

LEGISLATIVE COUNCIL

Thursday 9 November 1978

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

QUESTIONS

ROAD LIGHTING

The Hon. R. C. DeGARIS: Has the Minister of Lands a reply to the question I asked on 17 October dealing with road lighting?

The Hon. T. M. CASEY: Research has been carried out into the lighting of intersections in relation to safety. The Highways Department has no record of other complaints in this connection. On the other hand, the department has received a number of requests urging the installation of new street lighting or improvements to existing lighting at various intersections.

PHARMACEUTICAL SUPPLIES

The Hon. C. M. HILL: I seek leave to make a statement prior to directing a question to the Minister of Health on the provision of pharmaceutical supplies by chemists to certain hospitals.

Leave granted.

The Hon. C. M. HILL: It has been brought to my notice that much concern has been expressed by chemists, particularly those in relatively small country towns, who have been supplying Government-subsidised community hospitals with pharmaceutical needs. It is feared that the Health Commission may be implementing a policy under which such hospitals will be required to obtain their pharmaceutical supplies from certain specified Government hospitals and that this business carried on by chemists with their local hospitals (and carried on well, I understand, from the point of view of both service and cost) may be seriously adversely affected, or that, if this suggested change occurs, chemists may not be able to supply any services or needs whatsoever to hospitals.

Can the Minister say whether any instructions have been given by the Health Commission to any Government-subsidised community hospitals to obtain pharmaceutical supplies in future from certain larger Government hospitals, which may be in the same region, in such a manner that local chemists will find the loss of business a very serious matter? If such instructions have not been given, has the commission any plans to introduce such a change in the future?

The Hon. D. H. L. BANFIELD: I thought that we had the support of the Opposition in seeking to reduce the cost of health services—

The Hon. C. M. Hill: Local chemists can do it more cheaply.

The Hon. D. H. L. BANFIELD: Just a minute: are you answering this question or am I?

The Hon. C. M. Hill: You're not doing much of a job of it.

The Hon. D. H. L. BANFIELD: I will take it on notice if the honourable member does not want his answer.

SAMCOR

The Hon. R. A. GEDDES: I seek leave to make a short statement before asking the Minister of Lands, in the

absence of the Minister of Agriculture, a question about Samcor.

Leave granted.

The Hon. R. A. GEDDES: The Premier was reported in this morning's *Advertiser* as implying that primary producers would ignore Samcor if a more attractive proposition was available elsewhere for the sale of their stock. Practically all stock slaughtered in South Australia has been sold either by auction or by private sale to processors and retailers before slaughter. Will the Minister say what proportion of stock processed by Samcor is killed on behalf of primary producers?

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

NURIOOTPA-GREENOCK BY-PASS

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking the Minister of Lands, representing the Minister of Transport, a question regarding the lighting of intersections and crossings.

Leave granted.

The Hon. M. B. DAWKINS: The lighting at intersections on many of the new roads constructed by the Highways Department in South Australia is indeed good. However, I should like to draw the Minister's attention to the poor lighting at various intersections on the relatively new Greenock-Nuriootpa by-pass some of which lighting is, I believe, inadequate to the point of being dangerous. Will the Minister of Lands bring this matter to his colleague's attention and seek an improvement of the lighting situation on this by-pass?

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

COURT SENTENCE

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Minister of Health, representing the Attorney-General, a question regarding the severity of a sentence imposed on a woman who defaced a \$1 note.

Leave granted.

The Hon. N. K. FOSTER: I refer again to the *Advertiser*, which seems to be a habit with me lately. It was reported in this morning's edition of that newspaper that a woman who tried to win \$1 100 in a radio station competition by changing the serial number on a \$1 note to the winning number was given a suspended gaol sentence yesterday. Although the name of the woman, who lives in Elizabeth, is given in the press, I will not repeat it in this place.

The Hon. R. C. DeGaris: That's unusual.

The Hon. N. K. FOSTER: It is not. This woman was sentenced by Mr. Justice Sangster because she partook in what I understand, from the inquiries I have made, was called the "Brekky dollar competition" conducted by "Pilko" and someone else on radio 5AD, which is closely associated with the newspaper from which I have drawn this information. I understand that the programme is run on behalf of the Bank of Adelaide, an influential member of the management of which used, of course, to sit in this place for many decades and whose influence in that area is still considerable. If honourable members want to know about whom I am speaking, I will tell them: I am referring to Sir Arthur Rymill. This woman, the mother of a four-month-old child, was sentenced to six months imprisonment with hard labour.

The Hon. R. C. DeGaris: But it was suspended.

The Hon. N. K. FOSTER: That is so. The sentence was suspended on the condition that the woman entered into a good behaviour bond. So, she may still have to serve that sentence. I should like to know whether the judge thought that he was hearing another case (perhaps the case reported in this morning's *Advertiser* below the one to which I have already referred, but I will not mention it). I think this judge ought to be psychoanalysed. However, that is only my view. Will the Minister ascertain whether the Bank of Adelaide sought prosecution of this unfortunate woman, and will he obtain from the Attorney-General a report on the possible severity of the sentence imposed, bearing in mind that it was suspended and that it perhaps relied on other factors involved?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to the Attorney-General and bring back a reply.

MATERNITY LEAVE

The Hon. ANNE LEVY: Has the Minister of Health a reply to my recent question about maternity leave?

The Hon. D. H. L. BANFIELD: The day after the Federal Government brought down its Budget the honourable member asked whether the matter of the abolition of maternity allowances could be raised with the Prime Minister. She asked that nine months notice be given of the removal of the benefit. The Premier wrote to Mr. Fraser and recently received from him the following reply:

I refer to your letter of 11 October 1978 in which you request that the Commonwealth reconsider its decision to discontinue maternity allowance, or at least delay its abolition until nine months from the date of the Budget. As you will be aware, the Social Services Amendment Bill containing this provision has now been passed by the Parliament and I would not wish to amend the legislation. In deciding to abolish the allowance, it was taken into consideration that its current value was very small and that expenses associated with childbirth are now largely covered by health insurance arrangements and the family allowance scheme.

SAMCOR

The Hon. R. A. GEDDES: Part of the Samcor report deals with its own trading activities concerning stock actually purchased by Samcor for processing. Will the Minister of Lands ascertain from the Minister of Agriculture what was the loss on this part of the Samcor enterprise?

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

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking a question of the Minister of Lands, representing the Minister of Agriculture, about Samcor.

Leave granted.

The Hon. N. K. FOSTER: I see an attempt here today by Opposition members representing the growers' interests in a haphazard way (I would like to see Opposition members representing growers' interests sincerely, but I have not seen them do so yet) to suggest that the grower organisations are completely blameless for any losses incurred by Samcor. The Hon. Mr. Geddes has already asked a question about the number of stock

processed through those works, in comparison with other areas. I do not object to that question, which is quite good. Will the Minister ascertain the number of processed carcasses of sheep, cattle and pigs brought from other States for the South Australian market, in comparison with the number processed through the Samcor works?

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

PHARMACEUTICAL SUPPLIES

The Hon. C. M. HILL: I give notice that on Tuesday next I will again ask the Minister of Health the question I asked just now about the supply by local chemists of pharmaceutical goods to Government-subsidised community hospitals.

The PRESIDENT: It is laid down by Erskine May that questions cannot be repeated within three months. I therefore suggest that the Hon. Mr. Hill ask the Minister of Health to reconsider giving his answer at this time.

The Hon. C. M. HILL: If by my interjection I offended the Minister I apologise to him for that, and I now ask him for the reply.

The Hon. D. H. L. BANFIELD: The honourable member did not offend me in any way. I took exception because when I was giving my reply the honourable member said that I was not doing too good a job. If he now thinks that I am capable of doing a good job, I am prepared to proceed. If I get an assurance from the honourable member that I can give the reply, I will proceed.

The PRESIDENT: The Minister has now asked whether he can reply as he thinks fit. Is that acceptable to the Hon. Mr. Hill?

The Hon. C. M. HILL: For the sake of expedition in getting my reply, yes.

The Hon. D. H. L. BANFIELD: The honourable member was not interested in expedition a short time ago, because he interrupted me while I was replying. The reply that I started to give was that it was most necessary to cut down costs in relation to the distribution of health services throughout the State, and I was saying that I thought I had the support of the Opposition in that regard. The Health Commission is considering every area in relation to reducing the cost of supplies to hospitals not only in the area of pharmaceuticals. I understand that the commission has not given any direction yet, but it is examining the matter to find out whether expenses can be cut. I assure the honourable member that the supply of pharmaceuticals is one matter that the commission is considering.

SAMCOR

The Hon. R. A. GEDDES: In the absence of the Minister of Agriculture, I ask a further question of the Minister of Lands regarding Samcor. The Premier stated in today's press that the Government planned to have a "hard look" (they were his words) at the economics of Samcor. Can the Minister enlarge on the Premier's statement and say whether the "hard look" will mean an inquiry by a firm of business consultants such as has been conducted in previous years, or whether it will be an inter-departmental type of inquiry? If either type of inquiry is to take place, will the Minister allow producer organisations as well as meat processors to give evidence, so that their point of view can be expressed? Further, will the report of such inquiry be tabled in Parliament, to allow public comment

on it?

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

BLACKWOOD-BELAIR SEWERAGE SCHEME

The **PRESIDENT** laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Blackwood-Belair Sewerage Scheme Stage III.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS BILL

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

That the time for bringing up the report of the Select Committee on the Bill be extended until Tuesday 21 November 1978.
Motion carried.

PAY-ROLL TAX ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 8 November. Page 1833.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading. The Bill increases the pay-roll tax exemption level from \$60 000 per annum to \$66 000 per annum. This means that pay-rolls under \$66 000 will attract no tax: they will be totally exempt. At present the minimum pay-roll tax exemption is reached when the annual wage bill reaches \$109 500, and, under the new proposal in the Bill, the minimum exemption will be increased to \$29 700 when the pay-roll reaches \$120 450. The increases in the Bill bring us into line with the other States, particularly Victoria, in relation to exemption from pay-roll tax. Therefore, I have no further comment on that part of the Bill. It adds a small amount to the exemption. The first statement in the second reading explanation is that the object of the Bill is to increase the pay-roll tax exemption levels by 10 per cent from January 1979.

On the total amount of pay-roll tax payable, the reduction would be about \$800 000 in any one year, which is a reduction of about .6 per cent overall. Anyone reading the second reading explanation may think that a 10 per cent reduction in pay-roll tax will be allowed, but it will not. As wages increase, the \$800 000 will probably be absorbed by increased tax. An article in today's *Advertiser*—

The Hon. D. H. L. Banfield: What you have said is wrong, and you should state correctly what is in the second reading explanation. It didn't say it was cutting pay-roll tax by 10 per cent. It stated that its object was to increase pay-roll tax exemption levels by 10 per cent from January 1979. You didn't use the word "levels" at all.

The Hon. R. C. DeGARIS: The explanation states:

Its object is to increase pay-roll tax exemption levels by 10 per cent from January 1979.

All I am saying is that people do not want to be misinformed when they read that. There is not to be a 10 per cent reduction in pay-roll tax. An article in today's *Advertiser* quotes Sir Thomas Playford as saying that pay-

roll tax affects the cost of business to compete. In America, I believe the pay-roll tax collected across the board has now reached \$70 000 000 000 a year, which is a huge intake of tax. Pay-roll tax affects the ability of South Australia to compete with other States. South Australia is a competing State, exporting 80 per cent of its production elsewhere. Therefore, we should be concerned about any legislation that would adversely affect South Australia's competitive position in regard to other States.

South Australia now has the highest unemployment rate in Australia. I believe the only other State in which the unemployment rate has increased above the national average is New South Wales. We will have to examine carefully the ability of our manufacturers and industrialists to employ people in this State. Perhaps we should heed what Sir Thomas Playford has said and examine the whole application of pay-roll tax in South Australia.

Clause 7 provides that "unpaid tax may (whether or not an assessment has been made, or notice of an assessment has been given, in pursuance of section 20 of this Act) be sued for". I appreciate what the Government means, but I question the right of a person to be sued for a debt owing to the Crown in pay-roll tax if he has never received an assessment for that particular tax, and I should like the Minister to reply on that point when he closes the debate. There may be a very good reason for a person being sued where no assessment has been given, but I believe that, before any summons is issued for unpaid pay-roll tax, at least the taxpayer should have received an assessment of the tax which is due to the department. I support the second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank the Leader for his attention to this Bill. If we can report progress at the appropriate stage in Committee, I will obtain a reply to his question about clause 7. I do not know how an employer is informed of the amount of pay-roll tax he has to pay, although I assume he is aware of the amount without an assessment actually being issued.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Recovery of tax."

The Hon. R. C. DeGARIS (Leader of the Opposition): I thank the Minister for suggesting that we report progress. I prefer that course of action because, depending on the reply, I may move an amendment, and so may the Government. The Minister's explanation of clause 7 states:

Clause 7 amends section 26 of the principal Act. The object of the amendment is to enable the Commissioner to take legal proceedings for the recovery of unpaid pay-roll tax without first issuing an assessment.

There may be a good reason why the Commissioner wants this power, but no reason is given in the explanation. Recent explanation of some amendments have been superficial and, where we are giving the Commissioner the right to take legal proceedings when the taxpayer has not even received an assessment, the Government should expand its explanation of this provision.

The Hon. D. H. L. BANFIELD (Minister of Health): The second reading explanation states:

The Bill also makes a minor amendment to an administrative provision to facilitate the recovery of pay-roll tax when an employer furnishes a return but fails to pay the tax owing by him.

I believe the position is as I indicated: apparently the employer is obligated to pay the tax when he sends in the return.

Progress reported; Committee to sit again.

STATE LOTTERIES ACT AMENDMENT BILL

In Committee.

(Continued from 8 November. Page 1839.)

Clause 2—"Offences."

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

Page 1, line 14—Leave out "word or words 'Lotto,'" and insert "words".

I explained my amendment during the second reading debate, and was supported by other honourable members. I cannot see any strong reason why the commission should have control over the use of the word "Lotto". I am grateful to Mr. Shannon and Mr. Minchin, who discussed this matter with us, and I now understand why they want control of that word. On the other hand, "Lotto" is a word that has been used in the English language for 200 years. No-one else could assume a copyright of such a word, and I doubt that we can grant that power to the commission. I doubt that we can do it with "Cross Lotto" or "X Lotto".

Also, I am worried that we are handing over to a commission, whose personnel changes, such power without any guidelines as to its use in respect of these words. This seems to be an objectionable procedure.

The Hon. N. K. FOSTER: I support the clause and protest against the amendment. The Opposition is trying to read something into the clause that does not exist, and it has completely ignored the intention of the clause. The argument that the word "Lotto" has been in existence for 200 years is utter rubbish. At no time has the Leader considered the real reason for this provision, which is to protect the public. It exists so that "Cross Lotto", "X Lotto" and "Lotto" are firmly entrenched in the mind of the public as relating directly to the commission and its involvement in this area, as is the case with its counterpart in Victoria, which uses the name "Tatts Lotto".

If one sees the word "Lotto" on an advertisement in the window of a delicatessen that is one of the commission's agents, one knows that the lottery is being conducted by the Lotteries Commission.

The Hon. J. C. Burdett: I agree with that.

The Hon. N. K. FOSTER: If the honourable member agrees with that, why does he want the amendment? If the honourable member believes that the principle of the Bill is firmly entrenched in the minds of the people of this State, why has this amendment been moved? If the local branch of the Liberal Party at Beaumont or that of the Labor Party at Salisbury decided to run a "Cross Lotto" in a similar way, it would be wrong.

The Hon. R. C. DeGARIS: I agree with that.

The Hon. N. K. FOSTER: Despite that, the Leader still persists with something that will adulterate the meaning of the clause, because he suggests that changes could occur in the department's personnel, and the new staff would have no guidelines by which it could work.

The Hon. Mr. DeGaris said that the commission may or may not in future grant permission to use the term "Lotto", but who knows? The commission may in future decide to drop its present lotteries system, in which event it would have no reason to retain its rights in relation to this matter. Members opposite are being petty regarding this matter, and are not seeing the real reason for this clause. They should be persuaded by logic to support the Bill and to withdraw the amendment.

The Hon. J. C. BURDETT: When a "Lotto", which is a form of lottery, is run by anyone other than the commission, an application must, unless it is a free lottery, be made to the Tourism, Recreation and Sport Department, anyway. Therefore, controls exist. The point of this amendment is that the word "Lotto" is a common

noun, just as "lottery" is. It is in the dictionary, and is not even a proper noun.

In no way can any private enterprise organisation obtain any sort of trademark or exclusive right to use a common noun, and it seems improper that an organisation such as the Lotteries Commission, which admits that it is running a business, should, just because it is a Government concern, get an exclusive right to use a common noun. No-one else is permitted to do so. It would be the same if a Government instrumentality was given the exclusive right to use the words "cycle" or "car". It seems wrong in principle that the Government should be seeking the exclusive right to use a common noun which is in the English language and, indeed, in the dictionary.

The Hon. D. H. L. BANFIELD (Minister of Health): It is not the commission's intention to ban the use of the word "Lotto" to anyone else. It merely wishes to have control over the word and the right to reject the use of the word where it can be seen that its use by anyone else will be harmful to the commission's operations, either financially or otherwise, and to withdraw its use if a competition is being conducted in a manner not in the best interests of the industry as a whole which will draw adverse publicity through the media to such an extent that it will damage not only the commission's integrity but also that of the Government and other lottery entrepreneurs.

In Western Australia, the T.A.B. recently introduced an almost identical scheme to "Lotto" where subscribers are asked to mark on a coupon seven winners from 30 races. It was introduced to compete with the forthcoming introduction of "Lotto" to that State. It would be possible for a local "Tab Lotto" or a national "Tab Lotto" to be introduced in order to capitalise on the success of "Lotto". The introduction of such a scheme could really cause further confusion and, in the case of the latter, could be most harmful to the commission's operations and drastically affect contributions made to the Government.

Other people are not using the word "Lotto" to any great extent at present. However, the word "Lotto" is now becoming acceptable to the public, as is the game itself, and there is no doubt that in future some people will try to jump on the band waggon. Indeed, advertisements could well feature in big letters, the word "Lotto", which would immediately make the public think that the lottery was being conducted by the Lotteries Commission. People would think that they had been got at when they found that this was not the case. It is the Government's intention not to ban the use of the word "Lotto" but merely to control it.

The Hon. R. C. DeGARIS: If the Lotteries Commission wants control over the use of the word "Lotto" because it is concerned that its use may reflect on its good name in running "Cross Lotto" and other forms of "Lotto", the Committee would be wrong in granting to the commission, with no control whatsoever, the right to determine who should and should not use the word. That would be an abrogation of Parliament's power to determine a matter such as this.

If there is to be any change from what I am suggesting, by the Government's and Lotteries Commission's own admissions, they want to ensure that no-one can use the word "Lotto" as a result of which the public could lose confidence in "Cross Lotto" as run by the State. Surely, then, Parliament cannot give the commission the absolute right to use that word.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGARIS (teller), R. A. Geddes, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. B. A. Chatterton.

The **CHAIRMAN**: There are 9 Ayes and 9 Noes. So that the matter can be further considered, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed. Title passed.

Bill read a third time and passed.

LEVI PARK ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 8 November. Page 1837.)

The **Hon. K. T. GRIFFIN**: Because the history of the Levi Park Trust has already been widely canvassed during this debate, I do not want to reiterate what has already been said in respect of that history. In essence, the trust arose out of a gift in 1948 essentially to the Walkerville council. Up to the present there have been three local government members of the trust, two from the Walkerville council and one from the Enfield council, and two Government nominees. What started recently as a responsible and innocent approach by the Walkerville council to attain the right to nominate the member who previously had been nominated by the Enfield council has developed into something of a takeover.

Nothing has been brought forward during this debate to indicate the need for this somewhat dramatic change in emphasis in connection with the composition of the trust. There has been no evidence of mismanagement; on the contrary, the Walkerville council has spent much time, effort and money in upgrading the park, particularly the river frontage area, which falls within the Walkerville council's area. Therefore, local government ought to retain the principal responsibility for the park. This will best be achieved by allowing three out of the five trust members to be appointed by the Walkerville council.

A provision has been included in the Bill that the trust shall be subject to the general control and direction of the Minister. In essence, I do not object to this sort of statutory body being subject to some form of control, or at least I do not object to some statutory bodies being responsible to some extent to a Minister. However, in this instance, where local government is, hopefully, to have the primary responsibility, it seems contrary to that spirit if the trust's decisions in that context are to be overridden by the Minister. As the provision is presently drafted, it is my impression that the Minister would be able to give general control and direction to the trust, thereby overriding the trust's decisions.

Another matter causing me concern needs clarifying. I refer to the provision in clause 6 that the Governor shall appoint the five trust members. As the provision is drafted at present, two of those members shall be appointed on the nomination of the Walkerville council. As I have suggested, the number of such members ought to be three. Under new section 4 (5), the Governor is entitled to appoint a person to be a deputy of a trust member, and a person so appointed, while acting in the absence of a member, is deemed to be a member of the trust. It seems important that, in his appointment of deputies for members nominated by the Walkerville council, the Governor should make the appointments on the nomination of the Walkerville council. At the appropriate

time I will seek to have that stipulation included in the Bill.

The Hon. Murray Hill and the Hon. John Carnie have raised other matters with which I agree, and I support their comments, particularly in relation to the regulation-making power to which the Hon. Mr. Hill has drawn attention to the possible difficulty that could arise in relation to bringing dogs into the park. At present, I support the second reading.

The **Hon. T. M. CASEY (Minister of Lands)**: I have listened attentively to members opposite expounding the theory that they want this park, known as Levi Park, to remain within the control of local government, in this instance the Walkerville council. If they had done their homework, they would have found that in 1948, when this park came up for grabs, it was given by the Levi family to the Walkerville council, and that council did not want it.

The **Hon. J. A. Carnie**: You know why.

The **Hon. T. M. CASEY**: Yes, and I will tell you. It was because it was a very untidy stretch of country. For the honourable member's sake, I will read from the evidence given to a Select Committee by a Mr. Elliott, as follows:

I was Town Clerk of Walkerville from 1937 to 1965. I have been Secretary of Levi Park Trust since its inception. The remarks I am about to make could be borne out by an inspection of the minute book and a report of the Select Committee that considered the original Bill on this matter. The property was left to Walkerville council. As soon as council knew about that it refused to accept the property because of its absolutely run-down condition.

He submitted figures to prove that that was the case. As a result, there was a confrontation between the Walkerville council and Mr. McIntosh, the then Minister of Local Government, who, incidentally, was a member of the Liberal Party, just as the Hon. Mr. Carnie and the other members opposite are. Mr. McIntosh appointed a representative of the Enfield council to the trust, and that is how the trust came into being. To suggest that the matter has been taken out of the hands of local government by having three members nominated by the Government on the trust is absolute rubbish, because local government did not want it in the first place and someone had to run it. Enfield council was prepared to help in this respect.

Now, the park has developed as a beautiful site, with a caravan park and also an area set aside for tents. It is a good money-spinning project. In all the evidence that I can find in the minutes of the Select Committee, there is no guarantee that this park will not in future be handed over to someone else. As a matter of fact, Mr. Elliott said that, if the trust had not been formed and if the Walkerville council had taken the park over, it would have been sold to developers in the meantime. The Government is afraid that this could happen in future; there is every possibility of it.

The Hon. Mr. Carnie has said that all caravan parks are run by local government, but that is not true. To my knowledge, the only caravan park in the metropolitan area that is run by local government is the Norwood Caravan Park run by the Norwood City Council. The other caravan parks, apart from private ones, are run by trusts or, in the case of the one at Glanville, by the Environment Department. It is not true for the honourable member to say that all caravan parks are run by local government. I admit that they are run by local government in country areas, with a 50 per cent subsidy from the State Government as a grant.

The **Hon. R. C. DeGaris**: All of them?

The **Hon. T. M. CASEY**: Yes. For the establishment or

improvement of caravan parks, the figure runs to 50 per cent of the total cost.

The Hon. J. C. Burdett: That's on the establishment.

The Hon. T. M. Casey: I said that it was for the establishment or for increasing the size of a caravan park.

The Hon. J. C. Burdett: There's no subsidy on running costs.

The Hon. T. M. Casey: A subsidy on running costs is not available. If the honourable member did his homework, he would find that a caravan park was one of the most lucrative businesses operating today. I have some information about Levi Park for the honourable member, as follows:

I refer to the excess of income over expenditure from 1948 to 1978, the period over which the trust has been operating. The aggregate excess amounts to \$155 143-30.

The Hon. M. B. Cameron: Is that why you want it?

The Hon. T. M. Casey: What is the name of the honourable member from the South-East? The statement continues:

This excess is a true reflection of the fine way in which the trust has administered this area. Over the period the caravan site fees have amounted to \$450 577-50, and the cost of building improvements over the same period amounted to \$90 961-48, park improvements amounted to \$34 934-32, and payments to the State of water rates in that period amounted to \$20 825-21.

That shows how lucrative a business this caravan park is, and the same thing applies to the West Beach Caravan Park, which is run by a trust. The Hon. Mr. Griffin has said that the Minister will have control over the Levi Park Trust: the Minister has control over the West Beach Trust but does not necessarily have to advertise his power. I would say that the Minister would be well advised to leave the management of the West Beach Caravan Park specifically to the trust, and he has said that that is his policy. He does not want to interfere with that at any stage but, under the Act under which the West Beach Trust operates, the Minister has the power in the same way as he is being given the power in the case of Levi Park.

However, there is no guarantee about the future, because the present Mayor or councillors of the Walkerville council may not be there, and the council may do something to get rid of that caravan park and the surrounding areas in future. I have inspected the Norwood Caravan Park, and it was my suggestion last year that that park should remain. Honourable members may recall that there was a move to do away with it and hand it to developers at that stage. We have few caravan parks near the city, and the turnover from visits by people, particularly from interstate, to the Norwood and Levi Park Caravan Parks is incredible. It would be sheer stupidity to do away with a park like Levi Park.

The Hon. J. A. Carnie: We wanted to keep it as a park. That's the point.

The Hon. T. M. Casey: There is no guarantee—

The Hon. M. B. Cameron: There's no guarantee that you'll keep it.

The Hon. T. M. Casey: Don't be ridiculous. We have put money into the West Beach Caravan Park. Surely the honourable member does not think that the Government would do away with parks that it had put money into. This caravan park is a lucrative business and the trust has done an exceptionally good job in the past, but I point out that all members of the trust have not been councillors from the Walkerville council. That council wanted to do away with tents in the Levi Park area. Some councillors said that they did not mind caravan sites or caravans, but they did not want tents, and intended to bring in a by-law to eliminate tents from the area.

It seemed that they did not want people to occupy Levi Park as tourists. I am astounded at the attitude of members opposite. If they do not want tourists to come to South Australia, and particularly to Adelaide, and stay at caravan parks that are close to the centre of the city (such as Norwood and Levi Park), there must be something wrong with them. Every now and again the Opposition asks what the Government is doing about tourism in South Australia but obviously it is not interested in expanding the tourist trade.

Tent dwellers as tourists are becoming more prevalent. Based on the latest figures, the number of tourists using tents is increasing much more than is the number of people using caravans.

An exceptionally fine area at Levi Park can be occupied by tents, but the council wanted to reject them, and did not want to encourage people to come into the metropolitan area, take advantage of facilities in the city, and be able to tour the Barossa Valley and Southern Vales. The Government believes that the only way to promote tourism is to accept this Bill so that Levi Park can be controlled in the same way as is the West Beach Trust. I cannot understand why the Opposition is hell bent on handing Levi Park to the Walkerville council.

The Hon. J. A. Carnie: How do you know?

The Hon. T. M. Casey: That council did not want it in the first place, and the reason was given in the report.

The Hon. R. A. Geddes: That was in the 1930's.

The Hon. T. M. Casey: No, that was in 1948. The council did not want Levi Park when it was worth nothing: now it is sorry because the land could have been sold to developers. The park has become a financially sound enterprise and suddenly the Walkerville council wants it. Perhaps in future the council may reverse its decision and sell the land to developers; there is always the possibility of that. Under Government control (as with the West Beach Trust) that will not be allowed, and I hope it never happens.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Creation and incorporation of trust."

The Hon. K. T. Griffin: I ask the Minister to report progress.

Progress reported; Committee to sit again.

PAY-ROLL TAX ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).
(Continued from Page 1832.)

The Hon. D. H. L. Banfield: Regarding the recovery of unpaid pay-roll tax without an assessment being issued, the Bill also makes a minor amendment to an administrative provision to facilitate the recovery of pay-roll tax when an employer furnishes a return but fails to pay the tax owing by him.

Since 1941, when pay-roll tax was first introduced, employers have made their assessments, furnished returns, retained a copy and forwarded a cheque with the return. The Bill seeks to have this practice continued. In 1941 pay-roll tax was under the control of the Federal Government but it is now controlled by each State Government. Now some firms delay sending the cheque, without seeking an extension of time for payment of pay-roll tax. They are just not sending a cheque. By the time the returns are processed, they have had the use of that money for the period involved. The Government wants the original practice continued, and to have the right to

collect the money without going through the process of sending out an assessment, because the employer knows what he owes.

The Hon. R. C. DeGARIS: Am I right in assuming that what the Minister has said is that, before the Commissioner can sue an employer, an assessment must be sent?

The Hon. D. H. L. BANFIELD: The Crown Law office has ruled that before a person can be prosecuted an assessment must be provided.

The Hon. R. C. DeGARIS: What the Minister has said is correct. The usual procedure is for the employer to furnish a return and send a cheque with it. Before the Commissioner could sue (before this Bill was introduced), an assessment had to be supplied to the employer. However, this Bill dispenses with the need for an assessment to be provided. The employer may have justifiable reason for not sending the cheque in the first place; he or his accountant may have forgotten to send the cheque when furnishing a return.

The Bill allows proceedings against a person straight away, and I believe some notification should be given before any action is taken. The provision is abrupt because, without any notice, a taxpayer can be prosecuted.

The Hon. D. H. L. BANFIELD: An employer is requested to pay. He is given notice before a summons is issued. That is done by correspondence. The letter is followed by a final notice before legal proceedings are taken.

The Hon. R. C. DeGARIS: Is that required by legislation?

The Hon. D. H. L. BANFIELD: No. The same procedure applies in business: firms sometimes send out two reminders and then a final notice. An employer has every opportunity to pay the sum he should have sent in with his assessment.

The Hon. R. C. DeGARIS: Although I am still not happy about it, I am willing to accept the explanation on the undertaking that there will be no prosecution without the taxpayer being advised by the Commissioner and being requested for payment. It would be wrong for a person to be prosecuted merely because he did not enclose a cheque with his return.

The Hon. D. H. L. BANFIELD: I can give that undertaking.

Clause passed.

Title passed.

Bill read a third time and passed.

HAIRDRESSERS REGISTRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 November. Page 1837.)

The Hon. T. M. CASEY (Minister of Lands): The Hon. Jessie Cooper asked why cosmeticians and beauticians were not included. Many years ago these people were taken out of the original legislation for some reason of which I am not aware, and I have been unable to obtain full information on this point. As they have not been included in the hairdressing trade, they were not included in the Bill, which deals specifically with hairdressers.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. JESSIE COOPER: I thank the Minister for his reply. If what he has said is the case, will he say what is the purpose of paragraphs (a) and (b)? Obviously, cosmeticians

and beauticians were covered under the Act before this Bill was suggested. Depilatory work is undertaken by beauticians and cosmeticians. The only area to which paragraph (b) does not apply concerning beauticians and cosmeticians is the making of wigs, and that continues until this Bill becomes law. As cosmeticians and beauticians are referred to, I do not understand the Minister's statement.

The Hon. T. M. CASEY: When cosmeticians and beauticians were removed from the Act, which applies exclusively to hairdressing, this provision should have been removed, too, but it was not.

The Hon. JESSIE COOPER: I understand that. What does the future hold for beauticians and cosmeticians? Is no registration contemplated for these groups?

The Hon. T. M. CASEY: I cannot answer that question, as it is up to the Minister of Labour and Industry to decide. Perhaps at some future time, if these groups require legislation, they will approach the Government and ask for an Act to cover them. I have not heard of such a request so far. If they make such a request naturally the Government will consider it.

The Hon. JESSIE COOPER: The Committee should be aware of the danger in which this Bill is putting the people of South Australia. Although there was some control before, the field is being left open. Cosmeticians and beauticians have dangerous procedures at their disposal, far more than do even hairdressers. The most dangerous procedure undertaken by hairdressers is the dyeing of hair, which has been claimed to be a cause of cancer. Look at the things that beauticians do to the face. I refer to spraying and the possible use of unsterile drops to the eyes which can be most dangerous. The Bill is most disturbing, and I will certainly question the Government in future.

The Hon. T. M. CASEY: Several years ago there was an attempt at some stage to include cosmeticians with hairdressers, but they objected strongly and wanted to form their own society. I would go further than the honourable member and refer to the dangers associated with a hairdresser's shaving a customer and perhaps slipping and cutting a lip. Anything could happen in those circumstances.

Clause passed.

Remaining clauses (4 to 8) and title passed.

Bill read a third time and passed.

POLICE REGULATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 November. Page 1833.)

The Hon. C. M. HILL: This Bill is the Government's final answer to the problems that arose when the Government dismissed the former Police Commissioner, Mr. Salisbury, on 17 January this year. Honourable members will recall that at the time there was a great public outcry in relation to that decision. There was a vast rally in Victoria Square, and petitions carrying 66 118 signatures were presented to Parliament. A Royal Commission was appointed to investigate the matter, and the Government announced its intention to legislate in accordance with the findings of that Royal Commission.

I announced publicly before that Royal Commission was appointed that I intended to introduce certain legislation to cope with the problems that arose as a result of the dismissal. I announced at the time that that legislation was intended to give protection against arbitrary dismissal, to ensure that the Parliament would debate the issue before dismissal became absolute, and to ensure that the law would then provide for suspension of the Police

Commissioner and the possibility of reinstatement if both Houses of Parliament did not agree with the reasons for the suspension.

On 2 August this year I introduced such a Bill, which was passed by this Council on 22 August. That Bill is still before the House of Assembly. The Bill that the Council is now debating has been passed by the House of Assembly, and provides for the removal of the Police Commissioner. It also deals with the question of removal of the Deputy Police Commissioner on the grounds of incompetence, neglect of duty, misbehaviour or misconduct, or mental or physical incapacity. This means dismissal, and the Commissioner, or Deputy Commissioner, has the right to appeal to the court for damages if the dismissed officer believes that he was wrongfully dismissed. That is the only recourse that is open to the Commissioner and Deputy Commissioner under this Bill.

In preparing this Bill, the Government has followed the recommendation made by the Royal Commission and contained in paragraph 3 on page 47 of its report. Under the heading "Answers to specific questions before the Royal Commission", is the following question:

Whether there is any reason to modify the prerogative rights of the Crown to dismiss the Police Commissioner.

The answer thereto is as follows:

Yes. The Police Regulation Act, 1952-1973, should be amended to provide that the Police Commissioner may be removed from office by the Governor for any of the causes to be specified in the amendment.

I oppose this Bill. In giving my reasons for so doing, I do not wish to repeat the detailed material that was used in the earlier debates in the Council. Basically, the same issues arise for debate. However, the matter was canvassed fully by honourable members on both sides of the Council and is recorded in *Hansard* on 2, 15, 16 and 22 August. In giving my reasons in brief, however, I reiterate, with respect, that I do not agree with the finding of the Royal Commissioner to which I have just referred. Also, I do not agree with the second finding, which came under the same heading and which gave the answer "Yes" to the following question:

Whether the decision of 17 January 1978 to dismiss Harold Hubert Salisbury from the office of Police Commissioner was justifiable in the circumstances.

In summary, however, I believe that the Police Commissioner should enjoy some independence. That point was made by the Royal Commissioner in her report. I submit that that independence assumes protection, and that it is not sufficient protection for the Police Commissioner to go to court for damages for wrongful dismissal. However, to have one's case heard and debated with the possibility of reinstatement is in my view the kind of protection that is needed by officers in positions such as those held by the Commissioner and Deputy Commissioner of Police.

That kind of independence and protection was afforded in my Bill. It is not afforded in the Bill now before the Council. Such independence and protection are not new. The idea has not been simply plucked out of the clouds. It is already on the Statute Book, and it applies to such senior officers as the Public Service Commissioners, the Auditor-General and the Valuer-General. In the case of the Valuer-General, it was introduced by this Government in 1971, when it introduced the Bill that established the office of Valuer-General in the State.

The provisions applying to those officers include the power to suspend and the Government's responsibility to report to Parliament the reasons for a suspension, and, if either House seeks an address to the Governor advocating dismissal, the officer concerned shall be so dismissed.

However, if neither House does so, the officer will be restored to his office. I believe that the office of Police Commissioner should be in the same category as that of the other officers to whom I have referred.

Leaving aside the protection aspect, in the Bill now before the Council the Police Commissioner has no independence. He can become a tool of Government, and legislation that allows that to happen is improper and dangerous. Indeed, I firmly believe that it is not the kind of legislation that is sought by most people in this State. I agree that the Police Commissioner must be responsible to Government but, at the same time, he must be given some independence. The Police Commissioner knows that without any reference to Parliament he can be dismissed if this Bill passes.

The Hon. D. H. L. Banfield: But that can happen now.

The Hon. C. M. HILL: It happened under the present law.

The Hon. D. H. L. Banfield: If the Bill passes, that won't make any difference.

The Hon. C. M. HILL: It is wrong under the present law and it is wrong under this Bill. Being given the right to seek damages for wrongful dismissal and to obtain damages does not erase the slur and the stigma attached to the original dismissal. In this respect suspension followed by reinstatement is bad enough, but it is not as damaging as is dismissal followed by a successful court appeal. In the one case the Commissioner may assume office again, but under this Bill his career is almost certainly irreparably damaged. Dismissal is final.

Apart from the interests of the person himself and of the Police Force, the public can be robbed of a good Commissioner. If this Bill passes, a good Commissioner can be dismissed, and that can be bad not only from his viewpoint but also from the viewpoints of the Police Force, the people and the State. I therefore cannot accept the argument that this Bill is better than the Bill that was earlier passed by this Council. Accordingly, I oppose this Bill. If it passes the second reading stage, I intend to seek to amend it to achieve the objects that lay behind my original Bill. At this stage, I oppose the second reading.

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

SOUTH AUSTRALIAN FILM CORPORATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 November. Page 1833.)

The Hon. C. M. HILL: I do not object to the proposed change in this Bill, whereby the advisory board within the Film Corporation's organisation will be dispensed with. The corporation has grown rapidly in status and reputation, and the advisory board, quite properly included in the corporation's original concept, is not now serving a useful purpose. I take this opportunity to congratulate all those associated with the corporation on its successful work, its achievements, and its standards of excellence.

In 1976, when I spent a week in Hollywood, I talked with senior people in the film industry there. It was most gratifying to hear their commendation of the South Australian Film Corporation. The Hollywood executives knew of the corporation's splendid record, the high reputation of its personnel, and the excellent climatic conditions and natural environment in South Australia for film making.

The Hon. F. T. Blevins: You don't think it is a waste of money?

The Hon. C. M. HILL: No.

The Hon. F. T. Blevins: You should persuade your colleagues.

The Hon. C. M. HILL: To whom is the honourable member referring? The Film Corporation deserves maximum possible support from the Government and Parliament, and the tidying up of the principal Act by deleting the reference to the advisory board is, in a small way, part of that support. I support the second reading of the Bill.

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

DEBTS REPAYMENT BILL, ENFORCEMENT OF JUDGMENTS BILL, AND LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference to be held in the Legislative Council conference room at 9 a.m. on Friday 10 November, at which it would be represented by the Hons. D. H. L. Banfield, J. C. Burdett, R. C. DeGaris, K. T. Griffin, and C. J. Sumner.

SWINE COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 8 November. Page 1833.)

The Hon. M. B. DAWKINS: The Swine Compensation Fund is largely financed from a stamp duty imposed in respect of the sale of pigs under section 14 of the principal Act. The effect of this Bill is to provide that the levy is to be fixed by regulation. The present amounts are to become maxima beyond which the levy cannot be increased. I welcome this Bill, which provides for a prescribed fee or levy not exceeding (and the words "not exceeding" are the operative words) 1c in \$3. The levy can be varied by regulation as required by the industry. At present too much money is being set aside by the levy in its present form, as the Minister has explained. I understand that the industry believes that a levy at the equivalent of half the present rate will suffice in the immediate future.

I consider that this Bill is a step in the right direction. I pay a tribute to the people in the pig industry in this State. They have sold their product extremely well and have built up the quality of pig meats and their acceptability in the minds of the people. Our pig breeders are amongst the best in Australia and deserve commendation on the buoyant state of the industry. They are like the poultry breeders, who have also built up their industry by good publicity and hard work. They have pulled themselves up by their own bootstraps, so to speak, and they are to be commended.

I refer now to the Bill that we dealt with about 12 months ago. It turned out to be unsatisfactory, in that it applied the present provision of 1c in \$3, which could not, as it stood, be lowered, and I commend the Government for introducing the measure before us so as to correct that anomaly. As the Minister has said, the present provision of 1c in \$3 is much more than adequate at present. When the previous Bill was returned from the House of Assembly, it had been amended in that way, and we were told that that was the specific desire of the industry. If that was so, I consider that the industry did not understand the

situation. I think the Minister was away at that time, and no blame was attributable to any individual. If the statement was made that it was the specific desire of the industry, there was a misunderstanding and it was not the fault of any person.

Although I was of the opinion then that that Bill would not do what the pig industry thought it would do, I nevertheless thought it would be wrong to try to amend it further at that stage. The Bill before us corrects the position in that it will be possible to fix the levy by regulation, according to the needs of the Swine Compensation Fund and the people who are closest to it in the industry and in the department. I have much pleasure in supporting the measure.

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

OLD ANGASTON CEMETERY (VESTING) BILL

Adjourned debate on second reading.
(Continued from 8 November. Page 1839.)

The Hon. M. B. DAWKINS: The Bill seeks to transfer to the District Council of Angaston a cemetery which is well over 125 years old and which has not been used for more than 100 years. In the circumstances, the logical thing to do is vest it in the Angaston council, and a Bill such as this is necessary to effect this transfer. A Select Committee in another place considered this Bill, and the committee had occasion to meet only once. It heard evidence from the Clerk of the Angaston council (Mr. Clive LePage) and Pastor F. Kummerow, of the Lutheran Church. The committee also received one written submission.

To my knowledge, no evidence opposing the Bill was given, and, in my experience, the best solution to a problem such as this is to hand over control and responsibility to the local council. In this case, the Angaston council has a laudable intention to restore the area, which is very dilapidated at present, I understand. The cemetery will be used as a park in such a way as will not be out of place having regard to former use. This being the case, I support the Bill.

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

SPICER COTTAGES TRUST BILL

Adjourned debate on second reading.
(Continued from 8 November. Page 1839.)

The Hon. M. B. CAMERON: The Bill is the result of the amalgamation of various churches in the State. The Spicer cottages were set up for a denomination that has amalgamated with the Uniting Church. I have read the evidence of the Select Committee in the other place, and no evidence was given either for or against, so we assume that there is no objection. I believe that it is logical to allow Ministers other than those of a particular denomination to use the cottages.

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

ADJOURNMENT

At 4.19 p.m. the Council adjourned until Tuesday 14 November at 2.15 p.m.