplied to the prawn fishing industry that make it a prosperous area to fish. If it was not for that, they would not receive the high returns that they now receive.

OPPOSITION LEADER

The Hon. N. K. FOSTER: I direct to your attention, Sir, a matter on which I seek guidance. I notice that the Leader of the Opposition (Hon. R. C. DeGaris) is not sitting in his usual place in the Chamber this afternoon, and I understand that he is not likely to be there at all today. Is it not customary that, when a member is not able to attend a meeting of the Council, he should notify you, Sir, accordingly, so that you can announce his absence and tell the Council who is to take his place? Can I assume that the Hon. Mr. Geddes is acting as Leader of the Opposition in the Council today?

The PRESIDENT: The honourable member can assume what he likes about who is the Leader of the Opposition today. I am not obliged to notify the Council when an honourable member cannot attend. In the past, this has been done, merely as a matter of courtesy, when a Minister has been absent.

BEEF

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Minister of Agriculture a question regarding beef exports.

Leave granted.

The Hon. N. K. FOSTER: We have recently heard much comment, conjecture, and all sorts of announcements by that woeful member of the Commonwealth Parliament, the Deputy Prime Minister, as well as by Mr. Sinclair, both of whom are members of the National Country Party.

The Hon. C. M. HILL: I rise on a point of order, and refer to Standing Order 193. What the Hon. Mr. Foster just said involved a reflection on another member of Parliament: he called another member "woeful".

The PRESIDENT: My attention was distracted at the time. I call on the Hon. Mr. Foster to ask his question.

The Hon. N. K. FOSTER: I thought I was being kind to Mr. Anthony, whom Senator Withers accused of being a liar. However, I do not want to get on to that matter.

The PRESIDENT: It would be a good idea if the honourable member did not do so.

The Hon. N. K. FOSTER: I refer to those "responsible" members of Parliament, the Deputy Prime Minister and Mr. Sinclair, the latter of whom is under some form of investigation elsewhere. I refer to all that has been said regarding guaranteed quotas that the beef industry can expect from the United States in the next three years. If one examines all the press releases and comments that have been made in the past few months, one can see that a firm undertaking has never been given by President Carter.

The Hon. M. B. Cameron: He's not firm on anything.

The Hon. N. K. FOSTER: The honourable member is dead right; President Carter is one of his mob. I refer to a report in today's *News* headed "Carter puts clamp on beef", part of which is as follows:

> President Carter today promised farmers he would not allow any additional beef imports this year. Addressing the Mid-continent Farmers' Association, he said, "I will not permit any more expansion in beef imports this year, I will not permit unrestricted beef imports next year, and I am strongly and permanently opposed to any price control on meat."

In view of the latest report from the United States, and in order to ensure that the farming community can at least plan for some stability in relation to this part of its livelihood, can the Minister of Agriculture ascertain what is the real position regarding quotas for beef exported to America?

The Hon. M. B. Cameron interjecting:

The Hon. N. K. FOSTER: We will get on to that, after the lies that DeGaris told the week before last.

The Hon. C. M. HILL: I rise on a point of order. That is a reflection on the Hon. Mr. DeGaris, whom the Hon. Mr. Foster accused of telling lies. Under Standing Order 193, I ask the Hon. Mr. Foster to withdraw that remark.

The PRESIDENT: The honourable member has been asked to withdraw the statement to which offence has been taken.

The Hon. N. K. FOSTER: That gentleman admitted to it last week. Do you want me to stand up and say that he was misrepresenting himself?

The PRESIDENT: Order! That is not a withdrawal. The honourable member has been asked to withdraw his statement.

The Hon. N. K. FOSTER: I withdraw my statement that the Hon. Mr. DeGaris told a lie (although he is capable of doing so) and say that the honourable member misled the Council regarding that matter.

The Hon. B. A. CHATTERTON: I think the honourable member's question refers to beef imports into the United States. Certainly, I cannot predict what the United States will require of Australian exports to that market, or whether it will allow them. That market has certainly been

unstable in recent years, as with the Japanese market. The honourable member is quite correct in drawing attention to the fact that both the Minister for Trade and Resources and the Minister for Primary Industry seem to put out press releases frequently, stating that both those markets are about to open up for Australian producers. When that does not eventuate, it does not seem to deter them, and they put out further press releases stating that it will happen soon. Obviously, there have been frequent statements, and I am not surprised that many farmers are disillusioned.

PROFESSIONAL NEGLIGENCE

The Hon. J. C. BURDETT: I seek leave to make a brief explanation before asking a question of the Minister of Health, representing the Attorney-General, about a reply to a question I asked previously about professional negligence.

Leave granted.

The Hon. J. C. BURDETT: On 1 August I asked the Minister of Health, representing the Attorney-General, the following question:

> What action, if any, does the Minister intend to take to comply with the repeated requests of the Professional Negligence Action Group to set up committees within the Consumer Affairs Branch, the committees to include persons with expertise in the respective professional areas, to advise members of the public on, and, where warranted, to take legal action in regard to, professional negligence?

I have not yet had a reply. I have had great difficulty in getting replies from the Attorney-General: in one case I have asked a question several times, but still have not received a satisfactory reply. Will the Attorney-General reply to the question I asked on 1 August 1978?

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

MEMBERS' INTERESTS

The Hon. N. K. FOSTER: I desire to direct a question to the person regarded as being the Leader of the Opposition in this place.

The PRESIDENT: The honourable member knows that he must name the honourable member to whom he wants to direct the question.

The Hon. N. K. FOSTER: Then I will name Mr. Carnie. Is he not the Leader of the Opposition, or is it Mr. Cameron, or Mr. Griffin?

The PRESIDENT: What is your question about?

The Hon. N. K. FOSTER: If I may direct a question, you, Sir, in the wisdom of your many years in this place, can direct or suggest that that person answer the question. I want some information from the Opposition.

The PRESIDENT: Whichever honourable member you ask the question of will say whether or not he wishes to reply.

The Hon. N. K. FOSTER: Then I ask Mr. Hill. I do not base it on his ability as a politician or on his integrity: I base it on the fact that he asked the first question today, which is the normal privilege of the Leader of the Opposition.

Leave granted.

The Hon. N. K. FOSTER: In view of what the Liberals consider to be an exemplary action on behalf of the Leader of the Opposition in the House of Assembly in discontinuing his medical practice (and most Liberals I have spoken to in this Chamber were pleased with that), I ask Mr. Hill this question: will he give up his lucrative land agent's practice? Will Mr. Laidlaw tell Mr. Hill how many companies he is no longer going to be director of? Will Mr. Burdett give up his legal practice and Mr. Cameron his farm, and will Mr. Geddes and Mrs. Cooper give up their lucrative interests in companies? I ask Mr. Hill those questions, because I believe he is aware of the action his Leader has taken.

The PRESIDENT: The honourable member is out of order: I refer him to Standing Order 107.

GOVERNMENT CONTRACTS

The Hon. D. H. LAIDLAW: I seek leave to make a brief statement prior to asking a question of the Minister of Health, representing the Premier, with regard to the undesirable practice of granting preference to local manufacturers in State Government contracts.

Leave granted.

The Hon. D. H. LAIDLAW: On 25 July last the Premier of Victoria (Mr. Hamer) announced that the Victorian Government had decided with great reluctance to give State preference to Victorian manufacturers tendering for Victorian Government contracts. Mr. Hamer said that the Victorian Government, at the Premiers' Conferences and the Industry Ministers conferences, has urged the other States to revoke their individual preference schemes in order that manufacturing industry throughout Australia can operate in a competitive environment and, whenever possible, enjoy the advantages of economies of scale. Regrettably, the logic of these arguments has not been accepted.

The application of preferences will be made on a reciprocal basis with individual States and, if any State is willing to abolish its preference scheme, the Victorian Government will do the same. It intends to negotiate along these lines with any Government that will respond. The Queensland Government has, for many years, given a preference, being a minimum of 5 per cent rising to 10 per cent, to manufacturers in the Brisbane area, and a further 5 per cent to those in decentralised areas. Western Australia and Tasmania give 10 per cent preference to all local manufacturers, whilst New South Wales has recently introduced a scheme of giving up to 10 per cent local preference on tenders let by Government departments and public authorities with an additional 10 per cent loading to manufacturers in country areas. In this State a local preference is given of up to 10 per cent on tenders let on Government supply contracts.

My question is in three parts. First, does the Government agree that this is a most undesirable practice because, although on occasions it may overcome temporarily the problem of unemployment locally, it nevertheless prevents Australian manufacturing plants from specialising and gaining in efficiency in order to operate Australia-wide? Secondly, as more than 80 per cent of manufactured goods of South Australia is sold in markets outside of this State, does the Government agree that South Australia has as much or more to gain than other States by abolishing this practice? Finally, will the Government consider negotiating with the Victorian Government to ensure that South Australian manufacturers are not prejudiced, as they will be, when tendering for contracts let by Victorian Government departments and public authorities, and vice versa?

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

PRAWNS

The Hon. J. C. BURDETT: I seek leave to made a brief explanation prior to directing a question to the Minister of Fisheries about prawn fishing.

Leave granted.

The Hon. J. C. BURDETT: In this morning's press the Minister is reported as having referred to an additional fee being in the nature of a resource tax. This indicates something in the nature of a royalty, and that it is considered by the Government that the Government is entitled to impose a tax on a fisherman for the privilege of extracting fish of any kind from the sea. First, was the Minister correctly reported; did he use the term "resource tax"? Secondly, if he did, is it the Government's policy that it will impose a resource tax when someone extracts fish or some other resource from the sea? Thirdly, what are the Government's intentions regarding resource taxes generally?

The Hon. B. A. CHATTERTON: I think that the report, which was prepared last evening, was written on the basis of a telephone conversation between the reporter and me last night. There was some confusion there, as I was drawing attention to the fact that the Western Australian Government has applied a resource tax on prawns. I understand that the basis of that charge is three-quarters of 1 per cent on the turnover of the prawn fishing industry in Western Australia. That was the comment that I mentioned, but somehow it was reported as my saying it was a resource tax. As I have plainly indicated, we see this as a section of the fishing industry that is able to contribute to the cost of services provided by the Government. We cannot justify the fact that taxpayers of South Australia should be subsidising the research and management of this fishery, which is for the benefit of those fishermen concerned.

MODBURY HOSPITAL COMPUTER

The Hon. C. M. HILL: I seek leave to make a statement prior to directing a question to the Minister of Health concerning the computer at Modbury Hospital.

Leave granted.

The Hon. C. M. HILL: I realise that the Government has established a committee to investigate the computer scandal at Flinders Medical Centre. I have recently been given information concerning the computer at Modbury Hospital to the effect that the computer installed there, to use this person's words, is now "on the way out" and that the accounting activity by that computer must be checked manually because of considerable inaccuracies in the computer's operation. Can the Minister make any statement about the condition of the computer, and whether all accounting procedures from that computer must be checked manually?

The Hon. D. H. L. BANFIELD: First, I refute the suggestion that there is any computer scandal at Flinders Medical Centre, and the honourable member knows that no scandal has been uncovered. Regarding the other matter raised by the honourable member, he already knows the terms of reference given to the independent committee established to examine this matter. The matter raised by him comes within the committee's terms of reference.

The Hon. C. M. HILL: Concerning the committee established to inquire into the computer situation at all hospitals, can the Minister give any assurance as to the date that has been fixed for the committee's report to be finalised? Secondly, can the Minister assure the Council that that report will be available to allow for Parliamentary debate on its contents in the present session?

The Hon. D. H. L. BANFIELD: The honourable member would want a complete inquiry, and would not want me to impose a limiting date in relation to it. He would want full information. Indeed, he has been raising this matter for some time, yet now he suggests we should speed up the inquiry, an action that could limit it. In those circumstances, I cannot give the honourable member that assurance, but I can assure him that the committee has been asked to bring down a report as soon as possible.

S.G.I.C.

The Hon. M. B. DAWKINS: On behalf of the Hon. R. C. DeGaris, who is absent on Parliamentary business, has the Minister of Health a reply to his recent question concerning S.G.I.C.?

The Hon. D. H. L. BANFIELD: Details of the State Government Insurance Commission's operations in 1977-78 will be available in the Auditor-General's Report to be tabled later in the present session of Parliament. The commission's advertising campaign was increased during the year to launch the commission's Life Department, and also to protect its existing motor portfolio against the highly geared advertising programme of A.A.M.I., the interstate-based consortium of private insurance companies, which entered South Australia from its Victorian base specifically to attack the motor portfolios of the commission and the other major motor insurers in South Australia.

HOSPITAL OVENS

The Hon. C. M. HILL: Has the Minister of Health a reply to my recent question on hospital ovens, which were reportedly acquired by his department?

The Hon. D. H. L. BANFIELD: Twenty-four Mealstream ovens have been installed in hospitals at a unit cost of $4 000 to $4 700, and not 32 units at a unit cost of over $5 000 as the honourable member stated in his question. Mealstream ovens have been installed in large peripheral kitchens (serving about 100 patients), and in central reconstitution areas such as cafeterias and dining rooms to provide an efficient food service. The value of the Mealstream oven exists in the speed at which "relaxed" and deep-frozen food can be reconstituted. The oven is capable of reconstituting "relaxed" or deep-frozen food in a much shorter period of time than the large convection ovens installed for most reconstitution purposes.

The Mealstream oven enables staff to reconstitute food at short notice, thereby overcoming waiting times for patients and staff. It provides an ideal service in areas where patients are absent during usual meal times, and for the reconstitution of food outside normal preparation times. It can also be used for other pantry operations requiring rapid preparation times, such as the boiling of milk and water for the preparation of instant soups, custards and gravies. The life expectancy of Mealstream ovens is much greater than ordinary microwave ovens, and maintenance costs are considerably less.

Mealstream ovens can be used to reheat pre-cooked portions in lots of six, although the ovens were not purchased for this purpose. Without the inclusion of such ovens with the ability of providing a fast and efficient method of reconstitution, the tendency would exist to reconstitute large quantities of food in the slower convection ovens, to ensure that shortages do not occur. Such a practice would result in wastage of food.

ROYAL ADELAIDE HOSPITAL

The Hon. K. T. GRIFFIN (on notice):

1. In the past 12 months has there been a report sought from consultants or other persons in relation to the domestic staff, cleaning staff, and/or other staff of the Royal Adelaide Hospital?

2. If such report has been sought and received:
   (a) who prepared the report;
   (b) when was it received;
   (c) to which staff did it relate;
   (d) what were the recommendations of that report and what savings, if any, were estimated to be achieved if the recommendations are implemented;
   (e) have the recommendations, or any of them, been implemented;
   (f) if any of the recommendations have been implemented, which recommendations; and
   (g) if any of the recommendations have not been implemented, why not?

3. If a report has been sought but not yet received, when is it expected that it will be received?

The Hon. D. H. L. BANFIELD: True, last week I asked the honourable member to postpone his question until today. However, honourable members were aware that I had to be absent on Ministerial duties, and I regret that I have been unable to obtain that information. I give an undertaking that I will get a reply as soon as I can.

MASSAGE PARLOURS

The Hon. J. C. BURDETT (on notice): Has the Government received recommendations from the Police Department relating to alterations in legislation and administration in the matter of massage parlours and, if so:

(a) when were the recommendations received;
(b) will the Government table the recommendations;
(c) what were the recommendations;
(d) have the recommendations or any of them been implemented and, if so, which recommendations;
(e) have the recommendations or any of them not been implemented and, if so, which recommendations and why were such recommendations not implemented;
(f) will the recommendations be made available to any select committee set up to inquire into prostitution and/or massage parlours in South Australia; and
(g) were the recommendations considered to be unsatisfactory and sent back to the Police Department for revision?

The Hon. D. H. L. BANFIELD: Massage parlours have caused concern for many years, and as long ago as October 1974 the Acting Commissioner of Police (Mr. L. Draper) supplied a report on the difficulty of obtaining evidence of prostitution therein. Mr. Draper "considered" that legislation to regulate their method of operation and provide for adequate supervision and control would be the most satisfactory answer.

On 14 November 1974 the Premier, Chief Secretary, Commissioner of Police (Mr. H. H. Salisbury), and the Chief Administrative Officer, Premier's Department, met to discuss the matter. The Commissioner was surprised that the *Advertiser* carried the type of advertisements lodged by massage parlours. He urged that massage parlours should be licensed and regulations introduced to compel them to be run properly as massage parlours. He suggested difficulties which might be experienced by sporting bodies, etc., might be overcome by the issue of certificates. The Commissioner saw V.D. as not being a significant evil compared with the possibility of strong-arm tactics being introduced and the moral aspects. The Premier requested that an earlier feasibility study into licensing of massage parlours should be re-examined: that study resulted in a draft Massage Establishment Bill, 1972, which was not introduced.

Subsequently, on 25 November 1974 the Chief Administrative Officer reported on the difficulties which would be need to be overcome to enable introduction of the measures. He also reported that the matter of massage parlour advertisements had been raised orally with an officer of the *Advertiser.*

On 9 December 1973 Cabinet decided that detailed instructions for drafting a Bill should be developed, and this was done. In April 1975 the Premier sent a minute to the Chief Secretary advising that it did not seem to him that the licensing of massage parlours would achieve the avoidance of extortion rackets and great difficulties would be faced in the effective definition of legitimate massage activity. "As it is we do proscribe what is not legitimate massage activity." He did not think that by a licensing system we were going to alter the availability of evidence in any way to prosecute people for living on the proceeds of prostitution or from the activity of extortion rackets. It was not that he was not alarmed about those things: it was simply that he did not think that the means proposed would achieve our object. Certain other measures were suggested, and the views of the Commissioner of Police were asked.

On 5 August 1975 the Commissioner of Police replied that he thought the legislation might be made to work by the introduction of certain clauses, and he suggested a further meeting. The Premier referred the file to the Minister of Local Government suggesting that enforcement of local government zoning laws might overcome the "nuisance" aspect in residential areas. He commented that attempts to license premises would only force operators into more mobile modes of operation, as had happened elsewhere. The Minister replied that the Secretary for Local Government thought that under planning regulations, councils had sufficient power to prevent massage parlours, at least in residential areas. The Secretary could only envisage difficulties in controlling massage parlours by special legislation and suggested they would operate under a different guise. The matter was then deferred on 12 February 1976.

In August 1976 an officer of the Premier's Department suggested that South Australia might follow the Victorian precedent of warning newspapers that they would be prosecuted for aiding and abetting the commission of an offence if it could be shown that an offence in a massage parlour resulted from an advertisement carried by the paper. The Crown Solicitor was asked to comment, and he supplied a suitable warning for incorporation in a letter. Cabinet approved of letters to the *News* and *Advertiser* and they were subsequently sent.

The Commissioner of Police was asked to note the action taken. On 4 November 1976 the Managing Director of the *News* wrote that there were so many important considerations in the request to drop massage advertisements that the *News* was seeking legal advice. On 24 November 1976 the *News* carried an item that massage parlour advertisements would cease "because the *News* is a family paper and we believe these advertisements could be considered objectionable by so many of our readers". On 22 February 1977 the Group Managing Editor of the

Advertiser wrote to advise the Premier that his paper had "ceased accepting advertisements for the massage parlour classification".

The matter was again deferred until a year ago, when, in response to a request as to the effect of advertisements being dropped, the police advised that the number of massage parlours had fallen from about 70 to about 36. It was felt that a reduction of 50 per cent, coupled with the elimination of offensive advertisements, was worth while, and the matter was again deferred, except of course for continued day-to-day police operations.

That is where the matter rested until Mr. Millhouse wrote to members in June 1978 seeking support for the licensing of massage parlours as brothels, rather than as places where conventional massage might be obtained. It can be seen, therefore, that the Commissioner of Police's views were obtained from time to time but that he did not have the main carriage of the matter. The relevant file is Premier 832/74, and it will be available to any select committee set up to inquire into prostitution and/or massage parlours in South Australia.

TRAVELLING STOCK RESERVES

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

That portions of the travelling stock reserves adjoining sections 216 and 219, in the hundred of Copley, sections 14 and 15 in the hundred of Gillen, section 1 in the hundred of Handyside and pastoral block 1146 north out of hundreds as shown on the plan laid before Parliament on 5 April 1977 be resumed in terms of section 136 of the Pastoral Act, 1936-1976, for railway purposes.

Under the Port Augusta to Whyalla Railway Agreement Act, 1970, which provided for the construction of the railway line by the Commonwealth Government between Port Augusta and Whyalla, it was necessary for the railway line to cross the travelling stock reserve in the areas previously mentioned. The land is required for the Port Augusta to Whyalla railway.

Clause 5 (1) of the agreement between the Commonwealth of Australia and the State of South Australia for the construction of a railway between Port Augusta and Whyalla provides that:

> The State will grant to the Commonwealth free of charge:
> *(a)* any Crown lands and any leased lands of the Crown in respect of which the Commonwealth shall have acquired the rights of the lessee
>
> certified by the Commonwealth Railways Commissioner to be required by the Commonwealth for or in connection with the construction, maintenance or operation of the railway.

The agreement was ratified by the South Australian Port Augusta to Whyalla Railway Agreement Act, 1970, and the Commonwealth Port Augusta to Whyalla Railway Act, 1970. In accordance with the agreement, the Commonwealth advises the State on a progressive basis the areas of Crown lands and lands leased from the Crown that are required for the railway. The land is then made available to the Commonwealth. In the case of leasehold land the Commonwealth must first acquire the lessee's interest. The Commonwealth has now advised that the portions of the travelling stock reserves shown on the plan, laid before Parliament on 5 April 1977, be granted to the Commonwealth. Access will be provided to enable stock to cross the railway line. Because of the circumstances I have outlined, I ask honourable members to support the motion.

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

ALCOHOL AND DRUG ADDICTS (TREATMENT) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 August. Page 343.)

The Hon. C. M. HILL: In December 1976 this Council passed the Alcohol and Drug Addicts (Treatment) Act Amendment Bill, and also the Police Offences Act Amendment Bill (No. 3). To give proper background to the problems that the Government is obviously facing in regard to the implementation of its plans, I should read from the Minister's speech when he introduced these two Bills, both of which were introduced at the same time. Honourable members will recall that the Government at that time made great play on the fact that it was being progressive and implementing the abolition of the criminal offence of public drunkeness. In his explanation the Minister said:

> It is proposed that the Community Welfare Department establish a transport unit, the officers of which will be authorised under this Part of the Act. It is hoped that with the development of this unit in the metropolitan area and country areas police officers will be relieved as much as possible of their role in transporting persons under the influence of a drug. It is not foreseen at this stage however, that it will be possible to so relieve them entirely. Such a role will be necessary in many country areas for some time yet. Section 29a provides that where a police officer or other authorised person has apprehended a public drunk he shall take that person either to a sobering-up centre, to premises approved by the Minister for the purpose of this paragraph or to the apprehended person's own home. The Government intends to establish under this Act sobering-up centres which will be run and staffed by the Alcohol and Drug Addicts (Treatment) Board.
>
> Such centres will have medical and nursing facilities and counselling will be available to persons taken to them with the object in some cases of encouraging further treatment. Further the Government intends to establish overnight houses and shelters under the Community Welfare Act which will have facilities to receive homeless, destitute and exhausted persons and drunks. Such shelters will be complementary to shelters now provided by non-Government and voluntary organisations. I take this opportunity to note the Government's appreciation for and the debt owed by this State to these organisations.

He said that the guidelines laid down by the Government at that time were fairly broad and that the Government hoped that it would be able to perform its task. It would seem that the Government has not so far succeeded in its plan. Consequently, we have before us another Bill concerning the same matter.

The Bill which was passed in December 1976 and to which I have just referred has not been brought into operation. The Government's intention to lessen the work load on police officers is now being entirely reversed by this Bill, because the Government intends to involve police officers in this area in two ways.

I am not certain how many sobering-up centres the Government has been able to establish in this period of nearly two years. However, I should like the Minister, when he replies, to tell me. I should also like to know how many overnight houses and shelters to which drunks can be taken have been established. I do not know of any,

although there may be some of which I have no knowledge.

Generally, it is not a successful approach to legislation when the Government introduces a Bill in 1976, finds with the passing of time that it does not work, and is then forced to introduce new machinery in an effort to solve the problems that have arisen. Basically, those problems have emerged because the Government rushed into the abolition of public drunkenness.

I am not opposed to such abolition. However, when a Government rushes in (as I recall, South Australia was the first State in which this change was introduced) and expects thereby to gain some public favour for being so progressive, yet cannot make the system work, that Government deserves criticism as a result of its actions. However, despite the history to which I have referred, I support the general concept of the Bill.

Although there are one or two serious matters in the Bill that must be questioned, in the overall concept, to try to make the system work and to solve the problems that the Government has until now found impossible to solve, it is necessary for the Council again to consider amending legislation.

My first point concerns the matter of council zoning in relation to premises that might be used as centres, as defined in the Bill. Such centres are broadened by definition to include sobering-up centres. The previous definition included committal centres and premises of that kind, and it seems that the Government intends to acquire premises for such purposes.

If certain premises are acquired in council areas where zoning would normally prohibit this type of activity, and where that activity would be limited by the council or State Planning Authority, under a consent-use basis, local residents ought to be able to appeal against such an acquisition or the proposed use of the premises. Their case should be heard before either the council or the State Planning Authority and, as a last resort, before the Planning Appeal Board.

As the Minister knows, a recent case concerned a hospital at Belair which was acquired and which the Government intended to use as a hospital for those suffering from the effects of alcohol or drugs. In that instance, objections were raised by local residents and Mitcham council, although in this case, after a conference between the board and the council, a compromise was struck. As a result, the State Planning Authority gave the board permission to use the premises as a treatment and rehabilitation hospital, subject to certain conditions. Those conditions were acceptable to the council but, as I understand it, they have not been accepted, at least entirely, by some residents.

This is indeed a sensitive area. I am satisfied with the Bill if such rights of appeal exist for local residents, who ought to be able to have their objections heard through the machinery of the Planning and Development Act.

It seems that under clause 4 the Minister has the right to use any premises for such purpose and, by so doing, he could bypass the planning and development legislation. Clause 4 amends section 5 of the Act by striking out subsection (2) thereof and inserting the following new subsection:

> The Governor may, upon the recommendation of the Minister, by proclamation—
>
> *(a)* declare any such institution or part of an institution—
>
> (i) to be a committal centre; or
>
> (ii) to be a voluntary centre;
>
> *(b)* declare any such institution or part of an institution or any premises or part of any premises to be a sobering-up centre.

It seems that, if that provision passed into law, the Minister could recommend to his Government (and if his Government agreed, the Minister could then have the Government proclaim) that a certain premises could be used for one of these purposes. If that happened, local residents would not have an opportunity to object. In principle, that is wrong, and I should therefore like to see the Bill amended to provide that any recommendation made by the Minister under the provision to which I have referred should be subject to the provisions of the Planning and Development Act.

The second point I make concerns clause 6, which deals with the unique situation introduced by this Bill. It involves the control or supervision that the board will have over its officers and other people who will be involved in this work. The board will no longer, if clause 6 passes in its present form, have control over the superintendents. I presume from the Bill that the superintendents and police officers who will be involved in taking public drunks, or people who are drunk in public, off the street to premises that are defined in clause 8 will have to be bound by certain forms of conduct, which will have to be laid down in regulations. The board is relinquishing control of superintendents in this Bill and is doing that by paragraph *(b)*, which strikes out subsection (3) of section 29a of the original Act. It will still control its own salaried officers and staff, but it will not control superintendents or police officers who are involved in such activity.

Will the Minister, in his reply, give some explanation of this doubtful area of the control and supervision of these people? I do not know, and the Minister did not say in his explanation, whether police stations will be declared sobering-up centres. I do not know what kind of accommodation will be provided in police stations which will constitute the sobering-up centres. People who will be placed in such centres in police stations will not be prisoners, and in the normal situation of being drunk in public they will not have committed any offence. I do not know whether they will be mixed with ordinary prisoners or with people on remand at that time.

Will the Minister clarify this, especially concentrating on the code of conduct of police officers in charge of and responsible for such persons whilst they are in sobering-up centres? It must be realised that they are not carrying out their normal police duties of enforcing the law; they are in fact doing work quite different from that: they are doing new work which will evolve after regulations have been brought down by the Government stating how those police officers must conduct themselves. There is much doubt, therefore, as to how the system will work, and we should have more explanation before Parliament passes this Bill.

The second point in regard to police officers deals not with the police officers being in charge of new sobering-up centres which will be constituted within specified police stations; it deals with the fact that a police officer will be entitled to take into his care any person whom that officer believes to be drunk in public. When the police officer does that, the Bill lays down the procedure he must follow. In fact, clause 8 states that he shall take such a person, as soon as reasonably practicable, to one of several places.

The Bill states that he must take a person either to his place of residence or to a place approved by the Minister, and in those two instances he must release that person from custody or he must take that person to a sobering-up centre, for admission as a patient, or to a police station. If he decides to take that person to a police station, he can hold that person at that police station for a period of up to four hours. That police station need not be one of the declared sobering-up centres; it can be any police station at all, and the only right that that person has during that

period in such a situation is to ask the police officer to communicate and to be given, through that police officer, a reasonable opportunity to communicate with a solicitor, relative or friend.

The Bill does not state what the solicitor, relative or friend can do if he appears on the scene within four hours. As I read the Bill, the police officer could insist that the person remain there for a period of up to four hours, irrespective of any representation made by such a solicitor, relative or friend.

The Hon. J. C. Burdett: It seems to be window-dressing.

The Hon. C. M. HILL: Yes, to satisfy civil liberties and civil rights. If the Government is genuinely interested in civil rights and is interested not merely in this window-dressing, the Government should agree to amendments to this clause which would stipulate clearly that the police station must be a place of last resort for such a person to be taken to. In other words, if it is practicable for the police officer to take such a person to his place of residence or to some place approved by the Minister, or to a sobering-up centre, that should be the place, in the first instance, to which the person should be taken, because in that way there is some protection given in this area of civil rights against a police officer who may be over-zealous and unreasonable in taking a person to a police station and holding him there for four hours.

I do not say that such a situation would happen: I say it could happen. I have great respect for police forces, especially for the Police Force of this State, but one could imagine a situation in which a policeman could question a person in the street for any number of reasons. That person could make some remark to the police officer, and that officer could take offence; he could simply smell alcohol in the breath of a person and say to him, "I am taking you to the police station and I will have you remain there for four hours." That could happen, as I read the Bill. That is not intended by the Government, I am sure, and it is Parliament's responsibility at all times to ensure that instances that one can foresee do not in fact happen if they are unreasonable.

Therefore, I shall endeavour to move an amendment to the effect that the police station must be the last resort as premises to which such a person must be taken. Secondly, I believe that if a solicitor, a relative or a friend of the person does go to that police station within the four hours and if the person who visits the police station is prepared to take the offending person away from the police station and take care of that person, the police officer should be bound to release such a person.

In the example I quoted, if the person whom the police claim to be an offender was not drunk, he would immediately call for a friend, relative or solicitor when he got to the police station. The police, in those circumstances, would be bound to release that person.

The Council should look carefully at the question of civil rights. I am surprised about this provision, because we have back-benchers on the Government side in this Chamber who are interested in civil liberties and civil rights, and who have not taken objection to this matter in clause 8.

The only other clause upon which I comment is the clause providing for regulations to be introduced that will apply under the Bill. Part of clause 12 provides that the Government will bring down regulations and states:

> . . . prescribing the powers, functions and duties of the board, officers and employees of the board, superintendents and for the purposes of this Act members of the Police Force;

I wonder whether the Police Force and its officers are entirely happy about this Bill. They have a clear duty under various Acts to enforce the law, yet under this Bill the police are to be used for purposes entirely different from enforcing the law. They will have to understand fully, and will have to have, a code of conduct brought down by regulations as to how they are to react if and when they deal with people they consider to be drunk in public.

Before this legislation is brought into force (and we certainly hope that it ultimately will be, because the last Bill was not) regulations will be brought down. Parliament will have ample opportunity to peruse them closely. They will be an important and integral part of this legislation.

In summary, I stress that I want to co-operate with the Government to ensure that the best possible legislation goes on the Statute Book in regard to this matter. However, Parliament has a clear duty to look carefully at that aspect of local government zoning, so that citizens retain their rights to make appeals to their local councils, the State Planning Authority, and the Planning Appeal Board if they object to hospitals or such centres being established nearby.

We have a clear duty to protect the civil rights and liberties of individuals regarding police actions involved under the legislation. Perhaps the police and voluntary agencies that are being formed are not happy to subject themselves to control. We have a clear duty to ensure that their responsibilities are made clear within the legislation and regulations. In turn, they should not be treated unfairly as a result of such a Bill. I support the second reading.

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

SOIL CONSERVATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 8 August. Page 344.)

The Hon. J. C. BURDETT: I support the second reading of the Bill. Its main object as expressed in the second reading explanation is to make it easier to constitute soil conservation districts. I thought that the position was explained much more clearly in the speech of the Hon. Mr. Geddes than in the Minister's explanation. The main object is to make it easier to divide existing districts so that, where possible, all the land in a district shall have broadly the same kind of soil conservation problems.

The present Act requires the occupiers to initiate a move to establish a district by presenting a petition signed by at least three-fifths of the occupiers in the area. The Bill provides that the Minister may initiate the procedure, but that a district may not be proclaimed unless the Minister's recommendation is supported by a committee, and unless either the councils concerned or a majority of owners or occupiers approve. That provision seems reasonable.

Local government is the form of government closest to the people, and it should be sensitive to the wishes of ratepayers in such matters. This Bill retains a substantial level of local decision-making power and is, in this regard, in marked contrast to the Pest Plants Act, which enables a commission to set up pest plant control boards, giving neither councils nor owner-occupiers any say as to what the areas of the board shall be.

This latter system has proved to be unsatisfactory, and many local governing bodies complain bitterly about it. This Bill provides also for the registration of soil conservation orders expressed to be binding on the successors in title to the land which is the subject of the order but, as the Hon. R. A. Geddes has noted, that seems to apply only where the title is a freehold title. It

would appear that it should apply also to a Crown leasehold title. Clause 18 provides:

> Section 17 of the principal Act is amended by inserting after subsection (2) the following subsection:
>
> (3) A statement in writing, purporting to be under the hand of an officer of the Public Service of the State, and relating to the question of whether a notice or order has been duly served for the purposes of this Act shall, if tendered in evidence in any legal proceedings, be accepted as proved in the absence of proof to the contrary.

This is only *prima facie* proof, and I think that this facilitates a matter not ordinarily disputed and is quite just. Some time ago I had considerable experience in prosecuting in matters of a similar kind, and to prove service was often a tiresome matter.

Actually, where the defendant maintains that he has not been served, this provision is likely to help him, rather than hinder him. If the prosecution has relied on a certificate under this section, and the defendant adduces sworn evidence that he has not been served, the prosecution is unlikely to have any actual evidence of service available. I support the second reading.

The Hon. J. R. CORNWALL secured the adjournment of the debate.

SEEDS BILL

Adjourned debate on second reading.
(Continued from 8 August. Page 347.)

The Hon. K. T. GRIFFIN: The principle of this Bill is generally acceptable, but there is one major concern: the detail of the Bill appears to be in the future as the subject of regulation. I am concerned about government by regulation, so that Parliament does not have reasonable opportunity to debate all the details of legislation, such as the Seeds Bill. The Minister, in response to a question by the Hon. Ren DeGaris the other day, said that the Bill had been circulated to interested parties in the seed industry and in producer organisations. Amendments will probably be moved in the Committee stage. It is obvious that there will have to be a number of amendments to this Bill. It would be helpful if we knew those amendments proposed by the Minister as soon as possible.

I see a number of problems in the Bill as presently drafted. If a farmer or other producer sells seed to a merchant from his farm or property, that seed is not necessarily clean at that point. If it contains any noxious seeds, under clause 5 *(a)* of the Bill, or any seeds with which noxious seeds are admixed, or seeds infected or contaminated by any noxious organism, the farmer or producer in that event is automatically guilty of an offence and liable to a penalty.

Under clause 7 of the Bill, in this same case of a farmer or other producer selling unclean seed to a merchant, the farmer quite obviously will not have it labelled, and will therefore commit an offence under clause 7. Under clause 7 (1), he will be selling seeds in the course of a business and will not have furnished the purchaser (in this case, the merchant) with a statement in the prescribed form, nor will the quality of seed be stated on the label. The farmer or producer is engaged in the business of producing seeds and selling to the merchant in these circumstances, and will therefore be caught by clauses 5 and 7 of the Bill. I am not sure that it was ever intended that that situation ought to be caught by the provisions of the Bill. It may be that the business to which clause 7 refers should relate to the business of selling seed; that is, in the capacity of a merchant retailer or wholesaler.

Of course, the farmer in the circumstances I have indicated is not protected by clause 7 (6), which provides a defence in two circumstances, because he will not satisfy the requirements of that provision. The same problems are apparent where a farmer sells seed to another farmer. In those circumstances there will be an offence under clause 5 of the Bill if it contains any noxious seeds, or seeds infected or contaminated by any noxious organism which may be quite common to the area in which the two farmers have undertaken the sale and purchase of that seed.

In addition, the farmer-to-farmer sale is within the provisions of clause 7 of the Bill, and in ordinary circumstances unless the selling farmer has arranged for the seed to be cleaned and analysed he will not be in a position to give the necessary certificate, nor to attach the necessary label required by clause 7.

I now turn to a situation where the corner grocery store, hardware store, or supermarket sells packets or parcels of seed, be they vegetable seed, lawn seed, flower seed, or some other seed. All of those are most likely to be packaged by some body or some person independent of the store or supermarket which is selling them—a person or body over which the store or supermarket will have no influence or claim. Under clause 5 of the Bill, there is an offence in the circumstances of subclause *(a)*, subclause *(b)* or subclause *(c)*.

I am not sure that in those circumstances it was ever intended that there should be that effect where the retailer has no influence over the independent packager and supplier. If, in the same circumstances, the seeds are not noxious but are infected or contaminated by a noxious organism, it is generally, in my view, in those circumstances likely to be the case that the supermarket, store or hardware store could not reasonably be expected to detect that infection or noxious organism, yet, in the circumstances envisaged by clause 5 of the Bill, the retailer will be committing an offence and be liable to a penalty.

Under clause 6 of the Bill, the Minister may order the destruction of certain seeds. The only other course open to him under those provisions is non-destruction. Section 19 of the present Agricultural Seeds Act allows the Minister to order the treatment or cleaning of seed in a manner directed by the Minister and within a time specified by him in the notice requiring the treatment or cleaning of the seed. If the order is not complied with, there is provision for a fine and for the Minister to make arrangements for the further cleaning, treatment, or destruction of the seed.

The Victorian Seeds Act, 1971, in section 6 (2), covers a number of alternatives open to the Minister in the circumstances which I have related. He may order the destruction of seed in certain circumstances, particularly where there is an infection or where the seed is contaminated by a noxious organism, or he may, under section 6 (4) of the Victorian Act, order cleaning and treatment of the seed. Further, in section 12 of the Victorian Act, there is provision for an officer to detain or seize seeds. Also in that clause there is provision for the procedure which is then to be followed; for example, the cleaning, treatment, or other dealing with the seed so seized or detained. In that context a person who is aggrieved by the decision or order or notice of the Minister or officer is entitled to appeal to the Minister under section 12 (7).

I notice, and I am somewhat concerned by the omission in the Bill before us, that there is no provision for detention or seizure in the Bill. There is no provision for alternative courses of action to destruction or non-destruction. Generally, the Bill appears to be inadequate

in that it does not establish a procedure by which seeds subject to the Act may be dealt with flexibly, rather than strictly according to the provisions of clause 6. I suggest that in the scheme of this Bill it is necessary for these powers and the rights of the person from whom the seed has been seized or detained to be specifically outlined.

As I have already said, clause 7 creates difficulties, and it does so in the following additional contexts. In the domestic and home gardener market, seeds, particularly flower seeds, are marketed in small packets. Some packets measure as little as 10 cm by 7 cm, which is not a particularly large space on which the sort of statement required by clause 7 (3) can be displayed. In addition, it is not ordinarily appropriate for the company supplying the small packets of seeds independently to label those packets to suit South Australian requirements, when the requirements in other States are likely to be quite different.

I am told that in the small packet seed market suppliers tend to fill packets at a central location and then supply the whole of Australia from that location in packages that are identically labelled. It has been suggested that, if this Bill was enacted and the small packet seed market was to be subjected to the full extent of the labelling provisions under clause 7, it could mean that some small packet seeds would no longer be available on the South Australian market, because that market is small and it is not economically feasible for suppliers to pack separately in order to satisfy the requirements of the South Australian legislation.

As a matter of principle, I suggest that there is a need for uniformity of legislation and requirements throughout Australia with respect to seed packaging and marketing. I would not like to see this Bill pass in its present form and thereby cause difficulties that would prejudice South Australia in this respect.

The other difficulty with small packet seeds is that the mass of the contents is so small that it is not practicable to state on the label what is required by clause 7 (3). It is possible correctly to identify proportions and percentages, as required by that provision, for larger quantities only.

Section 5 (2) *(d)* of the Victorian Seeds Act provides that seeds sold in parcels of less than a certain weight, which extends to the small packet seed market, be exempted from some, if not all, of the provisions of that Act and the regulations made thereunder. Apparently, that has worked effectively, without prejudice to consumers in Victoria and in other States.

Clause 7 (6) provides for a defence to a charge that may be laid under clause 7 (5), which relates to a person who sells seed in the course of a business and who either fails to furnish a statement as required by this provision or makes a statement relating to seeds that is false or misleading in a material particular. It shall be a defence to a charge under that provision if the defendant is able to prove that the circumstances of the sale were such that he could not reasonably have expected that the seeds would be used for the purpose of the germination or propagation of plants and that the seeds had not, in fact, been used for that purpose.

It is not unreasonable to provide for a defence in the form of that referred to in 7 (6) *(a)*. However, I suggest that it is grossly unreasonable to link with that the additional requirement that a defendant must prove that seeds have not been used for that purpose.

Recently, the Hon. Mr. DeGaris referred to the instance of a person selling seed as bird seed which is specifically identified for that purpose. In those circumstances, if the seed is not labelled accurately, the retailer, according to the clause, could have an adequate defence under clause 7 (6) *(a)*. However, he must also prove that the seed had not been used for the purpose. It seems an insurmountable burden of proof in the circumstances, when the retailer could not, by any stretch of the imagination, be required to ferret out the facts from a person to whom it had been supplied and whose name or address he did not know. It may be that in these circumstances the "and" that appears between paragraphs *(a)* and *(b)* should be amended to "or".

Clause 8 creates some difficulties. There seems to be nothing wrong with the authority given to an officer to enter any place in which seeds are kept for sale. That is a perfectly proper provision. However, he may then, on the tender of the ordinary market price, take a sample of seeds for analysis. Although this is not a major difficulty, I remind honourable members that the establishment of the ordinary market price for seeds might be somewhat difficult, particularly if they were held by the merchant for cleaning but had not been cleaned.

If the price is arrived at and the sample taken and analysed, the merchant might well be in a difficult position under clause 5, because he might well have sold seed that was infected or contaminated by a noxious organism. The seed might not have been cleaned, although the merchant might have intended to clean that seed at what to him was an appropriate time.

Also, the difficulty of clause 6 in these circumstances is that, if the sample is taken and analysed in the context of clause 8, the Minister has a power only to order the destruction and not any other dealing, by way of cleaning, treating, or otherwise, with that seed. I have already referred to this matter, which I believe to be a serious defect in this part of the Bill. There is no flexibility to allow a proper cleaning, treating or other dealing with the seed in those circumstances.

One would do well to look again at section 12 of the Victorian Act, which sets out the powers of inspectors and which provides what is to happen on the exercise of any of those powers, particularly in relation to the detention or seizure of seed, and in circumstances where the analysis of seed discloses foreign material that could be eliminated by cleaning.

The other provision that is of concern is that relating to the sample. One notices under section 11 of the Agricultural Seeds Act that there is provision for the way in which the sample is to be taken and for the sample to be divided into three parts, one to be held for analysis, one for future comparison, and one for the owner. That provision, which seems to be perfectly fair and reasonable, is included in the Victorian Seeds Act.

It may be suggested that it is intended to deal with this matter by regulation. However, I suggest that under the provisions of clause 8 it is neither proper nor competent to deal with this aspect by regulation.

I notice also that a provision in section 18 of the Agricultural Seeds Act, which deals with the tampering with samples, has not been included in the Bill. Again, I think there needs to be some precaution evident in the Bill against tampering with samples. I am not particularly concerned with the narrow power of authorised officers to enter premises and take samples, but I suggest that other provisions of the Bill should be related to it so that there is no injustice and there are proper safeguards against abuse of power in putting any merchant or other person in possession of seeds in an embarrassing position when, although technically they may have committed an offence, there was no intention to do so.

Generally, the principle of the Bill is accepted but there are some deficiencies that will need to be attended to at the appropriate time in a way that will enable the Bill to

become a proper code rather than allowing government by regulation. I support the second reading.

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

POLICE REGULATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 2 August. Page 236.)

The Hon. C. J. SUMNER: I oppose this Bill. It is similar to a Bill introduced by the Hon. Mr. Hill prior to the appointment of a Royal Commission into the sacking of the former Commissioner of Police, Mr. Salisbury, earlier this year. The Bill provides for a method for the dismissal or suspension of a Police Commissioner. It provides that he may be dismissed by an address to the Governor from both Houses of Parliament, or it provides, in the alternative, that he may be suspended on the ground of incompetence and misbehaviour, and his removal can be confirmed within a certain period on the address of either House and, if that address of either House is not forthcoming within 12 days of the reasons for the suspension being laid before Parliament, the Commissioner of Police should be reinstated in his duties.

The first point I make about it is that it is contrary to the recommendations of the Royal Commission. It seems odd that Liberal members opposite have proceeded with this Bill, as they were the ones who agitated for the Royal Commission. Members opposite are proud of the fact that they got those thousands of signatures to a petition which called, in part, for the Government to appoint a Royal Commission to inquire into the circumstances of the dismissal of the Commissioner of Police.

Having done that and having had a Royal Commission appointed, members opposite are now not prepared to accept the Royal Commissioner's decision. The second thing they did was to try to attack the Royal Commission by complaining about its terms of reference. Before the Commission sat, they complained that the terms of reference were not adequate. That is absolute nonsense, as the Royal Commissioner herself stated on page 9 of the report. Members opposite were trying to allege that the terms of reference specified by the Government meant "Was the dismissal strictly legal or not?" Of course the terms of reference went further than that. On page 9, paragraph 3, of the Royal Commissioner's report, Justice Mitchell sets out her opinion on what the terms of reference were and, in part, on page 10 she states:

> As to what is just—

referring to the word "justifiable", which is in the terms of reference—

> I respectfully adopt the words of Lukin J. in another context in *Loxton v. Ryan* . . . that it is what is right and fair, having reasonable and adequate grounds to support it, well founded and conformable to a standard of what is proper and right.

So what I said in this Council earlier this year, when members opposite raised what they called the inadequacy of the terms of reference, has been supported by the Royal Commissioner: namely, that the terms of reference did go beyond whether or not the dismissal was strictly legal. Of course it was strictly legal—we all knew that. The Commission investigated whether it was justifiable or not, whether it was right, just, and proper. That is what the Royal Commissioner considered.

The Hon. C. M. Hill: Do you think everyone should accept those findings?

The Hon. C. J. SUMNER: I will come to that. The other point in relation to the terms of reference is that Mr. Fisher, who was acting for Mr. Salisbury, did not complain about the terms of reference. One wonders why members opposite were so vociferous in their objection to the terms of reference before the Royal Commission sat. They had absolutely no substance in the debate on this matter when they complained about the terms of reference in a motion after the Royal Commission was appointed.

They agitated for a Royal Commission and got it. They complained about the terms of reference and they got what they wanted in the terms of reference, and now they are not prepared to accept what the Commissioner said. The Hon. Mr. Hill said that he disagreed with recommendation No. 3 of the Royal Commissioner, which dealt with the prerogative right of the Crown to dismiss a Commissioner of Police. He disagreed with the conclusion of the second term of reference, which is: was the Government dismissal justifiable? However, he apparently agreed with the Commissioner in the first term of reference, whether the Commissioner of Police misled the Government. If that is the case, the Hon. Mr. Hill has got himself into the extraordinary position of saying that the Commissioner of Police, or, presumably any other executive officer in the Government, can mislead his Minister and not be subject to dismissal. That is what he is saying, in effect, by his comments.

The Hon. C. M. Hill: That is not so; you know that is not true.

The Hon. C. J. SUMNER: You have disagreed with the Royal Commissioner on the prerogative right of the Crown to dismiss; you have disagreed with her on whether the dismissal was justifiable; but you have agreed with her on whether the Commissioner of Police misled the Government. So the Hon. Mr. Hill is put in the extraordinary position of saying that, although the Commissioner of Police misled the Government, it is not justifiable to dismiss him. If the Hon. Mr. Hill was a Minister (as he once was), I would like to ask him what he would do if his head of department misled him deliberately.

The Hon. C. M. Hill: I have been in that situation.

The Hon. J. C. Burdett: The Bill sets out a satisfactory procedure.

The Hon. C. J. SUMNER: There is a satisfactory procedure.

The Hon. C. M. Hill: There are lots of courses of action other than dismissal.

The Hon. C. J. SUMNER: It is extraordinary that the Hon. Mr. Hill is saying it is all right for an executive officer of the Government to mislead his Minister.

The Hon. C. M. Hill: No. You have missed the whole point. There are various courses of action one can take in these circumstances, and one is dismissal.

The Hon. C. J. SUMNER: But you are saying that dismissal was not justifiable.

The Hon. C. M. Hill: That is right.

The Hon. C. J. SUMNER: Of course it was justifiable; the Royal Commissioner found it was justifiable.

The Hon. C. M. Hill: I know that, but I do not agree with that.

The Hon. C. J. SUMNER: If an executive officer of the Government misled his Minister, I cannot see how the Hon. Mr. Hill can say that the dismissal of that officer was not justifiable.

One of the disturbing things about this whole matter has been the attack on the Judiciary by members opposite, who attacked unmercifully the opinions of Mr. Acting Justice White, as he then was, in the report he prepared for the Government.

The Hon. J. C. Burdett: His findings—

The Hon. C. J. SUMNER: The honourable member claimed that Mr. Acting Justice White's findings were disgraceful, and that has set something of a precedent in the attack launched by honourable members opposite against an independent member of the Judiciary. Of course, the Royal Commissioner, Justice Mitchell, came to substantially the same conclusions as Mr. Acting Justice White.

The Hon. J. C. Burdett: With some differences.

The Hon. C. J. SUMNER: Perhaps with some minor differences. The substance of her conclusions were the same as those of Mr. Acting Justice White, yet for weeks in this Parliament Opposition members pilloried Mr. Acting Justice White and criticised his findings in a scurrilous fashion. I believe that that was an unwarranted attack on a member of the Judiciary.

The Hon. J. C. Burdett: When are you going to start to talk about the Bill?

The Hon. C. J. SUMNER: I am talking about it.

The PRESIDENT: The honourable member is doing an excellent job in view of the interruptions that he is getting.

The Hon. C. J. SUMNER: Thank you, Mr. President, for that vote of confidence. I am not saying that the Government or any member is obliged to accept the opinions of the Royal Commissioner in every circumstance. Obviously, it is up to individual members to determine that as elected members of Parliament. Parliament must be supreme in this respect. However, honourable members opposite, having pressed for so long for a Royal Commission, are now unwilling apparently to accept any of the recommendations.

The Hon. C. M. Hill: That's not true either: we agreed with the first one. Why make an inaccurate statement?

The Hon. C. J. SUMNER: I withdraw it, if it is untrue. The honourable member agrees with the finding that was so obvious that it was hardly necessary for a Royal Commission to adjudicate on it. He agrees with the conclusion reached in respect of the first term of reference. However, on matters of substance dealt with in terms of references 2 and 3, members opposite have not agreed at all. It seems odd that, having pressed for the Royal Commission for so long, they are unwilling to accept its recommendations, especially when the Hon. Mr. Hill's Bill was considered by the Royal Commissioner, who made specific reference to it and the position supported by the Liberal Party in paragraph 169 of the report. Her attention was drawn to that Bill, but she rejected it, and I am sure that the reasons for her rejection are those contained in paragraph 173, which states:

> Only Parliament, within its constitutional limits, occupies that position. And the Ministers are collectively and individually responsible to Parliament for the administration of the executive arm of government, of which the Police Force is an important part. A Police Force not subject to Government control would have a dangerous power. The Government is subject to election, the Police Force is not. So that, although the Commissioner of Police should not be subjected to Ministerial interference in the day-to-day process of law enforcement, it is essential that he co-operate with the Chief Secretary who has the Police Force within his portfolio.

Paragraph 177 states:

> I have reached the conclusion that Parliament should not be involved in the removal from office of a Commissioner of Police.

The Commissioner continues in that paragraph to set out the reasons. She was aware of what the Hon. Mr. Hill wanted, but specifically rejected that. She also rejected the submission of the Government on that matter, and she summarises that submission in paragraph 175. The position was put in evidence by the Premier; that the Government is responsible to Parliament, which in turn is responsible to the people, and that any question that arises from the dismissal of a Commissioner of Police can be dealt with by the electors if they are dissatisfied with the way the Government has handled the matter. Ultimately, the Government is responsible to Parliament and the people.

The Premier put the proposition that, that being the case, there should be no modification of that prerogative right of the Crown to dismiss the Commissioner of Police. The Royal Commissioner did not accept that proposition, and made an alternative recommendation. The Government is willing to accept that alternative recommendation, as the Premier has already stated publicly. We are willing to accept the umpire's decision on that matter, yet members opposite are not.

The Opposition has made it seem as if there is something terrible, unusual, and dastardly about the prerogative right of the Crown to be able to dismiss officers of the executive, yet probably this power has existed for centuries. It is a power that existed in relation to the Public Service and the Commissioner of Police under the Liberal Government that was in power here for more than 30 years. Indeed, it was referred to in 1970 by Mr. Justice Bright in the Royal Commission report on the September moratorium demonstration; at page 30 of that report he stated:

> The Commissioner is appointed by the Governor (S. 6) and must retire on the thirtieth day of June next after he attains the age of sixty-five years (S.7 (1)), but may, like any other servant of the Crown, be dismissed at any time (S. 54). (210)

It was drawn to the attention of honourable members opposite that that was the power of the Government in relation to the Commissioner of Police even then. They were aware of it when they were in Government, too. Further, all Australian States and territories (except New South Wales and Queensland) and New Zealand, have the unfettered power of the Crown to dismiss a Commissioner of Police.

Despite this, the Royal Commission has come to another conclusion that the Government is willing to accept. The Hon. Mr. Hill has drawn some comparisons and has tried to condemn the Government's acceptance of the recommendation. He referred to the Public Service Commissioners, the Valuer-General, the Auditor-General, the Electoral Commissioner, and the Ombudsman. He argued that some of these people, at least, were part of the executive arm of Government, and stated:

> I pose the question: what about the Public Service Commissioners, who have exactly the same protection as I am trying to give the Police Commissioner? Are not the Public Service Commissioners part of the executive arm of the Government? And what about the Valuer-General, who has the same protection I am endeavouring to achieve for the Police Commissioner? Is he, the Valuer-General, not part of the executive arm of Government? Of course he is, as are the Public Service Commissioners, and as is the Highways Commissioner, who has the added protection of both Houses having to agree to his proposed removal.

Justice Mitchell dealt with this situation in paragraph 168 of her report. She referred to people protected from summary dismissal: Public Service Commissioners, the Auditor-General, the Electoral Commissioner, and Valuer-General, and stated:

> It is indisputable that the holders of these offices should be free from any possibility of Government interference.

So, despite the fact that the Hon. Mr. Hill is maintaining

that they are the normal part of Executive Government, the Royal Commissioner has specifically disagreed and said that there is no doubt that these officers should be free from any possibility of Government interference, and therefore Parliament should be involved in any dismissal of them.

I do not refer in great depth to the independent Judiciary and to the fact that Parliament must, by an address by both Houses to the Governor, be involved in the removal of a member of the Judiciary. We do not argue about that. It is obviously fundamental to our democratic system and we certainly do not wish to interfere with or downgrade that. An independent Judiciary is absolutely essential, as the Royal Commissioner, Justice Mitchell, mentioned in paragraph 173 of the report. Judges are in a completely different position from the Commissioner of Police, as are Public Service Commissioners, the Valuer-General, and the Auditor-General, as the Commissioner said.

The Hon. J. C. Burdett: Why?

The Hon. C. J. SUMNER: Because they should be free from any possibility of Government interference. That is what the Commissioner said in her report. If they are free from any possibility of Government interference, how can they be a part of the executive arm of Government? The Electoral Commissioner obviously is independent, and similarly the Ombudsman.

The Hon. F. T. Blevins: Open to phone calls.

The Hon. C. J. SUMNER: Yes, that is right, but not from Ministers in the South Australian Government. Because of these people's independent position, it is reasonable for their dismissal to be dealt with by Parliament. But in every other case, where it is the normal executive arm of Government, it is the practice in this State and in other States, in the Westminster system generally, that the prerogative—

The Hon. J. C. Burdett: What about the Commissioner of Highways?

The Hon. C. J. SUMNER: I will deal with him.

The Hon. C. M. Hill: Are you going to read the part of the report where Her Honour says the Police Commissioner should enjoy some independence?

The Hon. C. J. SUMNER: Yes, if you give me a chance. The people I have referred to have an independent existence outside the strictly executive arm of Government, as has been recognised by the Royal Commissioner. Therefore, it is reasonable that Parliament should be involved in their dismissal. The Hon. Mr. Hill has made great play out of the Commissioner of Highways. Unfortunately, the Hon. Mr. Hill has been guilty of misleading the Council. He said, as I have already quoted, that the Commissioner of Highways has the added protection of both Houses having to agree to his proposed removal. That is true if both Houses do agree to his proposed removal and address the Governor in those terms. Then he must be removed for whatever reason. There does not have to be any reason at all for his removal, provided both Houses agree, but he can also be removed by Executive action. There are two methods of dismissing the Highways Commissioner.

The Hon. C. M. Hill: There are two methods of dismissing all those others too.

The Hon. C. J. SUMNER: Yes, but he can be dismissed under the alternative by the Government without any reference to Parliament. That is what the Hon. Mr. Hill did not say in his speech. While an address is one method of dismissing him, there does not have to be any reason given for it. But the Government itself can dismiss the Commissioner of Highways for misbehaviour, incompetence, insolvency, if he absents himself from his duty for 14 days, or if he has a pecuniary interest in something that he is involved in. There is a straight power of dismissal in the Government that gives the Commissioner of Highways the right of appeal. He is part of the executive arm of Government, which is somewhat different from the other people I have mentioned: the Public Service Commissioners, the Valuer-General, Auditor-General, Electoral Commissioner, and Ombudsman. The Commissioner of Highways is subject to dismissal by the Government in the same way as it is proposed, under the Royal Commission recommendations, to make the Commissioner of Police subject to dismissal by the Government for certain specified reasons.

There is an additional means of getting rid of the Commissioner of Highways, if one wants to. One can procure an address from both Houses of Parliament. In that respect, I suspect unwittingly, the Hon. Murray Hill has misled the Council. There is no doubt, from what the report says, that the Commissioner of Police is a part of the executive arm of Government and should be subjected to the same procedure as the other officers of the Public Service.

Mr. Justice Bright, in the Royal Commission Report on the September moratorium demonstration in 1970, confirmed this proposition. He said, at page 79:

> The Police Force has some independence of operation under the Police Regulation Act (4) but it is still a part of Executive operation. In a system of responsible government there must ultimately be a Minister of State answerable in Parliament and to the Parliament for any Executive operation. This does not mean that no senior public servant or officer of State has independent discretion.

That position was reaffirmed by Justice Mitchell in paragraph 53 of her report. She refers to the comments by Justice Bright in relation to some sphere of independent action that is available to the Commissioner of Police, and says that the Commissioner of Police has, as does every other citizen, a paramount duty to the law, and of course she says that there are certain areas where the Government would not direct a policeman. The most obvious example is the question of whether or not to prosecute any person. There are some examples in which, as a matter of convention or practice, the Government would not interfere with the operations of the Commissioner of Police, but ultimately the Commissioner must be responsible to a Minister and a Minister must be responsible to Parliament for the operation of the Police Force. That is quite clear from the comments I quoted from Justice Mitchell's report, paragraph 173. This position of the Minister being responsible and being able to give some direction to a Commissioner of Police, is not confined to South Australia.

There is provision for Ministerial direction in Queensland, Tasmania, and New South Wales. There is provision for Ministerial direction through the Governor in Council in Victoria. In South Australia in 1972, following Justice Bright's report, we introduced an amendment which provided that the Commissioner of Police in South Australia could be subjected to direction. Ultimately, the responsibility must rest with the Minister. That is the tenor of both reports that I have referred to this afternoon. Of course, as a matter of convention and practice, there is some independence of action for the Commissioner of Police. Basically, he is responsible to a Minister for the operation of the Police Force. Basically, he is more akin to the normal public servant situation than are those other people I have referred to: the Auditor-General and the Valuer-General, whom the Royal Commissioner specifically says should be independent of any Government interference. The Government does not intend to leave

the matter as it is at present. It has accepted recommendations of the Royal Commissioner, and will introduce legislation to give effect to them.

This will mean that the Commissioner of Police will have a right to appeal if he is dismissed, the notion being that his dismissal should be based on some particular grounds: incompetence, mental instability, bankruptcy, or misbehaviour. They were the grounds mentioned by the Hon. Mr. Hill in his speech. If the Commissioner of Police is wrongly dismissed, if the Government has improperly dismissed him because none of the misconduct provisions apply, there will be a right of appeal to the court, and the Police Commissioner will be entitled to any damages that arise as a result of the dismissal.

The Hon. C. M. Hill: What about reinstatement?

The Hon. C. J. SUMNER: There is no reinstatement under your provision, either. The right of appeal would be to a court, which is the proper place for this matter to be decided, in a judicial atmosphere, with the right of representation for the Commissioner of Police, where he can be assured of a fair hearing. That is the procedure that, as a matter of practice, applies to other public servants. They have rights of appeal.

Even though the fundamental right exists for the Government to dismiss officers of the Public Service and Police Force, as a matter of practice appeal provisions are used. The Government proposal will place the Commissioner of Police in essentially the same position as that of other officers of the executive arm of Government. He will have a right of appeal, and the Government will not be able to act in an arbitrary manner in dismissing him. There must be grounds for so doing, as, indeed, there were on this occasion. There will be a right of appeal to a court, where the facts can be adjudicated on and decisions made in a quiet atmosphere and in a forum that is entirely appropriate to a decision.

The Hon. J. C. Burdett: But in the meantime he will have been dismissed, and cannot be reinstated.

The Hon. C. J. SUMNER: He cannot be reinstated under the Hon. Mr. Hill's Bill.

The Hon. C. M. Hill: Under my scheme, he's not dismissed, and no replacement can be popped in through the back door, either.

The Hon. C. J. SUMNER: Under Mr. Hill's provision, he would be suspended, and dismissed once Parliament agreed that that should happen. He would be dismissed by a Government which had control in the Lower House and which, therefore, agreed to the dismissal. So, there would be no question of his being reinstated, even under the Hon. Mr. Hill's proposal. It will merely provide the Opposition with a chance to have a specific debate on the matter, rather than its being raised by means of motion of no confidence in the Government.

That is the only difference between the proposition being put forward by the Government and that being put forward by the Hon. Mr. Hill. In practical terms, there will be no question of reinstatement, if the Government has the numbers in the Lower House, and the Hon. Mr. Hill knows that. I oppose this Bill, and look forward to the introduction of a Government Bill implementing the Royal Commissioner's recommendations.

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

ADJOURNMENT

At 4.43 p.m. the Council adjourned until Wednesday 16 August at 2.15 p.m.