

LEGISLATIVE COUNCIL

Thursday 16 November 1978

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Administration and Probate Act Amendment,
Hairdressers Registration Act Amendment,
Housing Agreement,
Industrial Conciliation and Arbitration Act Amendment,
Libraries and Institutes Act Amendment,
Local Government Act Amendment (No. 3),
Old Angaston Cemetery (Vesting),
Pay-roll Tax Act Amendment,
South Australian Film Corporation Act Amendment,
South Australian Museum Act Amendment,
Statutes Amendment (Executor Companies),
Swine Compensation Act Amendment.

QUESTIONS

WORKMEN'S COMPENSATION

The **Hon. R. C. DeGARIS**: I seek leave to make a brief explanation prior to asking the Leader of the Government in this Chamber a question about workmen's compensation.

Leave granted.

The **Hon. R. C. DeGARIS**: Most honourable members would realise that workmen's compensation is a cost to production in South Australia, as it is in any State. Last night the Premier, in giving figures at a dinner, quoted the cost of workmen's compensation premiums for each employee employed in South Australia. From memory, the premium was \$182 per employee. That is the average premium paid by every employer for every employee in South Australia. He went on to say that South Australia had the lowest payment for workmen's compensation in Australia.

The **Hon. R. A. Geddes**: Is that the pay-out figure?

The **Hon. R. C. DeGARIS**: Yes. The pay-out was \$112 per worker in South Australia. As apparently the premiums paid amount to \$182 per worker and the pay-out is only \$112 per worker, and as most workmen's compensation insurance is now held by S.G.I.C., will the Minister in charge of S.G.I.C. take positive action to ensure that the workmen's compensation premiums in South Australia are reduced by at least 20 per cent?

The **Hon. D. H. L. BANFIELD**: I do not think it would be 20 per cent; it is the difference between \$120 and \$112.

The **Hon. R. C. DeGARIS**: I didn't say it was.

The **Hon. D. H. L. BANFIELD**: No. I will refer the question to my colleague.

ASBESTOS

The **Hon. N. K. FOSTER**: Has the Minister of Health a reply to my recent question about asbestos?

The **Hon. D. H. L. BANFIELD**: It is presumed that the report to which the honourable member refers is that mentioned in an article in the *Advertiser* on 13 September 1978 reporting comments by Mr. Joseph Califano, the United States Secretary of Health, Education and Welfare, on an as yet unpublished report of a Federal study of occupational cancer. A more detailed report of his comments appeared in *New Scientist* of 21 September 1978. Mr. Califano's comments suggested that 20 per cent of cancers in the United States in the future are likely to result from exposure to carcinogens at work and that asbestos will be a major cause of these cancers.

Many of the substances used in manufacturing industry in the United States are also used in South Australia using similar techniques. In recent years awareness of the hazardous nature of some of the materials used in industry has resulted in an improvement in working conditions and a reduction in the risk to workers. Nevertheless, it is difficult to determine whether chemicals, particularly known carcinogens, are safe. Some carcinogens have therefore been banned from use in industry in South Australia and special conditions are required for the handling of other highly toxic agents, under the provisions of the Industrial Safety, Health and Welfare Act, administered by the Labour and Industry Department. In the case of asbestos, evidence from studies in recent years suggests that the fibre is either a carcinogen or a co-carcinogen. Hence controls on the use of asbestos in manufacturing industry have been tightened, and the current situation regarding its use in South Australia may be summarised as follows:

Almost all the raw asbestos presently used in South Australia is used in the asbestos cement industry.

The hazards to users of asbestos cement in the building industry depend very much on how it is handled by the individual user. Special tools and techniques are available to control the dust generated. The risk to users of asbestos cement is low if appropriate precautions are taken.

Considerable quantities of asbestos were used in the shipbuilding industry in past years, some in ways now known to have been hazardous, but the use of asbestos in shipbuilding was rapidly phased out towards the end of the shipbuilding operations at Whyalla. The presence of asbestos in the existing shipping fleet will be a continuing source of hazard to those carrying out repairs to ships.

Asbestos was widely used in thermal insulation and for fire protection in multi-storey buildings but may no longer be used for this purpose in South Australia without the permission of the Chief Inspector of the Labour and Industry Department. The asbestos in existing buildings and industrial plant presents a hazard during repair, maintenance, alteration, demolition, and similar operations, and workers involved in such activities should take appropriate precautions.

The Health Commission is trying to obtain for evaluation a copy of the study referred to by Mr. Califano.

OFF-CAMPUS ACCOMMODATION

The **Hon. K. T. GRIFFIN**: I seek leave to make a short statement before asking a question of the Minister of Health, representing the Attorney-General, about the Residential Tenancies Act.

Leave granted.

The **Hon. K. T. GRIFFIN**: Adelaide University, Flinders University, and other tertiary institutions in South Australia provide off-campus accommodation for students. In recent years they have developed a

programme of acquiring houses when finance is available and adapting them to accommodate up to about six students in each house. Apparently, each student, when accepted for occupancy, signs an agreement with the tertiary institution in the nature of a licence to occupy, but the agreement is current only while the student is a student at the particular institution. The rent charged each student is at present about \$10 a week and it is a subsidised rent.

The various tertiary institutions consider it important to undertake this programme, which is for the benefit of their students. However, this particular activity seems to fall foul of the Residential Tenancies Act in a number of respects. The premises are not available to the public in general, there is some discrimination against tenants with children, the occupancy ceases when the student ceases to be a student at the institution, and there are restrictions on subletting. The activity also falls foul of the Act in a number of other areas.

I understand that application has been made to the Attorney-General and to the Registrar appointed under the Residential Tenancies Act for exemption from the provisions of the Act, under section 8, but that has been refused. The institutions have not been able to get from the Registrar a clear and binding policy statement about this accommodation. If they cannot get exemption, no further houses will be acquired to provide off-campus accommodation, and the student subsidised housing scheme will taper off dramatically.

Will the Minister inquire into this question as a matter of urgency? Will he have the universities and other tertiary institutions exempted from the provisions of the Residential Tenancies Act in respect of their off-campus housing? If the Minister will not grant that exemption, will he give his reasons for the refusal and say what action he suggests the institutions should take, in the light of that refusal, to satisfy the obvious need and demand for off-campus accommodation?

The Hon. D. H. L. BANFIELD: I will take the matter up with my colleague.

SAMCOR

The Hon. R. A. GEDDES: I seek leave to make a statement before asking the Minister of Agriculture, representing the Minister of Transport, a question regarding carrying cattle and other stock to Samcor.

Leave granted.

The Hon. R. A. GEDDES: Is the Minister aware of the situation regarding the transport of livestock, especially cattle, to the Gepps Cross abattoir at present? Because of the excellent season in most pastoral areas, stock is weighing heavier than usual, as a result of which the drivers of stock transports are being stopped and being charged with overloading, and heavy fines are being imposed. The Minister would realise that it is equally as dangerous to stock to load a stock truck without sufficient stock in it as it is to overload.

The Hon. M. B. Cameron: It is fairly hard to weigh them on the stations, too.

The Hon. R. A. GEDDES: That is so. Because of weighbridge inspections in South Australia, most of the north-eastern cattle trade, which has no railhead, is being diverted from the traditional Gepps Cross market to New South Wales and Queensland. Will the Minister approach the Minister of Transport, point out the significant loss that could be involved to Samcor, and ask for an exemption for stock cartage for at least the present boom season?

The Hon. B. A. CHATTERTON: This matter has not

been reported to me previously. I will certainly have it investigated, and take up the matter with the Minister of Transport to see whether there is any possibility of solving the problem.

PENALTY RATES

The Hon. J. E. DUNFORD: Has the Minister of Health, representing the Minister of Labour and Industry, a reply to the question I asked on 17 October regarding penalty rates?

The Hon. D. H. L. BANFIELD: The Minister of Labour and Industry has provided the following information in response to the honourable member's seven-part question:

1. Penalty rates are a matter of industrial agreement or of awards. The general award standard does not provide for Sunday penalty rates to be three times the normal rate for ordinary hours at work. The Hotels, Clubs, etc., Award and the Motels Award provide that "back of the house" employees (that is, chefs, kitchen hands, waiters and house staff) be paid time and three-quarters for the first eight hours on a Sunday whether in ordinary time or overtime, and double time in excess of eight hours. "Front of the house" (that is, bar) staff receive double time for all time worked on a Sunday. The Cafes and Restaurants Award provides that employees who work on a Sunday receive payment at double time. I do not know whether any individual agreements provide for triple time, but, if so, it would be because the employers concerned were willing to pay such rates.

2. The effects of a major change in industrial conditions are very difficult to estimate. A survey of a number of country motels, recently reported in the press, suggests that family trade has declined, with the result that the motels in question are suffering from under-utilisation of capacity. This could be just as significant in both their price structure and their ability to employ as are questions of internal costs.

3. Resources are not available to compile an accurate answer in regard to this State or for Australia overall. However, page 20 of the recently released final report of the House of Representatives Select Committee on Tourism indicates that the Australian Tourist Commission estimates that, over the next decade, if given adequate promotion overseas, tourism into Australia would grow at 10 per cent a year. Another indicated estimate by the commission is that visitors from overseas provide about 20 per cent of the total industry revenue and, given adequate promotion, this proportion would rise to 28 per cent by 1985 (page 47).

4. This is not known, but no comparative figures are provided in the report of the Select Committee on Tourism. The committee nevertheless saw fit to conclude that "the present wages conditions in the tourist industry provide a positive competitive disadvantage to the Australian tourist industry *vis-a-vis* other countries" (page 80).

In Europe and the United States of America actual charges to tourists are inflated by a universal practice of paying gratuities at higher levels than appear to be customary in Australia.

5. No information is available, as no major survey seems to have been undertaken on this question.

6. The most recent A.B.S. statistics on multiple job holding indicates that 2.7 per cent of members of the Australian work force hold more than one job. However, this figure includes various forms of part-time work and does not indicate the number of full-time job vacancies that would become available if the proposal mentioned in

the question was adopted.

7. Since conditions vary so much from industry to industry, it is difficult to make a general statement in relation to this question. Current overtime working is at a very low level by historic standards and it could be expected, in the event of an economic up-turn, that overtime working would increase before new employees were engaged on a substantial scale. In situations of fluctuating demand it is sometimes more economic to increase overtime working rather than engage additional labour.

ALDINGA BEACH

The Hon. C. M. HILL: I seek leave to make a statement prior to directing a question to the Minister of Fisheries on the subject of the aquatic reserve at Aldinga.

Leave granted.

The Hon. C. M. HILL: The Aldinga Beach Residents' Association has been very concerned since August this year about a proposal and plans to build a waste water drain to discharge into St. Vincent Gulf at locations adjacent to the north and south ends of the Aldinga reef, which is an aquatic reserve set up and maintained by the Agriculture and Fisheries Department. Despite approaches to the Environment Department and the Agriculture and Fisheries Department by the Aldinga Beach Residents' Association, the Scuba Divers' Association of South Australia and the Oceans Society of Australia (S.A. Division), the Willunga council was given permission by the Coast Protection Board to build the drainage system.

This work is going ahead very rapidly, I am informed, and is of great concern to these groups, as it is feared that the consequent influx of polluted waste waters will have a very bad effect on the marine life of the reef. First, did the Agriculture and Fisheries Department receive a letter from the Aldinga Beach Residents' Association early in September this year regarding this matter? Secondly, was the Aldinga Beach Residents' Association's concern conveyed to the South Australian Marine Research Advisory Committee? Thirdly, was a meeting of the South Australian Marine Research Advisory Committee planned for 16 October this year and then cancelled? Finally, does the Minister consider that a drainage system such as I have explained will have a detrimental effect on the Aldinga reef aquatic reserve and, if he does not, will he give the reasons why not?

The Hon. B. A. CHATTERTON: As far as I am aware, there was a letter from the Aldinga Beach Residents' Association to the department relating to the alteration to the drainage in that area. I am certainly not aware of any Marine Research Advisory Committee meeting being cancelled but, if it was, I will find out why. The Agriculture and Fisheries Department has prepared a report on the question of the aquatic reserve in that area which I have forwarded to the Minister of Local Government and the Minister for the Environment. I do not think I need comment on the aquatic reserve: it is an area where marine biologists have great capabilities, and I do not think my personal views are necessary.

The Hon. C. M. HILL: I should like to pursue the point that I think has been overlooked by the Minister. I appreciate that the asking of four questions may be difficult for any Minister to take in immediately. Rather than let the matter rest with the Minister's reply, I shall pursue the matter and again ask: does the Minister consider that this proposed drainage system, which apparently is being implemented, has or does not have an

adverse effect upon the Aldinga reef aquatic reserve? That is the vital point in this whole matter.

The Hon. B. A. CHATTERTON: I can only go on the report I have received from my departmental officers which, as I pointed out earlier, has been passed on to the Minister for the Environment and the Minister of Local Government. That report does not come down conclusively saying that the proposed scheme creates damage. It suggests some modifications. That is as far as the report goes. I have forwarded it to the Minister responsible in this connection.

AIR FARES

The Hon. N. K. FOSTER: Yesterday I asked the Minister of Tourism, Recreation and Sport a question about international cut-price air fares. During a conversation the Minister told me that he would endeavour to have further information made available. Has the Minister received further information from any responsible person?

The Hon. T. M. CASEY: As I indicated yesterday, I was very concerned about the publicity given to the effect of cut-price air fares from Australia to other countries, but no real publicity had been given to the fact that cut-price air fares can work in the interests of Australia; I am referring to air travel by visitors to Australia from other countries. We know how large the tourist industry is: it is probably one of the biggest industries in the world today. Indeed, it is probably the biggest industry in the United Kingdom and in Switzerland.

The Hon. R. A. Geddes: The United States of America?

The Hon. T. M. CASEY: I would not say that the tourist industry was the largest industry in that country. Nevertheless, it could markedly contribute to the Australian situation. Yesterday, I told the Hon. Mr. Foster that I would take up this matter with the Federal authorities to see exactly what the situation was as regards air travel from other countries to Australia and whether the cut-price fares applied both ways. I telephoned Mr. Lynch yesterday afternoon, but unfortunately, because he was at a Cabinet meeting, I could not speak to him. However, Mr. Nixon telephoned me today, and I am very grateful for the information he gave me. He said that the American airline, Continental, in the interim period was not very interested in the policy of cut-price fares, but I now understand that that airline will be given permission to bring passengers to Australia at cut-price fares. So, several airlines will be operating between the United States and Australia. As I said yesterday, this can benefit the Australian tourist industry, because people on the West Coast of the United States are anxious to come to Australia, particularly because of the value of the American dollar on the world market; it is probably better for people to spend their dollars in Australia, rather than in Europe or Japan. This will help Japanese tourists in the same way. I am grateful to the Federal Minister for supplying me with this information, and I hope it will be in the best interest of the Australian tourist industry when we can get more money from American tourists.

UNEMPLOYMENT

The Hon. N. K. FOSTER: Has the Minister of Health an answer to my recent question about unemployment?

The Hon. D. H. L. BANFIELD: The Minister of Labour and Industry has advised me that he will continue to take every opportunity to renew the representations that he has

made to the Federal Government over the last three years that the income tax receipts and savings on social service payments, which accrue to the Federal Government as a result of State-financed unemployment schemes, should be rebated to the State in order to allow it to expand the scope of these schemes. I hope all South Australian representatives, irrespective of Party, will support his action.

PORT ADELAIDE SPORTS COMPLEX

The Hon. R. C. DeGARIS: Has the Minister of Tourism, Recreation and Sport made any further inquiries regarding what I thought was an implication made yesterday in a question by the Hon. Mr. Foster about the ownership of a property at Port Adelaide?

The Hon. T. M. CASEY: The property referred to is owned by Massey-Ferguson, and the information conveyed to me is that the person mentioned has no financial interests in that property.

The Hon. N. K. FOSTER: I seek leave to make a short statement before directing a question to the Minister of Tourism, Recreation and Sport about this matter.

Leave granted.

The Hon. N. K. FOSTER: May I remind the honourable gentleman who just preceded me that if he were to look at yesterday's *Hansard* pull, regarding which there have been no representations made by me to any member of the *Hansard* staff with a view to making any form of alterations whatsoever, unlike the case with many members on the other side of the Chamber—

The Hon. R. C. DeGaris: Question!

The Hon. N. K. FOSTER: I did not interrupt you when you were speaking.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: Is the Minister aware whether the owners of the Port Adelaide building in question consider that their interest in its sale may be served by discussions they have had with the Mayor of Port Adelaide?

The Hon. T. M. CASEY: I have not heard anything to that effect.

The PRESIDENT: Call on the business of the day.

The Hon. N. K. Foster: I'll call "Question" on you three on the front bench next week.

The Hon. R. C. DeGaris: When I behave like you—

The PRESIDENT: Order! I have called on the business of the day.

The Hon. N. K. FOSTER: I rise on a point of order, because I believe that the Leader of the Opposition has taken a grave and unfair advantage of you in this place, Mr. President. He waited for you to be engaged with your duties in the Chair and, although I seek no withdrawal of the remark he just made, I can expect that any remarks I direct to him in a similar vein in future will be equally disregarded.

The PRESIDENT: That is not a point of order.

The Hon. N. K. Foster: No, but it's going on the record—

The PRESIDENT: Order!

The Hon. N. K. Foster: —and he'll get "Question" called every time next week.

The PRESIDENT: Order! The Hon. Mr. Foster, when he is called to order, will come to order, the same as everyone else in this Chamber.

PRICES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

Amendments to three areas of the principal Act are achieved by this short Bill. First, it renews the temporary provisions of the principal Act for another three years, as foreshadowed in last year's debate. As a matter consequential to the extension of temporary provisions, section 18b, which was inserted when the whole Act was temporary, is amended so that an annual report is required each year rather than just for 1971.

Secondly, it repeals and re-enacts section 11 of the Act relating to attempts to prevent the exercise of powers by authorised officers. This section as it stands relates only to the original powers of inspection and seizure in connection with price control and, as such, is quite out of date, as well as being unnecessarily complex. The new provision, which is less complex in its drafting, covers all the powers now conferred on authorised officers.

Thirdly, it extends the power of the Commissioner to receive, advise upon, investigate and resolve complaints, conduct research and undertake programmes of consumer education in relation to real property transactions, as well as transactions involving goods, services and credit facilities.

The largest purchase the average consumer ever makes is the purchase of a home (many never make it, because it is so large a purchase), and it is clearly anomalous that in that purchase alone, out of all the purchases made by the consumer in his lifetime, the Commissioner has no clear power to help him. Members will no doubt recall the recent incident reported in the *Advertiser* of 28 October where a number of Salisbury homebuyers wrote mortgage payment cheques on plastic bags, mattresses and lavatory pans as a protest against the sales methods of Hollandia Homes. This case is surely a clear demonstration of the need for this power. The Commissioner has been receiving complaints about companies in the Hollandia group since 1973, and although some assistance has been given much more could have been done if there had been authority to do it. It is not stretching matters too far to suggest that some of the people who are now in difficulties might not be if the Commissioner had already been given the power now sought.

It is no answer to say that the Land and Business Agents Act is a code of protection in real estate transactions and that aggrieved consumers should approach the Land and Business Agents Board. The Act is not a code and the board is neither designed nor equipped to help in these circumstances. The Land and Business Agents Act, as its title implies, is primarily about regulating the activities of land agents and business agents, and Part X of the Act, in making a number of provisions relating to sales of land and businesses (principally provisions for a cooling-off period and for the furnishing of information) could hardly be said to constitute a comprehensive code for land transactions. The Real Property Act, Law of Property Act, Planning and Development Act, and several others give the lie to that contention.

The principal functions of the Land and Business Agents Board are the *quasi* judicial ones of licensing and disciplining land agents and business agents, and it has no expertise or resources for taking on the administrative tasks of advising, investigating, researching or educating as are proposed under this amendment. This amendment is about all consumer purchases of land, not just where

licensed agents are involved and where the complaint involves the conduct of the agent. Nor would it be appropriate for the board to execute such tasks, especially when the Commissioner for Consumer Affairs undertakes identical tasks in respect of every other transaction the consumer is involved in. It is clear that there have been a number of large-scale real estate rip-offs in the past—

The Hon. C. M. Hill: Why don't you name the people involved?

The Hon. D. H. L. BANFIELD: If you want me to name the people involved I can certainly do that. The honourable member, as a representative of people, would no doubt know that there have been problems in this area. The Hon. Mr. Hill is involved in this area, and he—

The Hon. C. M. Hill: I rise on a point of order. I take objection to the Minister's saying that I am involved in this area. That is not so, and I ask him to withdraw.

The Hon. D. H. L. BANFIELD: If the Hon. Mr. Hill can assure me that he is no longer interested in the real estate area, then he had better take his name off the list.

The PRESIDENT: Order! There was nothing unparliamentary in what the Minister said. We do not want this to develop into a personal argument during a second reading explanation.

The Hon. C. M. Hill: I rise on a further point of order. The Minister mentioned the word "rip-offs" and, unless he can substantiate it, it is unparliamentary.

The Hon. D. H. L. Banfield: How pure the land agent must be! "Thank God I am pure," say the land agents!

The PRESIDENT: Order! If the honourable Minister wishes to play the game, I think he will continue with his second reading explanation.

The Hon. D. H. L. BANFIELD: People might object to some of your actions.

The Hon. C. M. Hill: I take a point of order, Mr. President. The Minister just talked about rip-offs that I am involved in. Let him name them, or withdraw that statement. I insist that he withdraws it, unless he substantiates his claim.

The Hon. D. H. L. BANFIELD: I said that the Hon. Mr. Hill "may be" involved in them.

The Hon. C. M. Hill: I will not accept that, Mr. President. I do not want any implication that one may be or may not be. I want the Minister to substantiate his statement or to withdraw it.

The PRESIDENT: The Minister has been asked to withdraw.

The Hon. D. H. L. BANFIELD: There was a time when the Murray Hill Development Company distributed literature in the south-east at the time of the MATS Report. Is that not skulduggery?

The PRESIDENT: In that case, you do not intend to withdraw?

The Hon. D. H. L. BANFIELD: You are right.

The Hon. C. M. Hill: The Minister in his explanation talked about some skulduggery during the era of the MATS plan. He referred to a situation that was explained fully in this Chamber, and I would have hoped that that was accepted by honourable members and did not involve skulduggery.

The PRESIDENT: Order! The situation has reached a stupid stage. I am not clear on what words the Hon. Mr. Hill is objecting to. Perhaps a personal explanation would be in order regarding the objectionable word.

The Hon. C. M. Hill: I personally object to the word "rip-off", unless the Minister can make a further explanation.

The PRESIDENT: How is the word used? Was it in reference to the honourable member?

The Hon. C. M. Hill: He implied clearly that I have

been involved in a rip-off, and I take strong objection to it and ask him to withdraw.

Members interjecting:

The Hon. D. H. L. BANFIELD: It is interesting that the Hon. Mr. DeGaris had to tell the Hon. Mr. Hill what he thought I said, because he did not know it himself. There have been many real estate rip-offs—that is what I said. What about Hollandia? What is this Bill all about? The honourable member cannot tell me that Hollandia was not a rip-off. What about Amadio?

The Hon. C. M. Hill: Explain it.

The Hon. D. H. L. BANFIELD: Does the honourable member not think that they were rip-offs?

The Hon. C. M. Hill: Give the explanation—

The Hon. D. H. L. BANFIELD: The honourable member knows that Hollandia and other people have been involved in rip-offs, and there is no reason to suppose that more rip-offs will not be attempted in future. There is a real and urgent need for the Commissioner to have power to intervene in these cases before yet more South Australians lose their life savings. Therefore, I commend to the Council the clause that seeks to amend the definition of consumer. If anyone has lost reputations, it is real estate agents. They have either lost their reputation or enhanced it as crooks.

The PRESIDENT: Order! Does the honourable Minister want to give a second reading speech or not? I am certain that part of what he is saying is not in the second reading explanation. I would be surprised if it is. I suggest that, for the orderly running of the Council, he should continue with the second reading speech and that members trying to assist him from his side or trying to debate it from the other side listen to the speech.

The Hon. D. H. L. BANFIELD: Second reading speeches are not necessarily confined to printed matter. We have found that out from members opposite regarding private members' business. I commend the Bill to honourable members.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (No. 2)

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

It is intended to amend the Act in order to extend the existing requirement for land division approval to allotments in excess of 30 hectares, and concurrently to delete the provision which presently allows separate titles to be obtained automatically for pieces of land traversed by a physical separation such as a road, drain or creek. The present position in relation to land division controls is that the approval of both the Director of Planning and the relevant local council is required for the creation of allotments of up to 30 hectares (80 acres), but no approval is required for allotments of 30 hectares or more. Where allotments in excess of 30 hectares are proposed, titles are obtained simply by the formality of an application to the Land Titles Office for the titles to be issued.

The arbitrary 30-hectare size limit on land division controls is giving rise to a number of serious consequences including demands for unwarranted expenditure on the part of State Government agencies and local councils which neither can responsibly meet. These demands relate

to provision of such services as roads and water supply where they are simply uneconomic to provide. General agreement exists that the State Government and councils should be able to consider the effects of subdivision of less than 30 hectares in terms of demand for public services and expenditures, environmental deterioration and adverse effect on full-time primary production. There is no reason for believing that these things cease to be relevant when allotments reach 30 hectares, but the 30-hectare limit on controls has meant that councils are unable to give proper consideration to the growing number of subdivision proposals which create allotments of more than 30 hectares.

Proper planning consideration of those potential impacts, and prior approval for land division would enable us to avoid some of their consequences. During 1977 some 750 30-hectare allotments were created in 140 localities, particularly in the Mount Lofty Ranges, Western Murray area and Fleurieu Peninsula. This is an accelerating trend and is now evident on the Yorke Peninsula, Kangaroo Island and elsewhere. It is a trend which increasingly places both councils and State Government agencies under pressure to provide services to 30-hectare allotments, and a number of councils have expressed concern about the burden placed upon them as a result and urged that the arbitrary limit be abandoned.

I can give members two striking cases which illustrate the problems. The first example concerns some remote coastal land on Kangaroo Island. The District Council of Kingscote has expressed concern about a recent subdivision in its area creating over 90 separate blocks in the Snug Cove area of Investigator Strait, each lot being slightly in excess of 30 hectares, many with coastal frontages. A demand for services, including roads, is inevitable. At present, neither the original homestead nor any of the allotments possesses access to a surveyed or "surfaced" road. The only major road in the area stops short of the allotments by some kilometres. The area is one of high rainfall. It is subject to flooding and has flood prone creeks requiring construction of expensive culverts in order to maintain roads in an operable condition. Construction of those facilities is beyond the means of the council.

Kingscote council is also concerned about the burdens placed on council by the problems of absent owners, fire and weed control, and other similar services. Information available to council suggests that there are other similar proposals being currently considered in the area, especially along the northern coastline of Kangaroo Island, and in view of this they see an urgent need for legislation to provide subdivision control to prevent the subdivision of properties at considerable financial benefit to vendors but with no resultant responsibility to assist in financing the facilities, the demand for which arises solely from their subdivision activity.

The second pertinent example illustrates the cost to the State Government of this uncontrolled creation of rural allotments, and concerns the property once known as the Highland Valley Pastoral Company, in the Strathalbyn council area. Forty-nine allotments of 30 hectares each were created and, since no control applied, neither the council nor the Director of Planning was consulted as to whether the subdivision would be in the best interest of the district. To date, 15 houses have since been built on the land, now housing some 40 people, mostly young couples, taking for granted normal urban services, particularly reticulated water supply. No reticulated water is available to that district.

A feasibility study into water supply in the Callington-Woodchester-Strathalbyn area was undertaken and it was

found that, in relation to three possible proposals, costs ranged from \$1 300 000 to \$2 750 000, the first cost being for supply to only 71 people. Revenue return on that scheme would have been a mere .18 per cent of capital costs, whilst the other more extensive schemes were even less economic. Between the time that that study was undertaken and the aforementioned houses were built, costs have increased significantly but the projected revenue return has remained stable. Supply of water to these houses is totally uneconomic.

This situation has been known in the area for some time, yet the new residents of the area are demanding a water supply now that they are settled. In each of the Kangaroo Island and Strathalbyn cases that I have outlined, the subdivision should not have occurred. The same can be said of much of the indiscriminate land division taking place in various parts of the State.

In summary, the 30-hectare upper limit on our land division controls is quite arbitrary, and the consequences of indiscriminate land division include serious uneconomic demands for services, and difficulty in controlling subsequent development on the land. The effect of the amendment now proposed will be to extend the requirement for land division approval to allotments of any size. Proper and responsible consideration will be able to be given to land division applications, including consideration of questions of reasonable access, water supply, environmental consequences, etc. That will not have the effect of precluding the development of hobby farms and rural retreats in appropriate areas, nor will it preclude farmers from dividing off parts of their properties for sale to adjoining farmers and consolidation with those farms.

It will entitle the local council or the Director of Planning to refuse approval in cases where the land division proposal is unreasonable. In all cases of refusal a right of appeal to the Planning Appeal Board will be available. Similarly, the associated amendment, which will require that prior approval be obtained to create separate allotments where an existing lot is traversed by a road, for example, will simply entitle the council or Director to refuse approval in cases where the proposal is clearly unacceptable and sound grounds for refusal exist. Again, rights or appeal will be available in those cases.

The Bill is designed to have effect from the date of introduction of the measure. I understand that the Bill will have wide support from local councils, which along with this Government view the present situation with considerable concern. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the proposed amending Act is to be effective from 19 September 1978, that is, the date of introduction into the House of Assembly. Clause 3 amends section 5 of the principal Act. The definition of "allotment" is narrowed by excluding from its ambit portions of separately defined pieces of land that are physically bounded by an intersecting space such as a road, drain or railway. Thus, it will no longer be possible to argue that a given piece of land automatically constitutes an allotment simply because, on the plan, the allotment is traversed by a line representing, notionally or physically, a feature such as a road, drain or creek. Paragraph (iv) of the definition of "allotment" is removed by way of consequential amendment.

The remaining amendments bring within the ambit of subdivisional control allotments of more than 30 hectares

in area. With this end in view, paragraph (v) of the definition of "allotment" is removed, and the present exclusion of allotments of more than 30 hectares is removed from the definitions of "plan of subdivision" and "plan of resubdivision". Clause 4 makes a consequential amendment to section 44 of the principal Act. Clause 5 is a savings provision.

The Hon. C. M. HILL secured the adjournment of the debate.

PIPELINES AUTHORITY ACT AMENDMENT BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

When the South Australian Government purchased the Commonwealth interest in the Cooper Basin and set up the South Australian Oil and Gas Corporation, it was envisaged that the funding of exploration would be undertaken by revenue grants. The first grant for this purpose of \$5 000 000 was made available in the 1977-78 Budget. In the present Budget it is proposed, however, that the \$5 000 000 previously granted, together with the \$12 000 000 contributed towards the purchase price of the Commonwealth interest, should be paid back by the Pipelines Authority.

South Australian Oil and Gas is a public company under Government control, but is not subject to the limitations imposed by the Australian Loan Council. It was hoped that the company would be able to borrow from private financial institutions in order to fund its future activities, particularly the \$29 000 000 of capital that would be required once the Redcliff petro-chemical proposal proceeded. While certain borrowings will be made by the company from private sources, it has become clear that the exploration programme envisaged by the Government cannot be funded by permanent borrowing by South Australian Oil and Gas, as it would be unable to provide the necessary security to potential loan-holders.

In the circumstances, where the Government is not able to make significant revenue grants to South Australian Oil and Gas, alternative proposals have been considered. As an initial step, consideration has been given to permitting the Pipelines Authority to increase its current selling price of natural gas in order to make a profit which can be directed towards exploration. Inquiries made by South Australian Oil and Gas show that the South Australian Gas Company and the Electricity Trust of South Australia could cope with an increase in the price of gas, which would be required to achieve this result. In the first instance, only approximately 50 per cent of the exploration programme would be funded in this way.

In the case of the Electricity Trust of South Australia, any price increase can be accommodated within the tariff recently approved, without a further tariff increase being required for at least another 12 months. The South Australian Gas Company has not had an increase in price for some time and no doubt will be negotiating a price increase in the relatively near future. That price increase to customers would have to accommodate the proposed change in the price of gas.

The manner in which the Pipelines Authority would contribute its funds for exploration to South Australian Oil and Gas would probably be in the form of a special class of deferred share which could be issued with dividend and liquidation rights and are subordinated to the rights of the existing shareholders. However, the issue of

debentures by the company, instead of capital, is also a possibility.

It is envisaged that an exploration programme for 1979 of approximately \$5 000 000 could be funded by South Australian Oil and Gas, financed partly through borrowing. In succeeding years the levy on the transport of gas would have to be increased so that the borrowing could be eliminated progressively and the adverse impact on an ability of South Australian Oil and Gas to raise other funds avoided.

The Pipelines Authority already has power under section 10aa of the principal Act to purchase a share in the equity of South Australian Oil and Gas. However, because of the form of section 15 there is some doubt as to whether profits can be applied for that purpose. This Bill is designed to resolve that doubt.

I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clauses 2 and 4 update obsolete references to Acts that have now been repealed. Clause 3 amends section 10aa to make clear that the Pipelines Authority can purchase debentures issued by a company with interests in petroleum resources, as well as a share in its capital. Clause 5 makes clear that the Pipelines Authority can deal with its surplus profits in any manner approved by the Treasurer.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

POLICE PENSIONS ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It amends the Police Pensions Act upon two separate subjects. First, the power to invest the superannuation fund established under the principal Act is substantially widened. At present the fund can only be invested with the Treasurer, in trustee securities, or in local government securities. The Public Actuary has recommended that the powers relating to investment of the fund be widened to conform to the corresponding provisions of the Superannuation Act. It is considered that an extension of the powers of investment will make possible a higher rate of return on the assets of the fund and will thus offset the effect of inflation on salaries and hence pensions.

Secondly, the Bill deals with the age of entrance to the Police Pensions Fund. Last year an amendment was made to the regulations under the Police Regulation Act reducing from 20 years to 19 years the minimum age at which a person may be appointed as a member of the Police Force. The first appointment of recruits under the age of 20 years occurred in September 1978. As the Police Pensions Act stands at the moment these members, on joining the Police Pensions Fund, will be required to contribute 5.1 per cent of salary to the fund. By contrast, a person of similar age joining the South Australian Superannuation Fund would contribute 5 per cent of salary to that fund. The present Bill therefore amends the second schedule of the Police Pensions Act to reduce to 5 per cent the proportion of salary to be contributed to the

fund by a contributor who joins the fund at less than 20 years of age.

Clause 1 is formal. Clause 2 expands the powers of investment relating to the Police Pensions Fund. Clause 3 inserts a new schedule providing for the case of a recruit under the age of 20 years joining the fund.

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

WORKMEN'S COMPENSATION (SPECIAL PROVISIONS) ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It amends the principal Act in two respects. First, it extends the life of the Act for two years, from 31 December 1978 to 31 December 1980. This extension of the Act is justified in view of the comprehensive review of the law relating to workers' compensation law that is currently taking place. It would be premature to deal conclusively with sport-related injuries before the committee's report comes to hand. Secondly, the Bill excludes full-time professional sportsmen from the provisions of the principal Act. There seems no reason why employees of this category should not be covered by workers' compensation insurance in the ordinary way. The Bill defines a professional sportsman as a person who derives his entire livelihood, or an annual income of more than a prescribed amount, from participation in sporting contests or related activities.

Clause 1 is formal. Clause 2 exempts professional sportsmen from the provisions of section 2. The effect of this exemption is that professional sportsmen will in future be treated in the same manner as other employees. Clause 3 extends the life of the principal Act to 31 December 1980.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

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

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

That this Bill be now read a second time.

Its object is to establish a register of information relating to the sources of income and financial interests of members of Parliament, electoral candidates and their immediate families. The Bill is based on substantially the same principles as the Bill that lapsed in this Council at the end of last session. The reintroduction of this measure rests on the Government's belief that members or prospective members of Parliament, as trustees of the public confidence, ought to disclose the particulars required by the Bill in order to demonstrate both to their colleagues and to the electorate at large that they have not been, or will not be, influenced in the execution of their duties by considerations of private personal gain.

It is based on the Government's belief that, in the

exercise of their duties, legislators should place their public responsibilities before their private responsibilities. When the Bill was first introduced to the Parliament it received widespread support, and the announcement that the Bill was to be reintroduced has again brought strong support from the media and all persons concerned to ensure probity in public life.

When the Bill was previously before the House, suggestions were made by honourable members opposite that the legislation had been introduced hastily and for some supposed short-term personal gain arising out of the Lynch affair. Regrettably, the passing into history of that sordid matter has not seen the end of allegations of a most serious nature against members of Parliament in this country. Only recently, there have been most damaging allegations of political bribery in the Western Australian Country Party; there have been continuing land scandals in Victoria, with the eventual resignation of a Minister of the Crown as a result; and there is a feeling abroad in the community that further financial scandals involving Federal Government Ministers and tax avoidance and tariff ramps may break any day.

Already, the Federal Minister for Primary Industry (Hon. I. Sinclair) is under a cloud following the commencement of investigations into companies in which he has pecuniary interests. These sorry events have serious implications for the stability of the country's political institutions, and it is the Government's belief that now more than ever there is an urgent and pressing need for this legislation so that members of Parliament in South Australia can adequately demonstrate publicly that they are not only above reproach but are also seen to be above reproach in their financial dealings. Legislation of this kind is not without precedent; similar provisions are in force in the United Kingdom and also in Sri Lanka.

Under the proposed South Australian Act, members will be required, every six months, to furnish an officer, to be known as the Registrar of Members' Interests, with a return setting out prescribed information regarding their source of income and other financial interests. An electoral candidate will furnish a return on the date of his nomination. The interests subject to disclosure include interests in companies, unincorporated profit-making bodies and real property.

In so far as it relates to income, the legislation will apply only to financial benefits in excess of \$200, or such other amount as the Governor may prescribe. Persons to whom this Act applies will be required to furnish details both of their own income sources and financial interests, and those of their spouses and children who are normally resident with them. On the other hand, the legislation does not cover financial benefits derived from a member of the recipient's immediate family, or from public funds.

It is intended that the public should have access to the information in the register. Moreover, the Act will require the Registrar, each year, to submit to the Minister an extract from the register containing all the information furnished during a specified period. The Minister will be required to lay a copy of this document before both Houses of Parliament, and all information contained therein will be printed as a Parliamentary Paper. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 defines certain expressions used in the Bill. Clause 4 provides for the

creation of the office of Registrar of Members' Interests. Clause 5 sets out the central provisions of the Bill. It provides that every member, within the months of January and July of each year, shall furnish to the Registrar a return containing prescribed information relating to any income source from which he, his spouse or child, derived a financial benefit in excess of the prescribed amount, during the preceding six months. An electoral candidate must furnish the return on the date of his nomination. The term "child" only covers children normally resident with the person obliged to furnish the return, including the child of that person's spouse, and "spouse" includes a putative spouse within the meaning of the Family Relationships Act, 1975. The return must also contain information relating to interests in companies, unincorporated profit-making bodies, real property and any other prescribed matters.

Clause 6 relates to the maintenance of the register, and the availability of its contents to members of the public. It also provides that on or before 30 September in each year the Registrar shall furnish the Minister with an extract from the register containing all the information submitted in respect of the 12-month period preceding 30 June of the same year. The Minister is required to lay a copy of the extract before both Houses of Parliament within 14 days of receipt. The information so laid before Parliament is to be printed as a Parliamentary Paper. Clause 7 provides that any person who fails to furnish the required information, or who furnishes false information, commits an offence carrying a penalty of \$5 000. Clause 8 provides that proceedings for offences against the proposed Act shall be disposed of summarily, and clause 9 empowers the Governor to make any regulations which are necessary or expedient for the purposes of the proposed Act.

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

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 15 November. Page 1996.)

The Hon. J. C. BURDETT: I support the second reading of this Bill. I said when I spoke to my own Bill earlier this session that the principal Act has not, in practice, been effective in preventing the flood of hard core offensive pornography in this State. Pornographic material entirely devoid of any artistic merit or, indeed, merit of any kind is readily available and is classified. The main problem has been the board's leniency.

As members know, the most severe step that the board can take under the existing Act is to refuse to classify, and allow section 33 of the Police Offences Act to apply for prosecution at law. For example, a publication was recently classified depicting in full colour, of course, and in the most lurid way, a nun joyously masturbating herself with a crucifix. Just what point there is in protecting the sale of this kind of material from prosecution under section 33 of the Police Offences Act, I do not know.

The present Act seems to have been used as a vehicle to make it easier for pornographers to escape prosecution, rather than the reverse. This Bill does nothing to correct the situation. My Bill enabled prohibition of the most offensive material, and this would have rectified the situation if, of course, it was properly used. Moreover, in my Bill I sought to insert into the administration of the Act

the traditional concept of Ministerial responsibility.

The problem at present is that there is no-one who will listen to public opinion. If the public, even in large numbers, expresses its view to the board, and the board ignores it, there is nothing that the public or a Minister can do. The Minister has no power of direction. If there was Ministerial responsibility, members of the public could go to the Minister and he could ignore them only at his peril. My Bill is in the other place, and there is no point in trying to amend this Bill back to my Bill, in the circumstances. I see this in quite a different category from Mr. Hill's Police Regulation Act Amendment Bill. In this case the present Bill represents some small but real improvement.

I could, in any event, have some difficulty in trying to amend this Bill back to my Bill under Standing Orders. But, make no mistake about it, the present Bill does not remedy the major defects in the present Act and its administration, whereas my Bill provides significant remedies: Ministerial responsibility, power of prohibition and some widening of the personnel on the board. Opposition speakers in the House of Assembly on this and associated Bills referred to the increased incidence in rape in South Australia, and suggested that there was a connection between this and the increased availability of pornography. I agree entirely with what they have said, but, because it has already been well said, I do not intend to repeat it here.

The Hon. Anne Levy: And equally well refuted.

The Hon. J. C. BURDETT: It has not been refuted at all. I did note, however, that the Premier said in reference to the member for Coles:

Her contention in this matter is on a par with the rest of her speech, which is on a par with the kind of public campaign that she has been running in this matter, which does her, frankly, little credit.

The member for Coles has campaigned publicly for reasonable control of the flood of pornography that has recently plagued this State. She has pointed out that classified pornographic material frequently falls into the hands of children. She has opposed pornography as being detrimental to family life. I should have thought that her public campaign does her great credit. I cannot agree with the Premier. I can only conclude that he and I have very different standards. This Bill first seeks to ensure that films classified as restricted publications are not screened in premises where they are available for sale.

The Hon. C. M. Hill: It is censorship.

The Hon. J. C. BURDETT: Yes, as is the whole of the Classification of Publications Act. I support this object of the Bill. It is not desirable that sex shops should become mini theatres for blue, and worse than blue, movies. Secondly, the Bill provides that where a body corporate commits an offence against the principal Act every member of its governing body, its manager and its secretary, shall be guilty of a corresponding offence and punished accordingly.

Certainly, vicarious liability should rarely be imposed, but desperate ills require desperate remedies, and in such an area as controlling pornography in South Australia I think vicarious liability is justified. The limitation period for prosecution has been extended from six months to two years, and I certainly support this.

The objects of this Bill are, presumably, to control the dissemination of pornography, and accordingly there is a matter relating to the distribution of such material that I bring to the Government's notice. I refer to a practice of Gordon and Gotch, and presumably other distributors of publications. Newsagents and their other retail outlets have standing orders for publications. When each order is delivered, there is included with it various unsolicited

material in relatively small quantities. Some of this material is completely innocuous, but some is indecent material, and much of it classified.

There is a return list specifying the period within which such material must be returned, if the retailer is to receive credit for it. The retailer may return it. I was informed by a newsagent that, if this material is returned, the return freight is paid by the distributor, not the retailer. To be fair, this is a long-standing practice and applies to general or other specialised material, as well as to classified publications. It is, in effect, a means of supplying the retailer with a sort of sample of what is available, and enabling him to test the market. However, it certainly is a means of increasing the dissemination of indecent material.

As I have said, desperate ills require desperate remedies. I ask the Government to examine the possibility of prohibiting the unsolicited supply of classified material to retailers. A precedent for this exists in the consumer field. This Bill, and the associated Bills, form some type of control over pornography, and accordingly I support them. But, I do not consider that after the passage of these Bills control of pornography in South Australia, the porn State, will be anything like adequate.

The Hon. F. T. BLEVINS: I am surprised at the speech of the Hon. Mr. Burdett, although I am not really surprised. It was a typical John Burdett speech. His obsession with all matters sexual comes through quite clearly in his speech. I just want to—

The Hon. R. C. DeGaris: What came through sexually, to you?

The Hon. F. T. BLEVINS: His obsession—

The Hon. R. C. DeGaris: What obsession came through?

The Hon. F. T. BLEVINS: The honourable member is to adjourn this debate, so he will be able to ask all his questions later. Until that time, I would appreciate his being quiet. I have read the debate, as has Mr. Burdett, on this measure, when it was before the House in September. Mr. Burdett, the honourable member for Coles, and other members of the Liberal Party want something quite opposite from what the Labor Party wants. They want censorship. There is a great difference between censorship and control. I am totally opposed to censorship.

I believe that my views are not shared by the majority of the people of this State, and therefore there should be some control over the distribution of such material. Provided a person wants this kind of material and provided he can go and get it, I do not see that that is in any way censorship. There is a clear distinction here. My Party supports control over pornography; it is not censorship. If any such material is required by any person, he can go and get it. That is the Labor Party's philosophy. People should be allowed to read, hear, and see anything that they wish, without giving offence to others.

The Hon. R. C. DeGaris: Would you allow the free sale of child pornography?

The Hon. F. T. BLEVINS: I will answer that question when I deal with the Criminal Law (Prohibition of Child Pornography) Bill. I make this distinction: this Bill is in favour of the control of pornography, whilst we are again against censorship; that was the whole object of the Classification of Publications Board. My views on censorship are extreme. I am totally opposed to it, without any qualification, but I am in favour of controlling this material. This measure is a further control over pornography, but it is not in any way censorship, nor should it be. A letter from Gwen Tapp has been delivered through members' boxes, not in the Chamber. Referring

to indecent publications, that letter states:

Many of these publications, some classified "unrestricted" by the S.A. board although indecent, sell 100 yards from this Council with a legal protection from police action.

That statement is clearly incorrect. If it is claimed that publications are indecent, the obligation is on anyone who sees them or buys them, such as Gwen Tapp, to go to the police and initiate a prosecution or ask the police to do it. It constantly amazes me that the Hon. Mr. Burdett and Gwen Tapp say that this material is available and is not classified, yet they do nothing about it. If this material had been flooding the State, I would have thought that the first people to run to the police would have been the Hon. Mr. Burdett and Gwen Tapp, and I would have supported their right to do so, but they did not do it. Instead, they have made unsubstantiated allegations against the Government that are wrong and dishonest. I deplore their actions.

The Hon. R. C. DeGaris: Are you saying that the Hon. Mr. Burdett is dishonest?

The Hon. F. T. BLEVINS: If he maintains that unclassified pornography is on sale in this State and if he knows about it, yet does not go to the police, that is a form of dishonesty. He blames the Government for that situation, which is only in his mind, anyway. If it was a real situation, as a lawyer and a responsible legislator surely he should go to the police and say, "A newsagency is selling unclassified pornography." Of all people, he would know how to ensure that there was a prosecution, but he has not done that at all. It annoys me that the Hon. Mr. Burdett and the Hon. Gwen Tapp constantly allege that the State is flooded with pornography; that is absolute nonsense. In 13 years the only pornography I have seen in this State is that which I have been shown by the Hon. Mr. Burdett and the Hon. Gwen Tapp.

The Hon. R. C. DeGaris: Did you say "the Hon. Gwen Tapp"?

The Hon. F. T. BLEVINS: All ladies are honourable to me, unless they prove otherwise; in that case, I like them even better. The average person does not see pornography and has no interest in it. The laws of this State are so framed that pornography is not thrust upon people. It is nonsense for the Hon. Mr. Burdett and Gwen Tapp to suggest that such material is in every delicatessen. I frequent delicatessens, and I do not see this material there. For political purposes, all that the Hon. Mr. Burdett is doing is attempting to castigate the Government. He claims that the kids are reading the stuff and the floodgates have been opened, but actually the average child never sees the stuff. The obsession with pornography is solely in the minds of the Hon. Mr. Burdett and Gwen Tapp.

The Hon. R. C. DeGARIS (Leader of the Opposition): I am amazed at the statements made by the Hon. Mr. Blevins. What he is doing is exactly the same as what he does in every debate: he takes no notice of the Bill but makes personal implications.

The Hon. J. C. Burdett: And he has taken no notice of my speech.

The Hon. R. C. DeGARIS: I agree. He has tied up two people like the Hon. Mr. Burdett and Gwen Tapp. The amazing thing is that the Hon. Mr. Blevins should say, "I believe there should be no censorship. People have the right to see and read what they like". That is boloney. Now, the Government is going back to censorship. If the Hon. Mr. Blevins does not believe that, why does he not say, "People should be able to sell child pornography and exploit children"? That is exactly what the Hon. Mr. Blevins is saying. People like the Hon. Mr. Blevins are

saying that the Government believes in no censorship, yet Bills are being introduced that apply censorship. Government members are trying to convey the image that they are great free thinkers, while at the same time the Government introduces Bills applying censorship.

The Hon. F. T. BLEVINS: I rise on a point of order, Mr. President. The Hon. Mr. DeGaris is not speaking to the Bill. He is suggesting that there is something to do with censorship and child pornography in this Bill, but it is not in this Bill. If the honourable member thinks that it is in this Bill, will he please state where it is dealt with?

The PRESIDENT: I cannot uphold the point of order.

The Hon. R. C. DeGARIS: I am replying to the statement of the Hon. Mr. Blevins that the Government believes in no censorship.

The Hon. C. J. Sumner: He did not say that.

The Hon. R. C. DeGARIS: He said he believed in the control of pornography, but he also believed that there should be no censorship. I am saying that the Government believes in censorship.

The Hon. F. T. Blevins: Where?

The Hon. R. C. DeGARIS: It is in the Bill.

The Hon. F. T. Blevins: Point out the clause.

The Hon. R. C. DeGARIS: There is an element of censorship in this Bill.

The Hon. F. T. Blevins: Name the clause.

The Hon. R. C. DeGARIS: There is a clause that has an element of censorship in it. The point that is being made is that in this State the real problem has been the leniency of the board in classifying. When the Hon. Mr. Blevins says it is up to people to go running along to the police to complain, I can tell him that that is being done: people in the community are doing exactly that.

The Hon. F. T. Blevins: Give me an example.

The Hon. R. C. DeGARIS: I know of people who have complained, and I know of cases that have arisen following those complaints in South Australia.

The Hon. F. T. Blevins: What's wrong with that?

The Hon. R. C. DeGARIS: How can one convince a person so dull in the brain who stands up and says it is the duty of these people to do it when that is already being done? The leniency of the board and the appointment and choosing of that board by the Government have created a problem in South Australia, and the blame must come back on to the shoulders of the Government. The Government is now running for cover. It ran for cover when the Hon. Mr. Burdett tried to do something about it, and it said, "We must not ban pornography." The Government is now trying to cover its tracks. However, I agree with the Hon. Mr. Burdett that, if the Government had been fair dinkum and had accepted his Bill in the first place, we would not have had this stupidity now of a half-baked Bill coming before us. The Bill does not go far enough.

The Hon. F. T. BLEVINS: On a point of order, that is a different point altogether. The Hon. Mr. DeGaris is talking about another Bill on the Notice Paper. I deliberately did not do that, even though I was invited to by way of interjection. Whilst I agree that the debate should have a certain width, I am certain that to refer to an item appearing later on the Notice Paper is out of order.

The PRESIDENT: I do not uphold the point of order.

The Hon. R. C. DeGARIS: When one hits the Government in the right place it always squeals. I spoke at this stage, mainly because of comments made by the Hon. Mr. Blevins which are quite irrelevant. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

FILM CLASSIFICATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 1997.)

The Hon. C. M. HILL: The object of this Bill is to achieve and improve a degree of control over those involved in showing classified films. The references in the principal Act to conventional films and the equipment necessary to show such films have been legislatively ineffective because of videotapes and other modern innovations which have been used to circumvent the parent Act. In future, the amended Act will involve not only conventional films but also videotapes and any other optical or electronic record from which moving pictures may be produced. I support the Bill, which is at least some measure by the Government to improve the over-permissive climate which this Government has helped to create in this State.

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

CRIMINAL LAW (PROHIBITION OF CHILD PORNOGRAPHY) BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 1997.)

The Hon. J. C. BURDETT: I support the second reading. When the Premier spoke recently to my Bill, the Classification of Publications Act Amendment Bill, he promised a Bill on the lines of the present British Act, and said it would even be in similar language. The member for Playford, speaking also to that Bill, said the same thing. He said that the Bill would not be quite like the British Act because of the different situation in South Australia. We now see what he means. When this Bill was first introduced in the other place, it was radically different from the British Act, because it did not provide penalties for sale or distribution. It is only rarely that the pornographer will be caught in the act of taking pornographic photographs and, as I have maintained from the presentation of my first child pornography Bill, while this act ought to be specifically made a crime, to be effective the law must go further and strike at sale and distribution. If you take away the profit motive you take away the crime. When my original Criminal Law Consolidation Act Amendment Bill dealing with child pornography was before Parliament, the cry of the Government was that the act of taking pornographic photographs was already prohibited by the criminal law. The final report of the Mitchell Committee was made in July 1977 and not released until 1978, after my Bill had been defeated by the Government in the House of Assembly. Was it deliberately suppressed for that period of time? Why was it not released earlier?

The Premier says that the report justifies his claim that the photographing of children in pornographic circumstances is already covered. It does not, it says that the position is probably covered. My argument all along was that it must be made clear that such an act was a crime and that it was desirable, anyway, to make the taking of pornographic photographs a specific crime as such, in order to tie it in with the pornographic scene. The Premier is now doing at least part of what I have been attempting to do, now four times, since April 1977.

The Hon. C. J. Sumner: Your Bill didn't do anything.

The Hon. J. C. BURDETT: Of course it did. It did more

than this does. This only goes part of the way. The amendment moved to this Bill now before us by the member for Mount Gambier was reluctantly accepted by the Premier, who said:

It is extremely difficult to envisage how a pornographer could be in a position to take indecent photographs of people in the relevant age group without first breaching one or the other of these provisions. Nonetheless, the Government believes that it is desirable, as a matter of principle (and, indeed, this was recommended by Judge Mitchell, who took the same view of the law as the Government does, but nevertheless recommended that an amendment be made in order that the matter be made clear), that there should be a rider to the central provisions of section 58, stating specifically that the operation of the section extends to the taking of pornographic photographs.

The Hon. C. J. Sumner: She said it wasn't necessary.

The Hon. J. C. BURDETT: Yes, and she recommended that there be an amendment, and the Premier is now doing that. That is what I said all along. When the member for Mount Gambier moved his amendment to outlaw and prohibit the distribution and sale of child pornography, the Premier claimed that the amendment was unnecessary because, he said, the board does not classify child pornography. It does sometimes, because he admitted in the course of the debate on this and the associated Bills that the publication *Just Boys* had been classified only fairly recently and then withdrawn.

The Hon. F. T. Blevins: Was that the same edition or different editions?

The Hon. J. C. BURDETT: It is the same edition, I think.

The Hon. F. T. Blevins: You don't know. Before you make an assertion of that nature, as a lawyer you should know.

The Hon. J. C. BURDETT: If the honourable member read the debate he would see that the Premier admitted that the publication *Just Boys* had been classified and then withdrawn. Anyway, why not write prohibition into the legislation? Could it be that the Government wanted to leave the possibility of sale and distribution open?

The Hon. F. T. Blevins: That's a shameful accusation.

The Hon. J. C. BURDETT: It is perfectly reasonable, because four times now I have presented Bills to cover this. On no occasion were they accepted by the Government; they were opposed by the Government on every occasion.

The Hon. F. T. Blevins: That was before the Mitchell committee report.

The Hon. J. C. BURDETT: It said nothing about the sale and distribution of such material. Now the Premier has accepted an amendment by the member for Mount Gambier that was not even his own doing to ban the sale and distribution of material affecting children. In its original form the Bill had a misleading name. It does include the words, "child pornography"—the Criminal Law (Prohibition of Child Pornography) Bill. In its original form the Bill did not prohibit child pornography at all, and to call it by that name was a trick.

The Bill did not prohibit child pornography. All it did was prohibit the taking of pornographic photographs. It did nothing about the pornography or the photographs at all. The amendment moved by the member for Mount Gambier makes the short title tell the truth, and it did not do this before. I do not know why the Premier did not accept my child pornography Bills before as it would have saved much time. He could have moved amendments to them if he had wished, because this Bill in principle does exactly the same thing as my Bills did.

There is no doubt that the Premier has felt forced to

agree to the amendment and to introduce this Bill at this time, because of the public support for my Bill and because something had to be done. As the Hon. Mr. DeGaris said, the Premier's action is clearly the action of running for cover. I support the second reading.

The Hon. F. T. BLEVINS: I, too, support this Bill, although I do so with some reluctance, not because there is anything in the Bill with which I disagree but because its necessity was manufactured. This Bill is now necessary because of the well stage-managed public outcry against the present law. This outcry was stage-managed for purely political purposes by a section of the Liberal Party, some of whom should have known better and from whom I would have expected a high standard in their political activity.

That it is the Opposition's job to attack the Government and its weaknesses as it sees them I do not deny, but I do question the use of children and the sexual abuse of children in this way by this section of the Liberal Party. That has been deplorable. Its own Leader (Mr. Tonkin) has stated clearly that the longer the issue of child pornography continues the better it will be for the Liberal Party. Twice previously when debating this matter I have referred to the newspaper quote of Mr. Tonkin's statement, but I will not weary the Council by giving that reference again. Honourable members can look it up in the previous debate.

Mr. Tonkin claimed that the longer the issue of child pornography continued the better it would be for the Liberal Party. What an incredible and immoral statement for any politician to make, especially a politician who claims to be (for however short a time) the Leader of the Opposition.

The Hon. J. C. Burdett: He did not say that at all.

The Hon. F. T. BLEVINS: I will refer to the previous debates in which I gave the references to the newspaper report.

The Hon. R. C. DeGaris: You can't do it.

The Hon. F. T. BLEVINS: I have done it twice previously, but not wanting to weary the Council I did not bring the relevant cutting today. However, I will have a photostat copy put in the boxes of the Hon. Mr. DeGaris and the Hon. Mr. Burdett, who do not believe me. The attitude of this section of the Liberal Party has been to manufacture a scare campaign on child pornography to instil fear in the community that their children were in danger from the vile activities of child pornographers and that the Government was doing nothing about it.

That was the objective of their campaign, and they were successful. Members opposite, who have instigated this campaign and who have supported it, should be thoroughly ashamed of themselves for being a party to that kind of politics. I know that not all members of the Liberal Party in this Chamber supported that line: they did not agree with the way the scare campaign was being whipped up for purely Party-political reasons.

The Hon. C. J. Sumner: Who were they?

The Hon. F. T. BLEVINS: I will not name them.

The Hon. C. J. Sumner: Were they Mr. Hall's supporters?

The Hon. F. T. BLEVINS: I do not know. I object to their spinelessness in not telling the scaremongers that what they were doing was wrong and saying, "You frighten people unnecessarily, and that is wrong." They went along on the chance of getting votes, but they were not the instigators of this campaign. Nevertheless, they stand equally condemned.

What are the facts on child pornography? First, this Government does not sanction or condone child

pornography in any way. Immediately the Government's attention was brought to the fact that some material had been found in sex shops, the Classification of Publications Board was requested not to classify such material, and it has not done so.

The Hon. R. C. DeGaris: We have fought for three years to stop that.

The Hon. F. T. BLEVINS: Immediately it was brought to the Government's attention that such material had been found in sex shops, the Government requested the board not to classify such material at all, and it has not. If the Hon. Mr. Burdett and the Hon. Mr. DeGaris had brought this matter to the Government's attention, it would have done that, too. Anyone who produces such material now, even before this Bill is passed, will be subject to the law and its high penalties, and so they should be.

No-one has been able to give even one instance where people producing or selling child pornography have been unable to be prosecuted because of any deficiencies in the present law. If the present law relating to child pornography were deficient, then surely the police or some other body or person (including the Hon. Mr. Burdett and the Hon. Mr. DeGaris) would have made representations to the Government saying, "Here is a case, the law is deficient, we cannot prosecute them. They are manufacturing or distributing child pornography; change the law". Not one case has been brought to the attention of the police or the Government. The police have received no complaints whatever about any deficiency in the law regarding the prosecution of child pornography.

The Hon. R. C. DeGaris: Why are they not classifying it now, yet they used to classify it?

The Hon. F. T. BLEVINS: I say for the third time that, immediately it was brought to the Government's attention that some material that could have been described as child pornography was being classified, the Government requested the board not to classify it, and the board complied immediately with that request. I do not know what else the Hon. Mr. DeGaris expects us to do: we cannot do better than that. Anyone engaged in this despicable activity in the past few years who has been detected by the police has been prosecuted, within the present law, without any difficulty. Having been found guilty, the person has been sentenced heavily, and rightly so.

I am sure that all members know of one lobbyist who is very active around Parliament House on the issue of pornography in general, not only child pornography. Not even that woman, who must surely qualify as South Australia's foremost expert on child pornography, behind the Hon. John Burdett, has been able to give a single instance of child pornography being manufactured in South Australia in which the police have had the slightest difficulty in prosecuting those concerned. If there had been any deficiency in the present law, I should think that one case would have been brought to the Government's attention, but it has not been.

Lest Mrs. Tapp, the lobbyist to whom I refer, thinks I am having a go at her under Parliamentary privilege, I want to congratulate the lady on her energy and persistence, but perhaps not on her method of approach. Since I have been a member of Parliament, I have been surprised at the lack of lobbyists around this place. They could play a useful role in giving members information and background. It may be that they do not bother because they see State Parliament as being relatively unimportant, and perhaps they are right in that.

The way in which both political Parties have dealt with the issue of child pornography could well be the subject of

a study by an academic or other person interested in the effects of manufactured issues on political Parties. It seems that child pornography has been beaten up by the Liberal Party for political purposes, thus provoking a response from the Government to the "problem" by legislation. However, all the experts tell us that new legislation is not necessary, that the old legislation has been quite effective. Legislation is necessary now, not because any legal difficulty exists but because we should allay manufactured fears that are now widely held as a result of the activities of the Hon. John Burdett and other members opposite who have supported him.

Clause 2 (a) of the Bill increases substantially the penalties for people engaged in this activity, and I support that increase. Although my views on censorship are well known to members (and I have stated them again briefly this afternoon), I wish to mention them again. Apart from the laws of libel and slander, I am totally opposed to any form of censorship whatsoever, and that includes censorship of views that are abhorrent to me and to all decent people, such as, to give an extreme example, Nazi propaganda. Also, in the case of censorship of sexual material, I do not care how explicit, way out, or extreme the sexual material is: I think people have an absolute right to produce, display and distribute it in an inoffensive manner. This is my private view and one for which the Government takes no responsibility. However, I am totally opposed to coercion of any kind, and in the case of child pornography there obviously is coercion, because by definition a child cannot be said to be consenting to acts of gross indecency. Therefore, I support wholeheartedly the increase in penalties on child pornographers set out in clause 2 (a).

Mr. President, although I have said this in previous debates on this topic, I repeat that the Liberal Party's apparent obsession with issues of a sexual nature is against the political welfare of this State. We need a strong Liberal Party that should be seen as an alternative Government. Not only does the State need this, but it would also be good for the Labor Party, because at present the Government is operating without any opposition to speak of, and that is bad. It is understood around the corridors of Parliament House that Liberal Party advisers have told the Parliamentary Liberal Party to stop being sidetracked on issues that can be described only as peripheral, and to concentrate on the really important issues that affect materially the welfare of the people of this State. I know that members opposite are not interested in gratuitous advice from me but, if I can give some without offending anyone, they should heed the advice of their advisers, and those of them who have talents should use them in a more constructive way. I am sure that, if they adopt such a course, it will be to the benefit of everyone in this State. In supporting this Bill, I express the hope that for the good of all concerned it is the last time we will be debating the topic.

The Hon. R. C. DeGARIS: (Leader of the Opposition): I am grateful for the advice of the Hon. Mr. Blevins that child pornography is a peripheral matter. If he thinks that the exploitation of children in pornographic material is a peripheral matter that should not concern this Council, I assure him that that is his view and his alone.

The Hon. F. T. Blevins: That isn't what I said at all.

The Hon. R. C. DeGARIS: The honourable member said that. Child pornography is not a peripheral matter. I also am surprised that the honourable member said that he supported the Bill reluctantly. He reluctantly supports a Bill that does something about the exploitation of children!

The Hon. F. T. BLEVINS: I rise on a point of order. This is a clear case of the Hon. Mr. DeGaris's taking something completely out of context. I said not "reluctantly" with a full stop but "reluctantly" with a comma, and I went on to say why. If the Leader intends to quote me, I insist that he do so fully and in context. If that is not a point of order, I do not know what is.

The PRESIDENT: Order! It is a point of order, which I uphold.

The Hon. R. C. DeGARIS: The Hon. Mr. Blevins said that he supported the Bill reluctantly, comma; I am sorry that he said that, because there should be no reluctance whatsoever in supporting a Bill that does something about the exploitation of children.

The Hon. F. T. BLEVINS: I rise on a further point of order. You, Mr. President, have just ruled in my favour that the Hon. Mr. DeGaris quoted what I said out of context, and he has now done that again. I might save time if I could finish my quotation. That would please me and the rest of the Council.

The Hon. R. C. DeGARIS: I take a point of order.

The Hon. F. T. Blevins: I said it not because there was anything in it with which I disagreed but because of the way in which the necessity for it was manufactured.

The PRESIDENT: Order! I upheld the Hon. Mr. Blevins's point of order because he thought that the Hon. Mr. DeGaris took what he said out of context. I, too, thought that the Leader did so, and I therefore upheld the point of order. I think that that is about where the matter ought to rest.

The Hon. F. T. Blevins: He immediately did it again.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: The Hon. Mr. Blevins clearly went on to say that there was no complaint about the availability of child pornography, which was classified.

The Hon. F. T. Blevins: I didn't say that.

The PRESIDENT: Order!

The Hon. F. T. BLEVINS: I rise on a further point of order. You, Sir, ruled that the Hon. Mr. DeGaris must not quote what I said out of context.

The Hon. R. C. DeGARIS: I take that point of order.

The PRESIDENT: Order!

The Hon. F. T. Blevins: I said there was no deficiency in the law, not that there had not been any complaint.

The PRESIDENT: There is no second point of order on the same matter. The Hon. Mr. DeGaris is about to explain what he thought the honourable member said.

The Hon. F. T. Blevins: Why don't you leave it until Tuesday, Ren? Your memory has gone.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: My memory is good. The point is that the Government appointed a board that for three years classified child pornography for sale in South Australia. Among other organisations, the National Council of Women drew this matter to the Government's attention for three years. Only when it went to the Premier at his office in Norwood was some action taken to classify or censor the sale of child pornography.

The Hon. F. T. Blevins: It's not censorship.

The Hon. R. C. DeGARIS: Of course it is. I hesitate to say this, but I have been told that it is on record as being said that child pornography that was on sale in South Australia was not manufactured in this State, as if that made any difference in relation to the exploitation of children.

After these approaches were made to the Government, and indeed after the Hon. Mr. Burdett introduced in the Council Bill after Bill to do something about the matter, we now have this Bill before us in an attempt to do something about child pornography and the exploitation

of children. To me, whether those children are in South Australia or in any other State or part of the world makes no difference. It makes no difference whether the children being exploited are Chinese, Japanese, English, American, or anything else.

We must not under-estimate the fact that this Government appointed a board that for three years classified for sale in South Australia material that depicted the raw exploitation of children. The Government cannot deny that. I am sorry that we have been so long doing something to solve the problem of the production and sale of child pornography in South Australia. Unfortunately, the Government has constantly rejected the Hon. Mr. Burdett's efforts in this regard. The Hon. Mr. Blevins said that one of the things to which he objected was that this matter was beaten up for a political reason.

The Hon. F. T. Blevins: Right!

The Hon. R. C. DeGARIS: That is a foul allegation. We in this State have been fighting for so long to do something about this matter, and the honourable member's reaction is that it has been done for a political reason only. That is complete nonsense.

We are experiencing the problem of the exploitation of children, be they in South Australia or anywhere else, and constantly the Government has turned its back on the problem. We also experience the problem of women being exploited, as well as the sex discrimination that occurs in much of this material. However, not one word has been said about that during the debate. I am willing to support the Bill because it is an advance on the present position. However, I am disgusted that we have had to wait so long for the Government to do something about this problem in South Australia.

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

POLICE REGULATION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 15 November. Page 1998.)

The Hon. C. J. SUMNER: This Bill gives expression to the recommendation of the Royal Commission that was set up following the dismissal of the former Police Commissioner, Mr. Salisbury. I certainly do not wish to speak at any great length on the matter, which has been canvassed at length in the Council previously.

There was a debate on the matter in February after the Police Commissioner's dismissal, and more recently, in August, debate ensued on a Bill which was introduced by the Hon. Mr. Hill in which he tried to lay down certain procedures that should govern the dismissal or suspension of a Police Commissioner. On that occasion, I opposed the Hon. Mr. Hill's Bill, which he now intends to repeat, in substance, with an amendment to the Government's Bill. My comments on that occasion are reported at page 492 of *Hansard* of 15 August, when the arguments were canvassed.

Today, I wish merely to emphasise one or two points, the first of which is that this Bill is completely in accordance with the Royal Commission's recommendations, and provides that the Government may dismiss a Police Commissioner for certain specified reasons, such as incompetence, and so on. The Royal Commissioner examined the other methods of dismissal that are available and apply to other officers such as the Auditor-General, the Public Service Board Commissioners, the Valuer-

General, and the Electoral Commissioner. Having examined them, the Royal Commissioner specifically rejected the method of dismissal that applies in relation to those officers.

The essential difference is that they may be dismissed by an address from both Houses of Parliament. In the Police Commissioner's case, the Government's Bill is that he can be dismissed by the Government for specific reasons set out in the Bill, such as incompetence, neglect of duty, misbehaviour, misconduct, or mental or physical incapacity. Members opposite tried to say that the Public Service Commissioner, the Valuer-General and the Auditor-General are in a similar position (within the executive arm of government) to the Police Commissioner. I reject that comparison, as did the Royal Commissioner.

It is interesting that, in addition to considering specifically these officers, the Royal Commissioner considered the proposal that the Hon. Mr. Hill intends to put before the Council by way of amendment: that Parliament should be involved in the procedure whereby the Police Commissioner is dismissed. The Royal Commissioner was aware of that proposal and specifically rejected it. But I reject the comparison between such officers as the Auditor-General and the Police Commissioner. The Auditor-General is and must be independent of Government because of his job. He presents his report directly to Parliament, and the Government does not see it before members of Parliament (including the Opposition) see it.

The Auditor-General must be independent because he is supervising, controlling or scrutinising Government accounts. Clearly, he could not be subjected to Government control. The Government could not tell him what he should do in auditing its own accounts. That would be completely improper. He reports to Parliament, and therefore it is reasonable that Parliament should be involved in his dismissal. In his case, he could be removed by an address from both Houses of Parliament or alternatively he could be suspended, and dismissal would follow if there was a resolution from either House of Parliament confirming it. The Hon. Mr. Hill wishes to introduce that procedure for the Police Commissioner.

However, the Auditor-General is independent of the Government; he reports to Parliament and, therefore, it is appropriate that a dismissal procedure involving the Parliament should be followed. On the other hand, the Police Commissioner, as was accepted by the Royal Commission into the Moratorium in 1970, chaired by Mr. Justice Bright, and confirmed by Justice Mitchell in the Royal Commission into the sacking of Mr. Salisbury, is a part of the executive arm of government. Whilst, as a matter of convention and practice, he has a certain degree of independence of action, particularly in that the Government of the day would not interfere with the Police Commissioner's decision to prosecute or not, generally he is under the control of the Government of the day, and is very firmly a part of the executive arm of government as recognised by those two Royal Commissions, and by the existence in the Police Regulation Act of a procedure whereby the Government can direct the Police Commissioner to do certain things.

Those directions, when conflict arises between the Government and the Police Commissioner, must be laid before Parliament. It does not mean that the Government does not ultimately have the right to direct the Police Commissioner. Clearly, it does. He is therefore in a very different position from that of the Auditor-General. The other officers I mentioned are closer to the Auditor-General's position than is the Police Commissioner. Where one has an officer within the executive arm of

government, subject generally to Government direction, the appropriate procedure for dismissal is by the Government itself, for the specified reasons I outlined.

That does not mean that the Police Commissioner, if he is dismissed, is without any rights. He can appeal to a court, if the Government's dismissal does not have any justification within the terms of the legislation. If he were dismissed for incompetence, he could go to a court and establish that he was not incompetent and he could claim damages for his dismissal. That could be a substantial figure in some circumstances. So, it is not an action that the Government will take lightly. If the Government dismissed an officer of the Police Commissioner's standing within the Government service, it would need to have good reasons for that action, because it would know that its actions could be considered by a court of law. It is much more appropriate that the Government's dismissal be considered by a court of law in a judicial and calm atmosphere, rather than becoming a subject for political cross-fire within Parliament.

If the Opposition of the day disagreed with the Government's dismissing a Police Commissioner, then in addition to his right to go to a court the Opposition could still raise the matter in Parliament. It could still create publicity about it and could still question the Government about it, once the proceedings before the court had been dealt with. Therefore, the Opposition is not denied its rights to investigate the Government's reasons. It could do it on a specific motion, a motion of no confidence, or raise the matter with the Government at Question Time. It seems to me that for the Police Commissioner's protection the Government's proposals and his right of appeal to the court are to be preferred.

If a system, such as that suggested by the Hon. Mr. Hill, was introduced, the problem would be that the suspension or dismissal would be confirmed by the Government. It is inconceivable in these days of Party discipline that the Government would suspend such an officer without knowing that it had the numbers in one or other House. It would definitely have the numbers in the Lower House to support that dismissal when the matter came before Parliament.

So, all it would really do would be to give Parliament an opportunity to discuss it, and that is reasonable, but it would not do anything to protect the individual concerned. He would be left completely out in the cold. The complaint is made that the Police Commissioner would not be able to be reinstated under the Government's Bill (that is, there is no provision for him to be reinstated, if the court finds that the grounds for dismissal were not justified), but he can get damages, and those damages would represent substantial recompense.

In any event, under the Parliamentary procedure suggested by the Hon. Mr. Hill, the Police Commissioner would not be reinstated, anyhow. The only situation in which he could be reinstated would be a situation in which there was such a division in the Government over the matter that the Government no longer had the numbers in the Lower House to endorse the suspension, and that is a most unlikely situation. So, the procedure that the Government has outlined gives greater protection to the Police Commissioner. On those grounds I intend to support the Bill and oppose the amendment foreshadowed by the Hon. Mr. Hill.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention they have given to the Bill. At page 44 of her report, the Royal Commissioner states:

Should the Commissioner of Police be dismissed only upon

an address from one House or both Houses of Parliament?

I have reached the conclusion that Parliament should not be involved in the removal from office of a Commissioner of Police. One reason which leads me to this decision is that I do not think it feasible to keep in office a Commissioner of Police whom the Executive does not trust or with whom its relationship is unworkable. The maintenance of peace and good order is so vital to good government and to the safety of the community that it can not properly be allowed to be endangered by continued disharmony between the Government and the Commissioner of Police. A further reason is that I am not satisfied that Parliament is the proper tribunal for the fact finding which would, of necessity, precede an address from both Houses of Parliament or from either House of Parliament.

There, the Royal Commissioner is pointing out that a Select Committee of this Council would not be as good as a judicial committee in this respect. She also states:

I respectfully agree with and adopt the opinion expressed by Bright J. as a Royal Commission that, while uniformity should not be adopted for the sake of uniformity, some inferences can be drawn from the comparable legislation concerning Commissioners of Police. I have referred in paragraphs 162-163 of this report to the provisions concerning dismissal in the United Kingdom, the various States and Territories of Australia and New Zealand. It is clear that in none of those places, other than New South Wales and Queensland, does Parliament have any part to play in the dismissal of a Commissioner of Police.

Regarding the question of statutory reasons for dismissal, the Royal Commissioner states:

Nevertheless I have formed the opinion that the Commissioner of Police should have some statutory protection against dismissal without cause . . . I envisage that by an amendment to the Police Regulation Act the Commissioner of Police would become subject to removal from office by the Governor for stated reasons as are the Solicitor-General, the Members of the State Planning Authority, the Members of the Credit Tribunal and the Members of the South Australian Land Commission . . . I recommend therefore that the Police Regulation Act be amended to provide that the Commissioner of Police may be removed from office by the Governor upon grounds to be stated in the Statute.

The Government has accepted the Royal Commissioner's report, which was not arrived at lightly. Everyone would have to agree with the Commissioner that there is no way that the Government can be dictated to by the Police Commissioner.

The Hon. C. M. Hill: No-one is saying that. It is a red herring.

The Hon. D. H. L. BANFIELD: It is not. The Government, not the Police Commissioner, is answerable to the people.

The Hon. C. M. Hill: Fair enough.

The Hon. D. H. L. BANFIELD: If the Government believes that the Police Commissioner should be dismissed and if it dismisses him, the Government is prepared to face the people on the issue. The Liberal Party went to the people and had a spontaneous rally about a month after the dismissal of Mr. Salisbury, but the rally was not all that successful. The Liberal Party played on the emotions of the people, but the people now realise that the Government is here to govern and is responsible to the people. It is the Government that the people can get at if they so desire. Recent surveys show that the people are satisfied with what the Government is doing, but they are dissatisfied with what Opposition members are doing. Surveys show that the Opposition does not have 30 per cent of community support. So, the community is not

behind the Opposition in this regard: the community is behind the Government.

The Hon. C. M. Hill: They showed that this was your biggest mistake.

The Hon. D. H. L. BANFIELD: They also showed that what the Opposition is trying to do was its biggest mistake. The Leader of the Opposition in the House of Assembly scored minus 12 per cent in a survey.

The Hon. C. M. Hill: What did the Premier go down to?

The Hon. D. H. L. BANFIELD: Well over 50 per cent. If we add 53 per cent to minus 12 per cent, we get 65 per cent and that means that the Premier is 65 per cent ahead of the Leader of the Opposition in the House of Assembly. It was Mr. Tonkin who tried to stir the emotions of the people concerning Mr. Salisbury, and Mr. Tonkin's rating has fallen to minus 12 per cent. So, it is baloney for members opposite to say that this is what the people want. There was as long inquiry into the dismissal of Mr. Salisbury, and the Royal Commissioner made recommendations, which the Government is implementing, I therefore ask honourable members opposite to forget Party politics, do what the people want, and do what the Royal Commissioner has suggested. If honourable members opposite do that, this Bill will be supported.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Removal from office."

The Hon. C. M. HILL moved:

Page 1, lines 16 to 21—Leave out all words in subsection (1) after "office" in line 16 and insert "upon the presentation of an address by both Houses of Parliament praying for his removal".

Page 2, lines 1 to 11—Leave out subsections (2) and (3) and insert subsections as follows:

(2) The Governor may suspend the Commissioner or the Deputy Commissioner from office on the ground of incompetence or misbehaviour and in that event—

(a) a full statement of the reason for the suspension shall be laid before both Houses of Parliament within three sitting days of the suspension if Parliament is then in session or, if not, within three sitting days of the commencement of the next session of Parliament;

and

(b) if within twelve sitting days of the statement being laid before Parliament neither House of Parliament presents an address to the Governor praying for the removal of the Commissioner or Deputy Commissioner from office he shall be restored to office, but if either House does present such an address, the Governor may remove him from office.

(3) Except as provided by this section, neither the Commissioner nor the Deputy Commissioner shall be removed or suspended from office.

The Hon. D. H. L. BANFIELD: I rise on a point of order, Mr. Chairman. Now that the amendment has been moved, I ask for your ruling as to whether the amendment is in order. Standing Order 124 provides:

No question shall be proposed which is the same in substance as any question or amendment which during the same session has been resolved in the affirmative or negative, unless the resolution of the Council on such question or amendment shall have been first read and rescinded. This Standing Order shall not be suspended.

A Bill previously introduced by the Hon. Mr. Hill was, in substance, the same as this amendment. I therefore suggest that the amendment is not admissible.

The Hon. F. T. Blevins: You have got him cold.

The Hon. C. M. HILL: Before you deliberate on this question, will you hear submissions from honourable members before you finally decide?

The CHAIRMAN: I can if members wish, but I have considered the matter, knowing that it would be raised.

The Hon. C. M. HILL: I thought the Minister might have sprung it up on you.

The Hon. D. H. L. Banfield: We do not do those sort of things; we co-operate.

The Hon. C. M. HILL: My amendment is not the same in substance, in accordance with Standing Orders, as those previously made. I say that for several reasons: first, my amendment includes the question of the Deputy Commissioner, and that question was not referred to in my previous Bill. I simply included it because the Government's Bill included the Deputy Commissioner. Personally, I believe that the Deputy Commissioner should not be involved. However, I have accepted that, for reasons best known to the Government, it wanted to include the Deputy Commissioner, but by leaving it in, my amendment is quite different from that of the previous Bill. There is another considerable difference. I have not altered the latter clauses of the Government's Bill: I have left them untouched.

The CHAIRMAN: The honourable Minister has stated his objection to this amendment being considered on the ground that it deals with a matter on which this Council has previously made a decision. Certainly the Council did pass a Bill on 22 August to amend the Police Regulation Act and that Bill concerned the amendment of section 6 of the principal Act to provide for the removal or suspension from office of the Police Commissioner. The Bill now before the Council, in the proposed new clause 9b, to be inserted in the principal Act, includes, in addition to the Commissioner, the Deputy Commissioner in its provision for removal or suspension from office. It also provides for the taking by these officers of a specified oath and for the preservation of the common law power of the Crown to dismiss any member of the Police Force. Erskine May, in dealing with the introduction of Bills into the House of Commons, states at page 495, and I quote:

Thus an entire Bill may be regarded as one question which is not settled until it is passed. And hence no objection can be taken to an amendment on any particular stage on the ground that it raises again a question decided on an earlier stage.

Were I to regard the matter of the procedure to be adopted in the dismissal from office of the Police Commissioner to have been decided by this Council on 22 August without the consideration of any other matters, then I would have to rule clause 3 of the Bill received from the House of Assembly out of order on the ground that the question has been resolved by this Council.

The Bill now before the Council contains provisions which were not in the Bill passed earlier by this Council to amend the Police Regulation Act and, therefore, the amendment proposed to this Bill by the Hon. Mr. Hill must be considered in relation to these additional provisions and not separate from them. Because of this and because of the previous practices of this Council, I rule that the amendments proposed by the Hon. Mr. Hill are in order.

The Hon. D. H. L. BANFIELD: I disagree to the ruling, Sir. I do so because, in my view, that comes into being when our Standing Orders do not make provision. However, in this case our Standing Orders are clear, and Standing Order No. 124 provides:

No Question shall be proposed which is the same in substance as any question or amendment which during the same Session has been resolved in the affirmative or negative, unless the resolution of the Council on such question or amendment shall have been first read and rescinded. This Standing Order shall not be suspended.

These are Standing Orders of the Legislative Council, not Erskine May. True, Erskine May is a recognised bible (the second edition, if I might say so) but does not over-ride Standing Orders of this Council. You indicated that a similar provision had been included in the Bill which was presented to this House by the Hon. Mr. Hill. In the circumstances, Standing Order No. 124 must stand supreme. Therefore, I move:

That the Chairman's ruling be disagreed to.

The CHAIRMAN: There can be no debate on this matter. As the honourable Minister has moved disagreement to my ruling, I ask that the honourable Minister place his objection, in writing, on the table.

The Hon. C. M. HILL: I rise on a point of order. May I ask the number of the Standing Order under which you, Sir, claim there shall be no debate?

The CHAIRMAN: It is No. 360. The Minister has placed before me in writing the following notice:

I dissent from the ruling of the Chairman as it is in conflict with Standing Order 124. I move that the Chairman's ruling be disagreed to.

The President having resumed the Chair:

The PRESIDENT: I uphold the Chairman's decision.

The Hon. D. H. L. BANFIELD: I object to your ruling, Sir. I point out that, in giving your reasons, you quoted Erskine May. However, that does not override our Standing Orders in this Council. True, in many matters Erskine May is important, but it does not override this Council's Standing Orders. If it does, we have no right to have Standing Orders. Why do we not throw them out? Why do we have a Standing Orders Committee examining our Standing Orders if Erskine May can tell us what we are going to do with our Standing Orders?

You indicated, Mr. President, that similar provisions were in the Bill presented previously by the Hon. Mr. Hill. The Hon. Mr. Hill well knew that the substance was here, and that was why he continued to include the Deputy Commissioner in the relevant clause. It was a flimsy way of getting around Standing Order 124. He said that this afternoon and stated, "I do not personally believe, but I point out that, by having the Deputy Commissioner in there . . .". The substance and the meaning are there. For those reasons, I must disagree to your ruling.

The Hon. C. M. HILL: I take a point of order, Mr. President.

The PRESIDENT: I cannot allow debate.

The Hon. D. H. L. BANFIELD: I move:

That the matter be decided forthwith.

The PRESIDENT: My Clerk and I have just been in consultation over Standing Order 205. It seems that the Minister needs a seconder for his motion to disagree.

The Hon. T. M. CASEY (Minister of Lands): I second the motion.

The PRESIDENT: The Minister of Health has moved that this matter be decided forthwith.

The Hon. D. H. L. BANFIELD: Yes, but it was not necessary to do that. Standing Order 205 provides:

. . . such objection shall . . . be taken at once and not otherwise . . .

It was not necessary for me to move this motion, but to be doubly sure I have done so.

The PRESIDENT: I think the Minister has a wrong interpretation. He has taken what according to this

Standing Order seems to be an unusual step and seeks to have the matter decided forthwith. Under normal practice, it would be the first Order of the Day on the next day of sitting. However, I will now put the question.

The Hon. C. M. HILL: I take a point of order, Mr. President, under Standing Order 205. First, I asked you respectfully under which Standing Order you were acting previously, and you referred me quite properly to Standing Order 360, at the foot of which we see the following note:

See (President) Order No. 205.

Standing Order 205 provides:

If any objection be taken to a ruling or decision of the President, such objection shall, except during a division, be taken at once and not otherwise; and having been stated, in writing, a motion shall be made, which, if seconded, shall be proposed to the Council and debate thereon shall stand adjourned and be the first Order of the Day for the next sitting day, unless the Council decide that the matter requires immediate determination.

Therefore, unless this Council now decides that this matter requires immediate determination, it must stand over until the next day of sitting.

The Hon. D. H. L. BANFIELD: I draw your attention, Mr. President, to the fact that your ruling was made as Chairman of the Committee.

The Hon. C. M. HILL: Despite being interrupted by the Minister, I submit that this matter should be held over until the first Order of the Day of the next day of sitting in accordance with that Standing Order.

The Hon. R. C. DeGARIS: I rise on a point of order, Mr. President. If one examines this question and reads Blackmore (the Minister says we cannot take any notice of Erskine May), dealing with Standing Order 127, one sees the following:

The question of sameness or substantial identity can only be decided *pro re nata* by the President, who, if in doubt, will remit the matter to the decision of the Council.

There is no need for any disagreement to your ruling. The matter should be submitted to the Council for decision.

The PRESIDENT: The Minister has perhaps confused my use of Erskine May. The reference was not used to override any of our Standing Orders. I consulted Erskine May to see whether the matter that I was considering was, in the author's opinion, the same as had been considered before. I want to clear up that point.

The Council divided on the motion that the matter be decided forthwith:

Ayes (10)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

The PRESIDENT: There are 10 Ayes and 10 Noes. In deference to what seems to be the usual practice of putting off a debate until the following day for further consideration, and since my ruling is under consideration, I will vote for the Noes.

Motion thus negatived.

In Committee.

The Hon. D. H. L. BANFIELD: I am sure that members opposite will appreciate that the Hon. Mr. Hill's amendment may be accepted today, and on Tuesday they may uphold my view in this regard and your ruling may be disagreed to then, Mr. Chairman. We would find that, if this amendment was carried today, it would have been

carried, in effect, unlawfully. Therefore, I ask that progress be reported.

Progress reported; Committee to sit again.

HUNDRED OF KATARAPKO

The House of Assembly transmitted the following resolution:

That this House resolves to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1973, section 80, Weigall Division, Cobdogla Irrigation Area, hundred of Katarapko, be vested in the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

HUNDRED OF BONYTHON

The House of Assembly transmitted the following resolution:

That this House resolves to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1973, section 250, hundred of Bonython, County of Way, be vested in the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 1996.)

The Hon. M. B. DAWKINS: I rise to discuss this Bill, which is largely a Committee Bill. I do not intend to speak at great length during the second reading debate. This is a complicated Bill, which contains many good features but which, in a few instances, may be rather too stringent in its conditions. I refer to the Minister's second reading explanation, as follows:

It is proposed that the trader's plate and tow-truck provisions be tightened as, unfortunately, abuses still occur in these areas.

I understand that that is so, and I may enlarge on that matter later. However, I believe that tow-truck people in the past two or three years have, as it were, cleaned up their operations considerably, and that there is now a more responsible attitude from many tow-truck operators than that which obtained previously. Some amendments to the Bill may well be needed, and some of the amendments suggested by the Minister will need further consideration in Committee.

The Minister also referred in his second reading explanation to a new system of graded motor cycle licences. He said that one of the principal objects of the Bill was to introduce this system which, he said, was similar to that existing in most other States. New applicants for motor cycle licences will be limited to driving a motor cycle with an engine capacity not exceeding 250 cubic centimetres for a period of two years prior to being granted a full motor cycle licence. I wonder whether the period of two years is rather more than necessary. I suggest that probably a period of 12 months ought to be sufficient.

The honourable gentleman also said that the other major object of the Bill was to introduce parking permits for disabled persons. I commend the Government for that.

The Minister continued, as follows:

All persons who cannot use public transport due to a permanent impairment in the use of their limbs and whose speed of movement is severely restricted will be eligible to apply for a parking permit.

I commend the Government's intentions in this regard. It is a very good idea that provision should be made for people who are permanently incapacitated. I agree with the Minister when he said that the scheme would be worth while and would go some way towards making the city's facilities more available to persons whose mobility was limited.

In a number of clauses penalties are being increased by 100 per cent, which is indeed a steep increase. However, I cannot object to that in most instances, as most of the penalties have not been increased for a number of years. I have noticed that in some cases penalties are being increased from \$50 to \$200, which is rather excessive.

I said at the outset that this was a Committee Bill. It is a fairly complicated Bill of 91 clauses and one that does not need to be discussed in great detail at the second reading stage. Obviously, I do not intend to deal with all the clauses at this stage. However, I will refer to some of them that I query as well as to others that I am pleased to commend.

I refer, first, to clause 22, which seeks to amend section 41 of the Act by striking out "\$100" and inserting in lieu thereof "\$200". This penalty relates to the misuse of vehicles that are registered at reduced fees or indeed without fee. I believe that in this case it may be an excessive increase.

I refer also to clause 26, which repeals section 47 and inserts in lieu thereof a new section that enables persons to get personalised number plates. I do not necessarily oppose this clause, although it is rather ironic that a few years ago we were told that every motor vehicle had to keep its original *alpha numero*-type number plate. There was no possibility of any vehicle's being registered unless it was registered with the original number, which number remained with the car for the duration of its life in this State.

Of course, some people lost their long-standing number plates as a result of this. Now, we are suddenly told that, if we want to pay \$50, we can get a personalised number plate and, every so often (although this is not in the Bill, it has been suggested), if we want to change our cars, we can pay another \$5 to retain that number. As I said, it is rather ironic that only a few years ago we were told by a forerunner of this Government—I think it was the Walsh Government—that we had to have *alpha numero* numbers on a vehicle, which numbers could not be changed, but now we are told that we can have personalised number plates. Although I do not wish to oppose the clause, I record the ironic situation that has occurred.

Clauses 35, 36 and 37 amend those sections of the Act which deal with the issue of trader's plates. Clause 38 clarifies the position regarding the surrender and transfer of those plates. I do not oppose those provisions, because I am aware that over the years abuses have occurred regarding trader's plates and some people who have had interests in a motor business have used these plates for private purposes for a long time. Indeed, they have been extensively used for that purpose, and the fact that the provision permitting private use by the trader and his employees of these trade plates is being repealed is not objectionable.

I do not complain about those amendments, as I know that some abuses have occurred in the use of trader's plates. However, I also agree that the trader's plate system has been of great value to, and has been most necessary

for, the motor industry.

I refer briefly to clause 40, which provides for a new class of motor cycle licence. A licence of this class will be issued to a person who has not held a motor cycle licence within the period of three years preceding his application. The new class 4A licence will entitle the holder thereof to drive a motor cycle with an engine capacity not exceeding 250 cc. A person who holds such a licence for two years will then be eligible to hold a class 4 licence.

The only query I have about that is the length of the period. It is proposed that it must be two years, and I doubt very much whether that is really essential; I suggest that a period of one year ought to be sufficient. Regarding another part of the clause, we have a situation in which young men will be prohibited from driving heavier vehicles.

The Hon. R. A. Geddes: Young men only?

The Hon. M. B. DAWKINS: I suppose, in this day and age, I should say "young persons". I certainly believe that this will cause problems. This matter has been ventilated previously in the Council and in another place. It was part of the subject of a conference in 1972 which fixed the age at 17 years and I believe that young men now, possibly more than young women, who are required and needed to drive vehicles in rural areas (particularly at harvest time when the grain is carted to the silo) have been driving on a property, where there is no restriction, for some time before they were entitled to have a licence on roads. I know of young men under 18 years who are very competent drivers of vehicles that carry grain, stock, and other commodities.

I believe that the suggestion that this is to be put up to the age of 18 is unfortunate, and is one that I oppose. Clause 45 really brings this about. It reads:

Section 78 of the principal Act is amended by striking out subsections (2) and (3) and inserting in lieu thereof the following subsection:

(2) A licence endorsed with the classification "Class 2", "Class 3" or "Class 5" shall not be issued to a person who is under the age of eighteen years.

In my opinion, many young people aged 17 years, particularly in rural areas, are quite capable of handling such vehicles, and I am opposed to that clause. At the Committee stage, I intend to vote against it. Clauses 61 to 74 refer to provisions for tow-trucks. I said earlier that there have been problems regarding tow-trucks and tow-truck operators in the past. I also said that I am satisfied that some of these problems, at least, have been cleared up, and that the tow-truck boys "have the message" in that there is a better and more responsible attitude to it, although I would not suggest for one moment that there are not still some irresponsible people about in this industry. This is probably the case in most activities where a cross-section of the community is involved.

As I have said, clauses 61 to 74 deal with the tow-truck situation, and in a couple of places I think that amendments are necessary. In clause 73 (3) a reverse onus of proof applies, but I am informed that some consideration of a compromise is being made on this clause. Therefore, I do not wish to dwell unduly on it at present. One other matter concerns me, and it is in another clause of the Bill, that an inspector may, without a warrant, require any person, and I emphasise the words "any person", to answer forthwith and truthfully any question that may be relevant to the investigation. I believe that it is enough to ask any person to answer truthfully any question. At least a person could have the right to consider his answer, to know that he is answering truthfully and accurately. I believe that the words "forthwith and" could well be removed from that clause.

If a compromise is reached over that matter, it may not be necessary for me to move an amendment along those lines. In another part of the Bill the word "forthwith" is also used—in clause 71—I think probably unnecessarily.

Part IIID is a new section dealing with disabled persons' parking permits. I approve of the Government's idea in this regard. The Minister is to be commended for bringing in this idea, which is something that we all ought to do for people who are disabled and without complete use of their limbs. I have not referred to a number of clauses, largely because I feel that they are improvements and should not be criticised. I will possibly move an amendment to clause 88, as well as those clauses previously referred to which I do not intend to deal with in any detail at the second reading stage. With those comments, generally I think that the Bill is a good one. A number of matters need attention, but at this stage, to enable the Bill to proceed into Committee, I support it.

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

STAMP DUTIES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 15 November. Page 1998.)

The Hon. K. T. GRIFFIN: This Bill seeks to vary the provision under the Stamp Duties Act which grants a concession to certain persons with respect to stamp duty payable on the registration of a motor vehicle. That fee is \$3 for 12 months and \$1.50 for six months. The variation is that, whilst the exemption applies to a person applying for registration who is the owner of the motor vehicle in question, that person must also be the holder of a State concession card issued by the Community Welfare Department, or a pensioner entitlement card issued under any Act or law of the Commonwealth. In addition to the change that the Minister indicated in his second reading explanation, it is I think important to note that qualifications are no longer cumulative but are in the alternative. It seems to me that, whilst the sum involved in the concession is quite small, the proposal is a worthwhile change. I support the second reading.

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

POLICE OFFENCES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 15 November. Page 1997.)

The Hon. J. C. BURDETT: It seems that Government members cannot speak on this Bill or on associated Bills without resorting to personal abuse directed against Opposition members. In the case of the Premier, it was the member for Coles who was abused and, in the case of the Hon. Mr. Blevins, Gwen Tapp, the Hon. Mr. DeGaris and I were abused. The Hon. Mr. Blevins suggested that I had been good at whipping up public opinion, but his suggestion is a complete travesty of the truth. I have never seen such spontaneous reaction as I have seen in connection with this matter. Actually, the opposite of what Government members claim is the truth: I was spurred on and told I was not doing enough by members of the public who had reacted spontaneously.

This Bill is another trick. Women's groups have been pressing to have sado-masochism banned. This does not

ban it. It may still be classified and thereby avoid the Police Offences Act. The only sadistic or masochistic material that I have seen is indecent and immoral within the meaning of the Police Offences Act, anyway. It is all very well to talk about the difficulty of definition in the existing section. The words "sadistic" and "masochistic" will be just as difficult to define as "indecent" and "immoral", and the matter will not have been taken any further.

The other day I was asked about the difference in meaning between the two terms. Sadism is a form of sexual perversion marked by a love of cruelty. Masochism is a form of sexual perversion in which one finds pleasure in abuse and cruelty from his or her associate. It is clear that there is a difference. Another difference is that "sadism" was named after the Marquis de Sade, while masochism was named after Leopold von Sacher-Masoch. This Bill is really window-dressing. The only sadistic and masochistic material worth worrying about is already caught under section 33 of the principal Act as being indecent and immoral.

The Hon. C. J. Sumner: Will you be voting against the Bill?

The Hon. J. C. BURDETT: No. Unlike the Premier, when I find a Bill that may possibly do some good, I am prepared to vote for it. I therefore support the second reading.

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

SOUTH AUSTRALIAN THEATRE COMPANY ACT AMENDMENT BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

It makes a series of miscellaneous amendments to the South Australian Theatre Company Act. First, the Bill changes the name of the company to the "State Theatre Company of South Australia". This new title is not only more appropriate in view of other comparable South Australian bodies (for example, the State Opera) but is more consistent with the names of national theatre companies established overseas. A consequential amendment is made to the title of the Act.

The Act, as presently drawn, constitutes a body entitled the "Company of Players" which is entitled to elect one member to the board. This embraces some, but not all, of the artistic staff engaged by the company. Section 23 of the Act excludes from the Company of Players persons employed by the company on a contract of employment of less than six months. At the present time a number of the artists engaged by the company are employed for a season or less (that is, a period of less than six months) which excludes them from the Company of Players. The board sees no reason for their exclusion.

In addition, section 23 includes in the Company of Players only persons employed in the production, direction, or performance of theatrical productions. Thus, administrative staff of the company have no voice in the election of a member of the board. The board has suggested that in future all employees for the time being of the company (with the exception of the principal executive officers of the company) should form an electorate for the election of a member of the board. Accordingly, the Bill

abolishes the concept of the "Company of Players" and provides for the election of a member of the board by the employees of the company. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

The Bill makes further amendments relating to the election of members of the board. It provides that an interval of no more than 18 months may intervene between elections of an employee representative to the board and that an interval of no more than 30 months may intervene between successive elections by the subscribers. The Bill also modifies and extends the provisions of the principal Act relating to disclosure of financial interests by members of the board. The Bill also empowers the company to establish a collection of articles of public interest relating to the past or present practice of the performing arts in this State.

Clauses 1 and 2 are formal. Clause 3 deletes a formal reference to the Company of Players in the Act. Clauses 4 and 5 change the name of the company to the "State Theatre Company of South Australia".

Clause 6 amends section 6 of the Act by providing that one of the governors of the board shall be elected by the employees of the South Australian Theatre Company from their own number. An employee who holds a prescribed executive office is, however, not eligible for election. Clause 6 also ensures that the two governors elected by subscribers are themselves subscribers and sets out, in somewhat more detail than in the present Act, the procedures for electing employee and subscriber governors to the board. Clause 7 amends section 9 of the Act, providing that employee and subscriber governors on the board cease to hold office if they cease to be employees or subscribers.

Clause 8 replaces the existing section 16 of the Act with a more detailed provision relating to the disclosure of a governor's financial interests in contracts contemplated by the board, at board meetings. The requirements to disclose do not apply to interests which arise only by virtue of the fact that the governor is an employee of the South Australian Theatre Company, or a subscriber, or attends company performances.

Clause 9 adds a new paragraph to section 18 of the principal Act. The new paragraph empowers the company to establish a collection of objects of public interest relating to the performing arts in this State. Clause 10 repeals Part IV of the Act, which related to the Company of Players, and clause 11 provides for minor, essentially consequential, amendments to the regulation-making powers contained in section 34 of the Act.

The Hon. C. M. HILL secured the adjournment of the debate.

PETROLEUM ACT AMENDMENT BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

This Bill, among a number of ancillary amendments, has two main purposes. One is to provide legislatively for the

doubling of exploration expenditure per hectare in petroleum exploration licences held in South Australia. The second purpose is designed to protect the position of the Cooper Basin licence holders when their licences come up for renewal early in 1979. The arrangements proposed under agreement which will be made under clause 4 of the Bill involved doubling of exploration requirements in the Pedirka and Arrowie Basins while leaving the question of exploration expenditure in the Cooper Basin subject to separate agreements between the Minister and the licence holders. In turn, this ensures that the licence holders in the Cooper Basin do not have to relinquish acreage.

Clauses 1 and 2 are formal. Clause 3 modernises a number of references in the definition section of the principal Act. Clause 4 amends section 4a, which is the transitional provision relating to the Cooper Basin licences. The amendments provide that the new petroleum exploration licence that is to be granted upon the expiry of the oil exploration licence to which the previous covenant relates shall comprise an area agreed upon by the Minister and the licensee. The provisions of sections 17, 18 and 18a (which relate to the areas to be excised upon the renewal of a licence and the amount to be expended on exploration works by a licensee) may be modified by written agreement between the licensee and the Minister.

Clause 5 modernises an obsolete reference to the Director of Mines and increases the fee to be paid upon application for a licence. Clause 6 increases the amount of the bond to be provided by a licensee. Clause 7 makes a metric amendment. Clause 8 empowers the Minister to require a licensee to submit a programme of exploration works for approval. The licensee is prohibited from carrying out exploration works that have not been approved by the Minister.

Clauses 9 and 11 increase the expenditure to be made by the holder of a petroleum exploration licence in each year of the licence term. The Minister is, however, empowered to defer expenditure where proper cause is shown. Clause 10 makes a metric amendment. Clause 12 increases the licence fees to be paid by the holders of petroleum exploration licences. Clause 13 enacts new section 18e of the principal Act. The new section provides that where a petroleum production licence is granted (the area comprised in the licence having been excised from the area comprised in a petroleum exploration licence) the Minister may approve exploration works to be carried out on the area of that licence and the expenditure will then be deemed for the purpose of the contiguous petroleum exploration licence to have been made in pursuance of that licence.

Clauses 14 and 15 make metric amendments. Clause 16 increases the fee to be paid upon an application for renewal of a petroleum production licence. Clause 17 increases the annual fee to be paid by the holder of a production licence. Clause 18 prevents the holder of a production licence from carrying out works that have not been approved by the Minister. Clause 19 increases the fee payable to the Minister upon an application for his consent to a dealing with a licence.

Clause 20 makes various changes to metric measurements and makes an amendment reflecting the decreasing value of the currency. Clause 21 makes a metric amendment. Clause 22 increases the jurisdiction of local courts in respect of claims for compensation under section 76. Clause 23 increases the fee to be paid by the holder of a pipeline licence. Clauses 24 and 25 increase various monetary penalties.

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

**METROPOLITAN TAXI-CAB ACT
AMENDMENT BILL**

Adjourned debate on second reading.
(Continued from 15 November. Page 1997.)

The Hon. M. B. CAMERON: This Bill provides for something that is already in practice: that is, the registration of all metropolitan taxi-cabs will be on the same date, as has become the practice. However, one point I raise, and on which I intend to move amendments in Committee, is the composition of the Metropolitan Taxi-Cab Board. There have been complaints from some taxi owner-drivers that they are not now represented on the board in a way which they would like to be represented, and they believe that they have no direct representation. They also believe that the company representatives do not represent them, and I understand that this complaint is justified. In 1947 there were several taxi-cab companies operating: namely, St. James, St. Georges, Black and White, Christies Radio Cabs and Enfield. Those companies have now amalgamated under the name of United Yellow. The other two taxi-cab companies operating are Suburban and Glenelg. We have seen a dramatic reduction from nine to three in the number of taxi-cabs operating in the metropolitan area. In that time these companies have had the same representation on the board of two people, and I think that this is justification for a fresh study of representation on the board.

The Hon. R. C. DeGaris: There is a concentration of owner-drivers as opposed to companies.

The Hon. M. B. CAMERON: Yes. I do not have the exact figures, but I understand that there are about 600 separate owners of taxi-cabs, with the companies operating radio services for the taxis. The owners are a separate organisation, even though they are associated with a particular company. They believe that they ought to be entitled to some representation on the board. Since 1974 the board has been reduced in number from 12 to eight, but the only difference in representation is that now there are fewer people on the board from local government. In essence the make-up of people from the industry has not changed. At present there are two councillors from the City of Adelaide; one suburban councillor; one nominee of the Minister; two people nominated by the South Australian Employers Federation (they come from the section of the federation called the Taxi-Cab Operators Association); one person from the T.W.U. (from the taxi owner-driver section of the union); and one officer of the Police Force. If a person does not join the T.W.U. and be represented by its representative (I do not know whether that is compulsory) he has, in effect, no representation on the board.

The Hon. C. M. Hill: Is that a form of worker participation you are advocating?

The Hon. M. B. CAMERON: Yes, it is. I would be surprised if the Government does not support my amendment, because it gives representation from the shop floor.

The Hon. D. H. L. Banfield: Are you wholeheartedly supporting that principle?

The Hon. M. B. CAMERON: No, I am not, but in this case there is a board which purports to represent the industry and in which owner-drivers are a part. Once you set out to take representation from sections of the community on a board (which really is not a company board as such, as the Minister is trying to imply, but a board representative of the industry) then I think it is proper to give representation and it is not good enough to

give representation to the T.W.U. alone because, while there are obviously some operators who are members of the T.W.U., I understand that they are a minority. It is wrong to leave these other people out in the cold. I will be moving an amendment along those lines in Committee, and I hope that I will receive support. I support the second reading.

The Hon. C. M. HILL secured the adjournment of the debate.

LIFTS AND CRANES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 15 November. Page 1998.)

The Hon. D. H. LAIDLAW: I commend the Minister of Labour and Industry for introducing this amending Bill, the main aim of which is to eliminate a bottle-neck of administrative work within his department. At present, registration of lifts and cranes cover a one-year period and all fall due on 31 December each year. This means that accounts and new registration forms must be posted by the department in December, and users must pay their fees before the end of January. This results in a profusion of work over the Christmas period, when staff are on holidays and many premises are closed.

As a result of this Bill, registration will be for an indefinite period. The owner of a lift pays an annual fee, but the owner of a crane pays a once-only initial fee, and the billing and payment for lift registration can be spread throughout the year.

The department oversees several activities requiring the payment of registration fees. Apart from lifts and cranes, an industrial plant might have an inflammable liquid store, an l.p.g. tank, and boilers and compressors. It is the department's eventual aim to combine those areas and send users one annual account covering all activities subject to the payment of fees.

The other aim of the Bill is to exclude all cranes, lifts, and hoists situated and installed in industrial premises or on prescribed construction sites from the operation of this Act and to place them under the aegis of the Industrial Safety, Health and Welfare Act.

The inspection of mobile cranes, whether situated in industrial premises or on construction sites, will still remain within the Lifts and Cranes Act, and inspectors operating under this Act will control the granting of certificates to drivers of mobile cranes. I support the second reading.

The Hon. N. K. FOSTER: I seek clarification on this matter. Will the Minister seek a definition of grey areas in respect of the use of mobile cranes? I refer to cranes on sites that have not been prescribed, say, on a roadway and operating in and on to a site.

The Hon. D. H. Laidlaw: All mobile cranes operate under the Lifts and Cranes Act.

The Hon. N. K. FOSTER: I refer to the complex litigation that can result. Sometimes there is a division between the Commonwealth jurisdiction and the State jurisdiction; for example, a crane can be land-based on a wharf yet the hook is in a ship's hold. In such a situation problems can arise, especially where there has been injury and workers' compensation litigation is involved.

I know that when I was involved we were never able to settle in court cases that arose as a result of personal injury or losses sustained as a result of the collapse of a jib or gear of a crane where the jib and gear had actually

travelled beyond the dividing pieces of wharf into a ship's hold. I was engaged in many discussions with Frank Kneebone when he was in this place about that particular matter. I have never been informed whether that situation was taken care of. It is on that point that I speak in this debate, and I would appreciate it if I could be told that my fears and alarms are unnecessary.

The Hon. D. H. L. BANFIELD (Minister of Health): I do not think that affects the passage of this Bill, but I will draw the Minister's attention to this matter.

Bill read a second time.

In Committee.

Clause 1—"Short titles."

The Hon. N. K. FOSTER: I want to clarify what I said previously. While a ship is in State waters, and once a shore based crane operates into that ship, it leaves the area of the State Act and it enters an area that involves the Commonwealth shipping and navigation regulations, and therein lies the problem. I am concerned about the situation in which there is a prescribed site; for instance, a crane may be sitting in the middle of King William Street lifting steel from a truck on a public highway on to a building site, and there is a spillage of that steel and members of the public are injured. That is the sort of thing that should be examined.

The Hon. D. H. L. BANFIELD (Minister of Health): I assure the honourable member that I will draw the attention of the Minister of Labour and Industry to the matter.

Clause passed.

Remaining clauses (2 to 9) and title passed.

Bill read a third time and passed.

JURIES ACT AMENDMENT BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments.

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments.

The amendments would mean that 13 jurors would have to be available for a trial. In the debate, the Chair ruled that it would give opportunity for the matter to be further considered. It has been further considered, and the Government is of the same view as it held previously.

The Hon. J. C. BURDETT: I ask the Council to insist on its amendments. The Bill was introduced to cope with a situation in which a juror in a murder trial became ill. The Opposition and the Government consider that action should be taken to overcome the situation. The Bill proposed that, when one or two jurors became ill, the trial could proceed, the remaining jurors could carry on, and, provided those jurors who remained were unanimous, that would be sufficient.

The solution that this Chamber proposed was based on a recommendation of the Criminal Law Committee of the Law Society that, in murder and treason cases, a judge could certify for a reserve juror, a thirteenth juror, who was regarded as a juror until the jury retired. If one juror became sick at that time, the thirteenth juror remained as a juror. If the other 12 could carry on, he was discharged. Members of the legal profession practising at the criminal bar were unanimous that they did not want the Bill as it was. Many of them preferred the reserve juror position. This is not a case where members of the profession have any pecuniary interest. They will not make more or less money through this provision. Those lawyers ought to be listened to, and the amendments are meritorious.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the view put by the Hon. John Burdett. When the Bill came before us there was a degree of urgency, as the measure was retrospective in operation, to cover a case then before the courts. Members will recall that one point put strongly here was that we should not change the rules in mid-stream, and the Government has heeded that.

There is no longer any great urgency in this matter. In a few cases has a trial been held up by a jury member who has taken ill. Nevertheless, the whole question of the number of jurors is a very delicate matter and touches at the base of our judicial system. A good deal of concern has been expressed by legal practitioners, as the Hon. Mr. Burdett has said, about the question of allowing up to two jurors to be discharged and the trial still to proceed. They were unanimously opposed to the original concept.

There was then some disagreement about how to solve the question. By far the greatest majority of those practitioners preferred to have a reserve juror. If one considers the fundamental question involved, that is the correct answer. For that reason, and because of the lack of urgency I would suggest that the Council insist on its amendment and hold to that position in regard to the constitution of juries of South Australia.

The Committee divided on the motion:

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

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

Pair—Aye—The Hon. F. T. Blevins. No—The Hon. M. B. Dawkins.

The CHAIRMAN: There are 9 Ayes and 9 Noes. I give my casting vote for the Noes.

Motion thus negatived.

ADJOURNMENT

At 6.11 p.m. the Council adjourned until Tuesday 21 November at 2.15 p.m.