LEGISLATIVE COUNCIL

Thursday 12 June 1980

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

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

At 2.16 p.m. the following recommendations of the conference were reported to the Council:

As to Amendment No. 1:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendment No. 2:

That the House of Assembly do not further insist on its amendment but makes the following amendments in lieu thereof:

Clause 15, page 5—

Lines 11 to 13—Leave out "cause that direction to be reviewed by the Training Centre Review Board as soon as is reasonably practicable" and insert "thereupon give notice in writing of the direction to the Training Centre Review Board."

After line 13—Insert subsection as follows:

(lab) The Training Centre Review Board shall conduct its review of any direction made by the Director-General under subsection (la) of this section—

(a) at the meeting of the Review Board next held after receiving notice of the direction; or

(b) if the Chairman of the Review Board is of the opinion that the matter is urgent, at a meeting of the Review Board convened earlier by him for the purpose.

and that the Legislative Council agree thereto.

MINISTERIAL STATEMENT: PYRAMID MONEY GAME

The Hon. J. C. BURDETT (Minister of Community Welfare): I seek leave to make a statement.

Leave granted.

The Hon. J. C. BURDETT: The Government is concerned that the pyramid money game which operated recently in New South Wales now appears to be operating in South Australia. Information received from the Police Department Gaming Squad reveals that at least two meetings were held last night and that further meetings are planned.

The game operates by participants contributing $1 000 thereby securing a position on a six-tiered pyramid. It is a prerequisite that any intending player introduce at least two further participants, each of whom must also contribute $1 000. A full pyramid consists of 63 players and each pyramid is split several times as the game progresses: the aim being for each player to reach the top of a pyramid and receive his "windfall". The inevitable result, as has been proved by experience in New South Wales and California is that relatively few people even recoup their $1 000. Even if the whole population of South Australia were to take part, only a handful would stand to gain anything and the vast majority would lose their entire $1 000.

The Government has now received advice that the pyramid money game almost certainly involves a breach of the Lottery and Gaming Act and this has been reported to the Gaming Squad of the Police Department. The police will now be investigating any meeting held for the purpose of promoting the game and taking the appropriate action. Members of the public are advised that if they participate in this game not only do they risk a conviction for a criminal offence but they stand little chance of recouping their $1 000. It is obvious that for every person who "wins" $16 000, 16 other people must each lose $1 000.

QUESTIONS

SENTENCE REMISSIONS

The Hon. C. J. SUMNER: I seek leave to make an explanation before asking the Attorney-General a question about sentence remissions.

Leave granted.

The Hon. C. J. SUMNER: Before embarking upon my question I feel that the Council would want me to say on behalf of all honourable members how pleased we are to see the representatives of the print media back in their rightful place in this Chamber, and to tell them how much we have missed them over the past four weeks.

Honourable members will recall the controversy last year surrounding sentence remissions that were carried out by Executive Council during the period of the Labor Government. Those remissions were part of a long-standing prerogative of the Crown to pardon or to exercise Executive clemency in appropriate circumstances. Honourable members will recall that the Liberal Party tried to make political capital out of that well-established Executive prerogative. One noticeable example was raised in this Council by the Hon. Mr. Cameron where a prison sentence was remitted on the basis of a man's health, which was precarious. The report from a specialist physician stated:

> His liver function is precarious, and could deteriorate suddenly and dramatically at any time. I do not believe it is liable to improve in the future. I believe that if he were to be imprisoned over the next few months this would have a deleterious effect on his general health and if his liver state were to deteriorate suddenly it is possible that he could well die of liver failure or its sequelae while in prison.

That report was considered in April last year. That person was not in prison but no action was taken to put him in prison at this time, and the matter was kept under review. Later he was admitted to hospital with a serious condition, bleeding from the rectum and losing as much as a litre of blood at a time, and while he was in hospital, he required 8 pints of blood.

It was on the basis of that evidence that Executive Council exercised its power to remit the sentence. Four months later that man died. There are other examples, and at the time that that issue was raised I made full public disclosure of the other instances to the press. It had not been the practice to make public these decisions of Executive Council; however, I made full disclosures on inquiry from the press. In an editorial at the time, the *Advertiser* stated:

> The least that ought to be done in the case of Executive Council orders is for them to be published in the *Government Gazette*. The statement of the Attorney-General, Mr. Sumner, that he considers it desirable that the decisions on penalty remission ought to be public is welcome.

At the same time that this was happening there was an election on and the Premier was touring around the country and saying the first thing that came into his head,

trying to win votes. He made a statement about secret procedures, and I believe he called for the disclosure of these remissions. I announced that in future remissions would be gazetted on the principle that they were semi-judicial decisions that ought to be made public. In response to that, the Premier, as the then Leader of the Opposition, made a statement and is reported, as follows:

> The Leader of the Opposition, Mr. Tonkin, yesterday supported the move to gazette Executive Council remissions of sentence, but he called for an explanation of the "full circumstances" of the woman's case. "The Executive Council orders should certainly be gazetted," he said. "It is vital for our system of justice that there can be no suggestion of Government influence being brought to bear to override the courts."

I believe we now have an example of where the Government has done another one of its famous about-turns and has adopted a two-faced approach in Government compared to when it was in Opposition. Honourable members will recall that I asked the Attorney-General a question in this Council (and received an answer yesterday) as to whether he would disclose the sentence remissions that have occurred since 15 September and to give details of them, including the date of the Executive Council order. The Attorney-General replied that there had been 11 remissions since September last year and that he did not intend to give the information as it would give unwarranted publicity to people who had already been punished. That is in the face of a clear commitment from the Premier during the election campaign last year that he supported gazettal of those remissions, at the time, as I have said, when he was seeking votes. My research indicates that none of those remissions was gazetted.

Will the Attorney-General say whether any of the 11 sentence remissions granted since 15 September 1979 have been gazetted in accordance with the Premier's undertaking in the last election campaign, and, if not, why not? How does the Attorney-General reconcile the promise made on this issue by the Premier when in Opposition with the Government's action now?

The Hon. K. T. GRIFFIN: The difficulty with the matter is that the publication in detail of the information requested by the Leader of the Opposition in a question last week would undoubtedly have raised the expectation that this information would be available in circumstances where an individual might be unfairly prejudiced by the publication of his name and such details, particularly where that person had already been in court and the opportunity had been available at least for the public to be present on that occasion.

We know what happens on some occasions: some matters are publicised extensively because of the nature of the offence or the individual concerned. That in itself is a form of punishment which probably goes beyond the monetary or other penalty which is imposed by the court. With the opportunity having been given to the public to be present on occasions when these sorts of offence are being tried in open court, it seems to the Government inappropriate to release the sort of detail which the Leader requested the other day, because it would undoubtedly put the persons who are the subject of such orders in a position where they would attract excessive publicity to themselves, and in many cases it would add to the penalty which has already been imposed by the court. I have given the information to the Leader which I think demonstrates the nature of the remissions granted by Executive Council. I understand that the media has access to Executive Council decisions each Thursday after Executive Council has met.

The Hon. C. J. Sumner: It does not have access to all of them.

The Hon. K. T. GRIFFIN: I understand that it does, but I am prepared to check that information.

The Hon. C. J. Sumner: You'd better check it.

The Hon. K. T. GRIFFIN: I understood that it had access to all Executive Council decisions, but I will check that.

I understand that at present there is an opportunity, but I will check again to find out whether this information is available from Executive Council. The Government has not considered the question of publicising this information in the *Government Gazette* but my own view is that, if the information is required to the extent that the Leader of the Opposition requested a few days ago, it would be inappropriate to publicise it, from the point of view of the person involved at the time.

FISHERIES MANAGEMENT

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Local Government a question about statements by the Minister of Fisheries as reported in *SAFIC*.

Leave granted.

The Hon. B. A. CHATTERTON: As reported in the November issue of *SAFIC* magazine, the Minister of Fisheries made a number of statements concerning his wish to see participation by the fishing industry in the formulation of fisheries management plans. Since there was controversy about what he meant by these fisheries management plans, could the Minister provide an explanation in some detail of what he was referring to when he made those statements? Will he also say when these fisheries management plans will be produced and, when they are produced, whether they will be documents that are publicly available to all people in the community?

The Hon. C. M. HILL: I do not agree that there was any controversy. There was simply a difference of opinion between the Hon. Mr. Chatterton and the wide world of readers. However, I will forward the question to my colleague and I am sure that he will be willing to give a reply.

LAND COMMISSION

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to addressing a question to the Minister of Housing regarding the Land Commission.

Leave granted.

The Hon. J. R. CORNWALL: Last week I asked the Minister a series of questions regarding his role in the consideration of the report of the committee of inquiry into the Land Commission. I also asked him about his role in the preparation of a Cabinet submission concerning the future of the commission. I then questioned the Minister concerning the involvement, and the propriety of the involvement, of Mr. Neil Wallman, a member of the committee of inquiry, in the preparation of any submissions to the Government from private developers concerning the future of prime areas of land held by the Land Commission.

The Minister, in a considered reply, told the Council about 24 hours later that Mr. Wallman had not been involved in any submissions to the Government in his capacity as a private consultant, nor had he been involved with other persons in the preparation of such submissions. I have a copy of a five-page letter to the Land Commission from Mr. A. D. Hickinbotham, Managing Director of

Hinckinbotham Homes. In the letter, Mr. Hickinbotham makes various submissions as to how the commission could make land available to him on very favourable terms. He also refers to "our previous letter of 11 February 1980". This was almost three weeks before the committee of inquiry produced its report. The letter concludes:

> We have been assisted in this presentation by Mr. N. Wallman, who has intimated his willingness to further contribute to a discussion which should follow from your receipt of this presentation.

It is now obvious that Mr. Wallman, who is a member of the Government committee, took action that would involve substantial gains for himself or his client and that the Government countenanced such action. I seek leave to table the letter.

Leave granted.

The Hon. J. R. CORNWALL: First, does the Minister now agree that Mr. Wallman was involved in the preparation of submissions to the Land Commission, but during and after his period on the committee of inquiry? Secondly, does the Minister agree that this constituted an act of grave impropriety? Thirdly, was the Minister or his colleague the Minister of Planning aware of the letter? If not, is the Minister aware that they were at least guilty of a gross dereliction of their duty? Mr. Wallman, as a member of a Government committee, took actions to involve substantial gain for himself or his client from inside information.

The Hon. J. C. BURDETT: I rise on a point of order. The Hon. Dr. Cornwall sought leave to table a letter. Was the document that was tabled in fact a letter, or was it a document that purported to be a copy of a letter?

The PRESIDENT: I think that it is a photostat copy.

The Hon. J. C. BURDETT: Thank you, Sir.

The Hon. C. M. HILL: The Hon. Dr. Cornwall in his previous question made some serious allegations regarding the propriety of Mr. Neil Wallman's actions. My colleague in another place, the Minister of Planning, who is in charge of the Land Commission, provided me with replies which indicated that the Hon. Dr. Cornwall was quite wrong in making the charges and accusations that he made in respect of Mr. Wallman.

My second point is that the Hon. Dr. Cornwall took some pride in producing to this Council today a copy of correspondence from a constituent to the Land Commission. I should like to know where the Hon. Dr. Cornwall obtained that copy, because, if he obtained it from a public servant or someone employed under the provisions of the Public Service Act, not only was the person involved in providing the information to the Hon. Dr. Cornwall committing an offence but also the Hon. Dr. Cornwall, who is supposed to hold a responsible position in this State, namely, as a front-bench member of the Australian Labor Party in this Council, is condoning a breach of the law. It seems to delight the Hon. Dr. Cornwall to indicate to the Council that he is involved in a breach of the law.

Members interjecting:

The PRESIDENT: Order!

The Hon. C. M. HILL: This is most disgusting behaviour on the part of a front-bench member of a Party which is supposed to be a responsible Party and which, indeed, apart from the Hon. Dr. Cornwall, is a responsible Party. It is an insult to this Council for the Hon. Dr. Cornwall to get involved in this kind of unlawful intrigue. He is an insult to his Party and, if the Hon. Dr. Cornwall ever has passed to him documents that he knows are being passed unlawfully, he should do the right thing, as any responsible citizen should do, and report the matter to the appropriate authorities, and not come into this place and be a part of this unlawful intrigue. If the honourable member wishes to continue with that kind of behaviour and conduct, that is entirely his affair, and this Parliament, his Party and the public will judge him on that.

The Hon. J. R. Cornwall: They don't call you "Oilcan Harry" for nothing.

The Hon. C. M. HILL: I am not called that at all.

The Hon. L. H. Davis: What do they call Dr. Cornwall?

The Hon. C. M. HILL: I am not getting personal in relation to the Hon. Dr. Cornwall. If I did, I would shock the Council.

I would go right back into the history of Mount Gambier and other places, but I am not going to do that. In reply to the honourable member's question, I believe the charges that he made in relation to Mr. Neil Wallman should be submitted to Mr. Wallman so that he can reply to the issues that have been raised today. I am quite happy to look into the matter further. When I have received Mr. Wallman's side of the accusations, I will make some further assessment in relation to this matter, which I will forward through correspondence to the Hon. Dr. Cornwall.

ALDINGA SAND DUNES

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking the Minister of Local Government a question about the Aldinga sand dunes.

Leave granted.

The Hon. N. K. FOSTER: This is a matter of the utmost concern. Honourable members will recall that during the small hours of this morning I spoke on the Crown Lands Act Amendment Bill and raised with the Minister a number of matters relating to Crown land at Aldinga beach. In so doing, I pointed out that one of the matters of extreme concern to me was an area of land immediately to the landward side or to the rear of the shacks there. That area comprises a row of very historic natural sand dunes, which no doubt have taken several million years to come into existence. However, I believe that those sand dunes are in danger.

Not only will the shacks that I have referred to be removed but also, I believe, it is council's intention to remove the sand dunes and replace that historic feature of the landscape with a bituminised tarmac in the form of a car park. I consider that any "merit" coming to the Minister in another place from removing those shacks, or imposing a fine or some other penalty upon shack owners after the end of this month, fades into absolute insignificance if that sand dune area is in fact endangered as a result of the removal of these shacks.

Whilst conservationists may applaud the fact that the shacks are going to be removed, they are probably unaware of the danger that exists to a much more important environmental feature that I am sure is much closer to their hearts and dearer to their movement; that is, the desecration of a portion of the coastline, the like of which is almost non-existent elsewhere in the St. Vincent Gulf area. Will the Minister inform this Council what regulations are likely to be used by the Willunga council to enforce the decision to remove shacks from the Aldinga Beach area? Has the Minister ascertained to what use the proposed vacant land will be subjected? Further, is the Minister aware that, immediately to the landward side of the shacks area, these natural and extremely rare sand dunes exist? Will the Minister ascertain whether this historically valuable natural asset will be subjected to council mechanical vandalism through the construction of

a bituminised car park? Will the Minister inform the Council whether there is any plan for development or lease of this area? Will he advise the shack owners and their organisation of their rights to make representations to the Parliamentary Subordinate Legislation Committee in an endeavour to retain the shacks site in its present state? Finally, should the council, by way of regulation, seek to remove the shacks or take action against the shack owners during the Parliamentary recess, does the Minister consider that such action would constitute a denial of the people's right to object, thereby enabling the council to achieve a *fait accompli*?

The Hon. C. M. HILL: The honourable member kindly indicated during the debate early this morning that he would ask some questions relating to the sand dunes and the possibility of an area in that vicinity at Aldinga being bituminised for a car park. The honourable member expressed his concern at that prospect. I believe his fears arose from a media or television broadcast last night. I told the honourable member that I would do my best to obtain some advice for him when he indicated that he would ask some questions today. However, I did not expect that his questioning would go as far as it has gone.

In an endeavour to co-operate, I personally telephoned the District Clerk of the Willunga council, because there was no other means of quickly establishing contact between the council and myself. The information that the District Clerk has given me has not been formally approved by his council, but in view of the circumstances I am quite prepared to disclose that information to the honourable member today. There may well be some points that the honourable member raised that will need further consideration and further communication between the District Council of Willunga and myself.

The District Clerk informed me that the council has prepared a preliminary plan dealing with the general landscaping of the site which is presently occupied by the shacks and which will be available for such landscaping once the shacks are removed after 30 June. He stressed that it is a preliminary plan and that it will go before the Coast Protection Board in due course for approval. Therefore, this matter does not rest with the council alone. The council will carry out the proper machinery measure of submitting its final plan when it has made a final decision on it. I stress that at the moment it has only a preliminary plan but that the council will submit that plan to the Coast Protection Board. That is an overall plan involving the shacks area at the present time.

In relation to the car park area, the District Clerk informed me that the only car park area to be bituminised will be several kilometres away from the present shacks site. That proposed car park will be used for off-beach car parking. At the moment, I believe the council is involved with zoning regulations and is making some endeavour to keep at least some cars off the beach. Naturally, the council is making some provision for a car park area because of a change to the traditional method of taking cars on to the beach in that area. The bituminous work referred to by the honourable member is in the vicinity of the shacks site and involves boat launching facilities, which I believe have been approved. There is a boat road approach, which naturally one can assume will have a much wider pavement than a normal road would have. That proposal is also subject to Coast Protection Board approval.

If that is a fear that the honourable member has, that some bitumen work in the area of the shacks site will take place that is unacceptable and improper, I can tell him that it is involved with boat ramp facilities. He would accept that there is a need for substantial paving when one constructs and provides a boat ramp complex.

I then asked the District Clerk a question about the sand dunes, because I know that the Hon. Mr. Foster is concerned with the retention of sand dunes; indeed, I commend him for that approach, about which he has been most consistent in his time in this Chamber. The District Clerk told me that there are no sand dunes in the immediate vicinity of the shacks. He said that, in effect the shacks were in the shadow of the cliff face at Aldinga. I have not been able to substantiate that fact because I have not visited the area personally, and one would have to personally inspect the lay-out of the local situation to be more specific.

It appears from the information that the District Clerk has given me that the problem of the demolition of sand dunes is not a problem associated immediately with the unfortunate questions that are in the public mind concerning shacks that must be demolished by order of the local council by 30 June 1980.

The Hon. N. K. Foster: What do the regulations say?

The Hon. C. M. HILL: I did not discuss the regulations with the Clerk at all. I have had no communications as Minister of Local Government with the District Clerk, the Chairman or any other member of the council about the difficulty that has arisen there. As I understand the issue, shack owners were told in 1971 that the shacks could remain only until 1980, and of course that deadline is now rapidly approaching.

I understand that, if there have been transfers of shacks in the interim period, the new owners have been informed of the situation, and everyone is aware of it. I understand that only eight of the 24 shack owners are still disputing the council's right to enforce the agreement that was reached back in 1971. In that respect, I think the Hon. Mr. Foster referred to the Shack Owners' Association. I point out that on 19 October 1979 a meeting was held between the Secretary of the Shack Owners' Association, Mr. B. Boucher, the Minister and the Deputy Director-General of Lands to discuss the introduction of the Liberal Party's shack policy. This was the policy announced in November 1979, following the election, and at that meeting Mr. Boucher asked specifically whether this policy was to cover the shacks at Aldinga. He was advised that this area would not be included as the decision taken by the council had been made prior to any announced shack policy by the Government. So, it can be seen that the Shack Owners' Association was fully aware of the policy prior to its announcement on 5 November 1979.

I suggest that, as the honourable member listed a considerable number of exact questions, despite what I have said in reply I will take those questions to the Minister of Planning and obtain a detailed reply and forward it to the honourable member.

The Hon. N. K. FOSTER: I desire to ask a supplementary question. With the powers vested in him under the Act, will the Minister of Local Government notify the council that he would consider it proper, before any landscaping or removal work takes place in this area, that he be notified in respect of the matters that I have raised?

The Hon. C. M. HILL: I do not know what powers I have got to impose my will upon any development plans that the council introduces and agrees to. If those plans follow the requirements of the law and are approved by the council and, in this case, by the Coast Protection Board, I do not know that I have any powers at all to change or prevent those particular plans. Nevertheless, I am prepared to look at that question and, if it is within my power, to look closely at the changes the council proposes to make after 30 June 1980.

PETROL RESELLERS

The Hon. K. L. MILNE: I seek leave to make a short statement before asking the Minister of Consumer Affairs a question about the treatment of petrol resellers.

Leave granted.

The Hon. K. L. MILNE: The Government's policy on the question of petrol resellers was set out in a resolution passed in another place early this morning and provides:

> That in the opinion of this House the Federal Government should, as soon as possible, enact legislation to give effect to the provisions of the "Fife Package" in relation to petrol reselling; and that the Premier be asked to convey the substance of this resolution to the Prime Minister.

A letter of 12 May 1980 from the Department of Public and Consumer Affairs to all petrol resellers, in the view of petrol station proprietors, and in my view, hints very strongly that they are overcharging the public. The circular letter states:

> As you are no doubt aware, maximum retail prices of motor spirit have not been fixed by this department since 1976. However, following a number of complaints, from interstate travellers and local residents concerning high prices for petrol in South Australian country towns, a series of checks have been conducted which indicated that, in some areas, excessive prices appear to have been charged.

The circular then goes on to talk about the formula for fixing prices, particularly in country areas. The circular was signed by the Acting Prices Commissioner and in the last paragraph states:

> Should monitoring show that prices in excess of the level considered reasonable are being charged then a request for justification of the money margin being added will be sought by this department. Failure to supply such an explanation or inability to justify the margin being applied, could lead to the fixation of maximum prices for motor spirit for individual resellers.

Naturally, the petrol resellers are furious, and so am I, especially in view of what the Minister has indicated to this Council. I would like to quote for the benefit of honourable members a letter received by Mr. Robin Millhouse, M.P., from a petrol reseller. Amongst other things, the reseller states:

> At a time when proprietors are being used as slave labour by the oil companies it did seem in poor taste to infer we were ripping the public off. I bet the oil companies never got a letter telling them how much they were allowed to make. When one considers that most service station proprietors are making between one and three cents per litre then I'm afraid Mr. Burdett's letter shows an abysmal ignorance of the plight of many of those poor devils in service stations.

In view of the statements made by the Minister in this Council indicating the State Government's sympathy for the plight of petrol resellers, and in view of the policy of the State Government (embodied in the resolution I quoted earlier), will the Minister withdraw the circular letter dated 12 May 1980 sent out by his department implying that petrol resellers are overcharging the public?

The Hon. J. C. BURDETT: For some time there has been an agreed formula to fix the maximum price of petrol. The formula was agreed with the Automobile Chamber of Commerce. Calculations have been made to impose the formula in regard to changing costs and various factors involved in the price of petrol from time to time. The Automobile Chamber of Commerce asked the department what the present price would be, or it had discussions with the department which were related to the present price in regard to the formula. A draft letter was prepared which appeared in the periodic publication put out by the Automobile Chamber of Commerce. As not all resellers belong to the Automobile Chamber of Commerce, it was decided by the department to sign and send the letter to all resellers, simply as a matter of information. It is a fact that complaints were received and still are being received from time to time (some have been quite strong ones made by consumers) in regard to the maximum price. Petrol is subject to monitoring only at the retail level. It is not formally price controlled, and it is not subject to justification: it is subject to monitoring.

The point of the letter was simply to advise the resellers what the formula was. The procedures in the future would have been, had it not been for the steps which I have taken, that, if complaints continued to come in and if they indicated that the formula was being reached by individual resellers, a further letter would have been sent advising them that if they continued they might be placed under formal control. No action could have been taken without it being referred to me. In the event, when I received complaints of the kind to which the honourable member referred, I gave the direction that no further action was to be taken at the present time. Those resellers to whom I have spoken have had that assurance passed on to them. In answer to the honourable member, I say that no action will be taken at the present time until the matter can be resolved, as I hope, by Federal action.

HILLS BUSH FIRE

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Attorney-General a question on the Hills bush fire.

Leave granted.

The Hon. BARBARA WIESE: I understand that the Government has applied to the Federal Government for financial assistance to aid victims of the Ash Wednesday bush fire in the Hills in February. In the *Advertiser* of 25 March this year, Mr. Graham Inns, one-time Director-General of the Premier's Department, was reported as saying—

The Hon. C. J. Sumner: One-time Director? What happened to him?

The Hon. BARBARA WIESE: I am not sure. I think he was not in favour with the Government. He was reported as saying that, to be eligible for a Federal subsidy, the State's contribution to aid victims must be allocated in areas of absolute disaster relief such as emergency clothing, food, and to make damaged houses habitable. He is further reported as saying that the Bush Fire Appeal Fund had been asked to spend State Government funds only in those areas in order that a further claim on Canberra could be made.

The Minister's rather inadequate reply to my question on Tuesday concerning the State Government's interest in donating more funds leads me to ask the Attorney-General whether, in fact, State Government funds have been allocated in those areas which would meet Federal Government requirements in order that a subsidy can be made available from that source. Secondly, has the Government made another application for financial assistance for bush fire victims from the Federal Government and, if so, what was the Federal Government's response?

The Hon. K. T. GRIFFIN: The answer to the first question is that I have no idea. The answer to the second question is that I am not aware of what applications have been made to the Commonwealth Government. It is a matter for the Treasurer, and I will refer it to him.

LOCAL GOVERNMENT EMPLOYEES

The Hon. J. E. DUNFORD: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about local government employees.

Leave granted.

The Hon. J. E. DUNFORD: Like my Leader, the Hon. Chris Sumner, I would like to welcome the press back into the gallery and congratulate them and their comrades on their victory over the newspaper monopolies and scab labour. I have a copy of a letter signed, "Yours sincerely, Murray Hill, Minister of Local Government". The reference is MRT 551/71. It is a circular letter to all councils and addressed to Town and District Clerks and states:

> . . . It is the firm policy of the Government that in its own operations, it should employ the private sector as far as possible . . .
>
> As a development from this policy, not only do I urge councils to avoid becoming involved in private works that are outside of their specific powers, but also themselves consider using private contractors for council work . . .
>
> . . . In order to be consistent in the application of its own policy, the Government has decided that its own departments and agencies should no longer employ local councils to carry out work on their behalf . . .

As a resident of the country, you, Mr. President, would know that a lot of small townships in South Australia rely on council employees' families to keep the small businesses going and keep the schools and hospitals open. As a past Secretary of the Australian Workers Union, I covered some 3 000 workers for many years. They are presently on a very good industrial award which provides for service and over-award payments. If the policy recommended by the Hon. Mr. Hill is included, the councils will tender for work. This does happen now where councils employ private contractors. Private contractors will engage in the work and bring workers from the city to the country, those workers will live in camps, and the people in the country areas will be out of a job. It is historical that council workers' sons follow in their fathers' footsteps and become council workers, although I do not know the reason for that. It is not a good type of employment, as everyone seems to believe that they lean on the shovel. Actually, they get the work done.

Another situation which the Minister may not know but should know is that there is an industrial award covering those workers, and there is preference for the unionists for employment under that award. Many owner-drivers are private contractors, and many councils have said that they would like to have that out of the award. They would like owner-drivers to come in and work. When petrol costs go up, the cartage costs go up as well, and the councils do not like that. They would prefer to have private contractors undercutting and then going broke.

I have also had many negotiations and dealings with private contractors. They tender and usually cut one another's throats. We all know that, when a person tenders for a contract, the first thing he considers is the matter of wages. Usually, the Government wants work done quickly and, as a result, contractors must consider penalty rates, because clauses in the contract generally limit them regarding penalties when they go past a certain date. As a result, much work is performed in overtime, and many private contractors do not pay for overtime. They sack the employees for joining industrial unions and they scab on each other.

The PRESIDENT: I point out to the Hon. Mr. Dunford that he will not leave much time for the Minister to reply if he keeps on giving information.

The Hon. J. E. DUNFORD: The Minister does not know much about employment in the country areas.

The PRESIDENT: The point I am making is that perhaps what you are saying is not an explanation.

The Hon. J. E. DUNFORD: I am pointing out how important this matter is and how important the country areas are. The Minister smiles when he goes to the country areas, and then he cuts the throat of the people there. That shows him for what he is. He does not know what power he has, according to what he has told the Hon. Mr. Foster, but he is exercising it. Local government will be conscious of his ignorance.

The Hon. C. M. Hill: Aren't you concerned about the employees of contractors?

The Hon. J. E. DUNFORD: Contractors are so crook that they undercut and go broke, and you lend them Government machinery. The Public Buildings Department estimated the cost of service and repair of lifts in Government departments at $500 000. The department called tenders from private enterprise and the contract was tendered out at $1 000 000. Will the Attorney ask the Premier to confirm that his Government advised councils in South Australia that Government departments and agencies would no longer employ councils to carry out work on the Government's behalf? In view of the adverse effects this policy will have on employment opportunities, will the Premier take the necessary action to have that policy rescinded and also to have the suggestion or veiled direction by the Hon. Mr. Hill that councils engage private contractors withdrawn and a letter to that effect addressed to the Local Government Association and all councils through Town Clerks and District Clerks?

The Hon. K. T. GRIFFIN: I will answer the question by referring to the letter that the honourable member has mentioned. It was sent to councils for guidance only and, if the honourable member looked at it carefully, he would realise that it did not extend to the debit order work system that has been in operation between the State Government and councils for many years, and lawfully so, under the Local Government Act. The problem about councils undertaking, on a tender basis, private contract work outside debit order work and work ordinarily within the responsibility of local government is that the Local Government Act does not give them the authority to tender for that outside work and to engage in it. The concern is that councils, in some of these sorts of areas, are going outside the powers under the Act.

The Hon. J. E. DUNFORD: I rise on a point of order. He is misinforming the Council, because the Government contracts out to councils already and I have heard the Hon. Mr. Hill say that it is a breach of the Act for councils to take private work.

The PRESIDENT: That is an explanation, not a point of order.

The Hon. K. T. GRIFFIN: I want to make only two other points. First, the assertion that the honourable member is making, that if the proposals are adopted by councils that will take workers from the city to the country and will deny local employment, is a myth. In fact, it will encourage local people to become more involved in local work.

The Hon. J. E. Dunford: Without a job? You must be crazy.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: The other point is that many councils spend large sums of money on plant that would not ordinarily be used to any large extent within council areas.

The Hon. J. E. Dunford interjecting:

The PRESIDENT: Order! Does the honourable member wish to hear the reply to his question?

The Hon. K. T. GRIFFIN: It is important for councils to understand that, in spending large amounts of money on plant that they would not ordinarily use to a great extent, they are putting a burden on the ratepayers. The notes that the Minister of Local Government has sent to councils will assist in drawing to their attention this and other matters to which I have referred.

The PRESIDENT: Call on the business of the day.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

Consideration in Committee of the recommendations of the conference.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That the recommendations of the conference be agreed to.

A spirit of compromise prevailed through the managers for the Council and the House of Assembly in dealing with the two matters on which the House of Assembly had insisted. An amendment to section 51 (1) of the Act sought to give to the Children's Court an additional sentencing option, namely, that it may convict a child without imposing penalty. It presently has, among sentencing options, an option to discharge the child without penalty but only where it does not convict the child. The additional option is to discharge the child without penalty where a conviction has been recorded. There was no compromise on that point and the managers for the Legislative Council agreed to accede to the request of the managers for the House of Assembly that that option be included in the Bill.

The other area on which there was compromise dealt with the situation where the Director-General has authority to transfer young offenders from one training centre to the other. The House of Assembly sought to ensure that there was a review by the Training Centre Review Board only where the detention was of a permanent nature and not in a remand situation. The Council sought to have the review extended to a transfer of young offenders in a remand situation as well as in the situation where the offender had been permanently detained.

The compromise is that the Director-General will have an opportunity to transfer a young offender from one training centre to the other, but he must notify the Training Centre Review Board of that decision and action. He must do it upon giving the direction for the transfer. The Training Centre Review Board, under the compromise amendment, is required to review the direction made by the Director-General at its next ordinary meeting or, if the Chairman of the board is of the opinion that the matter is urgent, he may convene an earlier review board meeting to review the decision by an action of the Director-General.

The managers believed that that compromise was appropriate, as it will overcome the administrative difficulties that prompted the amendment initially, and it will also ensure that someone reviews the Director-General's position. In probably all cases, there will be no reason for the review board to vary the arrangement made by the Director-General, but one can contemplate the situation where that may be necessary.

As the managers indicated during the conference, this was as much a protection for the Director-General of Community Welfare if he decided to transfer a young offender as it was for the young offender. So, the managers, having accepted that compromise, it now comes to this Committee to agree with the recommendations.

During the course of the conference there was some discussion about the philosophy which governs the decisions of the Children's Court both in imposing convictions and in determining sentences on young offenders, and the way in which that philosophy is implemented.

Since the conference, I have had a further discussion with one of the judges of the Children's Court, who has confirmed the point that I was able to make to this Committee, to the Council and to the conference of managers, relating to the way in which the Children's Court interprets and applies its responsibility. The judge drew my attention to section 7 of the Children's Protection and Young Offenders Act. I think it would be helpful for us to refresh our memories regarding the policy enunciated in that section, which provides:

> In any proceedings under this Act, any court, panel or other body or person, in the exercise of its or his powers in relation to the child the subject of the proceedings, shall seek to secure for the child such care, correction, control or guidance as will best lead to the proper development of his personality and to his development into a responsible and useful member of the community and, in so doing, shall consider the following factors:
>
> *(a)* the need to preserve and strengthen the relationship between the child and his parents and other members of his family;
>
> *(b)* the desirability of leaving the child within his own home;
>
> *(c)* the desirability of allowing the education or employment of the child to continue without interruption;
>
> *(d)* where appropriate, the need to ensure that the child is aware that he must bear responsibility for any action of his against the law;
>
> and
>
> *(e)* where appropriate, the need to protect the community, or any person, from the violent or other wrongful acts of the child.

Those principles are more clearly enunciated in this legislation than they were in the earlier Juvenile Courts Act, which preceded this Act. They clearly enunciate a policy that has been developed over a number of years through the experience not only of judges and magistrates in dealing with young offenders but also of officers of the Department of Community Welfare and Police Department, and of social workers generally.

The Children's Court, in trying to apply the policy specified in section 7 of the Act, takes into account the character and antecedents of the offender, the nature of the offence and the circumstances in which it was committed. It tries to balance the interests of the child, which are paramount, with the interests of the community. It takes into account the effect of a penalty on a young offender, and particularly the effect that it will have on that young offender's job or the potential for his employment. The court also takes into account the effect of the penalty on the young offender's family, and the relationship of that young offender within the family, and it tries to assess the impact of the penalty on the child's future.

Also, the court does not lose sight of the fact that, in an appropriate case, it is important to impose some discipline on the young offender and, where appropriate, a punishment that will make it patently obvious to the young offender that he has responsibilities within the community.

I will outline some specific material that has been supplied to me by one of the judges of the Children's Court. It would be helpful for honourable members to be aware of these matters. I refer, first, to road traffic offences. The Children's Court deals with young traffic offenders in two different categories: those who are over 16 years of age, and those who are under that age.

Where a young offender who commits a traffic offence is 16 years or over, the court usually records a conviction, and that attracts demerit points as well as other penalties prescribed in the road traffic legislation. However, when a child under 16 years of age commits a traffic offence, the Children's Court usually does not proceed to a conviction. It treats the young offender as having committed an offence not so much in the area of a road traffic breach but in the nature of an ordinary other type of offence. In many cases, without proceeding to a conviction, the court will look to impose a bond on a young offender.

Where the court deals with the sentencing of young offenders on other than driving offences, it is important to recognise that the Children's Protection and Young Offenders Act provides that the cases of all such offenders are, first, reviewed by a screen panel, which determines whether the matter should be referred to the children's aid panel or to the court. Therefore, the screen panel is the first point of review. If a matter goes to court, there is a capacity to convict, and in many cases the court will request a social background report on the child. However, the children's aid panel has no capacity to convict.

That report takes into account past offences, past difficulties with the law, family relationships, and so on. The social background report is not called for in all cases. There are cases such as a one-off offence of disorderly behaviour, or some other case that does not generally involve a young offender's character, where the court on its own initiative will say that it does not need a social background report; or, a recommendation is made by the Department of Community Welfare, the prosecutor or a parent or guardian of the young offender that a social background report is not required. In many of those cases the matter is then dealt with expeditiously before the court. In other cases where any one of those persons or the court itself believes that there is something more serious involved than an out-of-character breach of the law committed by a young offender, it will require a social background report. That is another step in the process of sentencing a young offender.

Where there is a first offence, other than a road traffic matter, and even on many second offences, it is not the court's practice to proceed to record a conviction. Even when a group I or group II offence has been committed, such as breaking and entering or other more serious cases, I am informed that on a first offence it is unusual for a conviction to be recorded. Even on a second offence, there are many occasions where a conviction is not recorded, because the court takes the view that not always does a conviction achieve the policy of the Children's Protection and Young Offenders Act as far as it affects the child. However, there are cases, other than a first offence, where convictions are considered. For example, a young offender might be charged with eight offences, which may all be proved.

The court has a capacity to record a conviction on all eight offences, but if it does that the Act specifically requires it to impose a penalty. The usual practice is that the court, in looking at the offender rather than at the multiplicity of offences, endeavours to reach a conclusion on penalty that will apply *in toto* to the multiple offences. The court would ordinarily record a conviction on the first of those charges and discharge the offender without penalty on the other seven. If the court imposes a penalty, that penalty may be a nine-month period of detention suspended whilst the offender is of good behaviour.

The judge told me that some members of the court believe that there is some implied power in the legislation to record a conviction without proceeding to penalty. In fact, on some occasions that is already done. From the information that I was given this afternoon, it appears that, whilst there is some uneasiness about that practice, it does occur, but the court prefers to have it expressly stated in the legislation, even if it is expressly stated, as the conference has now—

The Hon. C. J. Sumner: They should have told us that in the first place.

The Hon. K. T. GRIFFIN: I did not know that. I have just been told.

The Hon. C. J. Sumner: I am saying that they should have told us.

The Hon. K. T. GRIFFIN: I did not mislead the Council, because I have just been told that.

The Hon. C. J. Sumner: I was not suggesting that.

The Hon. K. T. GRIFFIN: I am endeavouring to put this matter into perspective and to be perfectly frank about the discussions I have had so that the Council can understand the position. I hope that my illustration to the Council will enable it to appreciate that the availability of a conviction as a sentencing option is not something that is readily used if there are other more appropriate means of sentencing a young offender. My attention was also drawn to section 51 (12) of the principal Act, which provides:

> Where the court has found a charge of a group I or group II offence proved against a child, the court shall record a conviction unless there are, in the opinion of the court, special reasons for not recording a conviction against the child, and the court states those reasons in its judgment.

The court has found itself in something of a dilemma where in a case of multiple charges under group I or group II offences it has been obliged by virtue of section 51 (12) to record convictions unless there are special reasons. In many cases there are not special reasons within that category, except that it would not be conducive to dealing with the penalty to have such penalty juggled between eight different offences rather than being imposed on one principal offence.

Further, the court also informed me that, even where a young offender has already been before the court on a number of offences and subsequently after a period of, say, 12 or 18 months comes back before the court on another offence, it will not necessarily or automatically proceed to record a conviction. A case was instanced where one young offender had been before the court on a number of occasions, had been released and made a go of it for about 12 months, but had then become unemployed and offended again and was brought back before the court. In that case, because the young offender had made a go of it and there appeared to be some reasonable prospects of rehabilitation, the court did not proceed to record a conviction. So, again, the practice of the court and the philosophy that it is endevouring to put into practice is directed towards not recording a conviction but achieving a rehabilitation of the young offender.

A manager at the conference expressed concern about the availability of the option of recording a conviction but not imposing penalty. He feared that the court would record a conviction without penalty for trivial offences, thus marking the young offender for life. As I have endeavoured to demonstrate, the court does not impose convictions for trivial offences. The risk that the honourable member saw in the way the present court operates is certainly not within its contemplation. The

Children's Court, Department of Community Welfare officers, police officers and officers of the court, when sentencing young offenders and dealing with them generally, try to sympathetically discharge their responsibilities, with appropriate emphasis on the effect that the sentence will have on young offenders. I commend the agreement between the managers to honourable members, and I thank the managers from this Council for the spirit of compromise they demonstrated during the conference.

The Hon. C. J. SUMNER: It may have appeared to some members of the Committee that the disputes that arose between this Chamber and another place were comparatively minor matters, but the statement that the Attorney has now made to the Committee indicates the importance of our having taken up the issues and having had them resolved by way of a conference. What we had in the Attorney-General's statement, which I appreciate he made at length, was a reaffirmation of the Government's basic philosophy behind the Bill.

We were concerned that the further option to convict when no penalty was imposed was in some way trying to water down the basic principles of the Act. I will not go into that now, because it was thoroughly canvassed previously. However, that was a fear held by some members of this Chamber, and that is why, when the Bill was first introduced, Opposition members sought to delete that part of the Bill that would have given power for a conviction to be imposed where no penalty was ordered. In view of the Attorney's statement to the Committee, particularly his statement that the judicial sentencing policy of the court is not to impose convictions in the case of trifling offences, and having outlined in detail the sorts of circumstances in which convictions may need to be recorded without penalty, I think that those honourable members who were concerned can rest more easily, because in his statement the Attorney reaffirmed the Government's basic commitment to the principles of the Bill.

In his statement, the Attorney indicated the judicial practice of the court in its sentencing, and Parliament now has an idea of what the Government sees as the philosophy of the Act. It also has a clear statement of what the court sees as its role in this matter, and it has some guidelines from which to judge in future the operation of the Act and any sentencing under it. If we feel that problems arise, that the basic intention of the Legislature is in some way not being carried out, then we have the guidelines from which to judge and upon which in the future we can make any corrections if they are so desired.

I believe that the compromise was overall a satisfactory one. In effect, members from this side of the Chamber gave up their opposition to providing the power to convict without penalty and members on the other side acceded to the request of members on this side that the Training Centre Review Board ought to have control not only over the release of juvenile offenders from places of detention but also over the transfer of juvenile offenders from one institution to the other.

That has been achieved without in any way interfering with the Director-General of Community Welfare's right to act immediately in certain circumstances and to effect a transfer. In summary, this Chamber won one and lost one. I suppose a better compromise could not be asked for. I am pleased that we did insist on the Bill as it left here originally and that we took the matter to a conference.

Although some honourable members may have thought that they were minor matters, I think that insisting on the things that we did brought the matter to a head in a conference and has provided Parliament as a whole with an important statement from the Attorney on the Government's attitude to the Bill which can only be good for us in terms of education and information and for the good of the public as well. I and members on this side of the Committee are prepared to support the recommendations of the conference.

Motion carried.

Later:

The House of Assembly intimated that it had agreed to the recommendations of the conference.

SITTINGS AND BUSINESS

The Hon. L. H. DAVIS: I move:

That Order of the Day: Private Business No. 2 be made an Order of the Day for Wednesday next.

The Hon. R. C. DeGARIS: I wish to make a statement, Mr. President.

The PRESIDENT: In that case, I think the procedure to be followed at this stage is for the Hon. Mr. Davis to withdraw his motion.

The Hon. L. H. DAVIS: I seek leave to temporarily withdraw my motion.

Leave granted; motion withdrawn.

The Hon. R. C. DeGARIS: I seek leave to make a statement.

Leave granted.

The Hon. R. C. DeGARIS: I want to draw an important matter to the attention of the Council. We are going to defer until Wednesday next (and I am not disagreeing with that) two motions on the Notice Paper. Both motions concern new rules that have been made in regard to betting in South Australia. The Subordinate Legislation Committee, in considering these rules, placed a motion of disallowance on the Notice Paper because there were logical objections to some parts of the regulations. Variations of the regulations have been recommended, and the Betting Control Board, I believe, has agreed to make those variations. However, the variations have not as yet come before Parliament, and the original rules have been laid on for more than 14 days. The adjourning of the motion until Wednesday really discharges the matter if the Council prorogues today. In other words, one cannot bring back that motion.

The Hon. C. J. Sumner: You can.

The Hon. R. C. DeGARIS: Time is up. At the prorogation of Parliament, all matters on the Notice Paper go off.

The Hon. C. J. Sumner: I don't know about that.

The Hon. R. C. DeGARIS: I believe that is the position. So, we are faced with two choices: first, to disallow or, secondly, to adjourn to a date in the future, which is virtually the same as discharging it. Neither course is completely satisfactory in this case, because of the need to maintain regulations governing betting in South Australia. To disallow them may create some real problems. To discharge the disallowance leaves the Council without any control of regulations to which there has been some logical objection.

I raise this unsatisfactory position and draw the matter to the attention of the Attorney-General and the Council in the hope that some change may be considered if what I am saying is right, so that regulations tabled which are subject to some criticism and which require change should be allowed to remain challenged by a disallowance motion, even though the Parliament has been prorogued, and it can come on again in the next session. There would be a need for some safeguard to this procedure to prevent

the Council maintaining disallowance motions indefinitely on the Notice Paper, and such a safeguard might, for instance, involve a resolution of the Council that the motion be maintained, or some such other device.

I thank the Council for the right to make a statement on this matter, because I believe that if all honourable members consider it they will agree that there may be occasions when the Council should be able to maintain a disallowance motion during a period when Parliament is prorogued.

STATUTES AMENDMENT (INTEREST ON JUDGMENTS) BILL

Adjourned debate on second reading.

(Continued from 11 June. Page 2470.)

The Hon. C. J. SUMNER (Leader of the Opposition): I have been caught a little unawares by you, Mr. President, and the Government. The Hon. Mr. Davis was down to speak, and I saw all the books in front of him, but he has pulled out and is apparently not game to go on and endure the weight of the argument that is against him on this issue.

The Hon. L. H. Davis: You had too much red wine for lunch.

The Hon. C. J. SUMNER: Not even on the last day of sitting will I have a glass of wine for lunch. I ask the Council to support this Bill at the second reading stage. I appreciate that, in practical terms, at this time the matter could not be referred to the House of Assembly for endorsement and therefore could not become law until the next session of Parliament. However, despite that, the Council ought to approve the second reading of the Bill. It would be an expression of opinion by the Council that it believes that the principle involved in the Bill is a just one.

When Parliament resumes later in the year the Bill can be re-presented and considered in Committee, when any drafting problems can be looked at. We can then proceed with the passing of the Bill down to the House of Assembly. I introduced this Bill because I originally received a request to do so from the Parliamentary Leader of the Australian Democrats when I was Attorney-General. In fact, he said, when we were in Government, that if the Government was not prepared to do it he was. I was having the matter investigated at the time the Labor Government fell. Since then, I had decided to tack these provisions onto the Wrongs Act, when the Attorney-General introduced his Bill to reverse the decision in the Atlas Tiles case. That has now fallen by the wayside, because the High Court reversed its own decision in a remarkable display of inconsistency. However, that is not for me to comment on. It was therefore necessary to reverse the decision in *Faraonio v. Thompson* and introduce a separate Bill, which I have done.

Regarding the principles of the Bill, I do not believe that any major opposition has been put to it from the Government side. The Hon. Mr. DeGaris, in a curious contribution (curious for him, that is), seemed to be supporting the principles of the Bill but, in the end, came down and said that he was not going to support it.

One reason was that we were dealing with judge-made law. We are dealing with the question of interest on judgments, not with purely judge-made law but with the judges' interpretation of Statute law, so the common law does not come into the situation. When we are talking about methods of assessing damages and whether income tax is taken into account in assessing what is to be allowed for future loss of wages, we are dealing with purely judge-made laws. The Statutes and Parliament have not intervened, and the argument that Parliament should not intervene in the Atlas Tiles case had some validity, because it was judge-made law.

However, in this case, interest is payable only from date of issue of the writ to date of judgment because the court decided in 1972 that it ought to be payable. We did that to overcome the problem that sometimes there were long delays between the issue of the writ and the delivery of judgment. Some delays were contrived by people trying to delay cases deliberately, and it was placed on them as a penalty so that the person would be back in the position he would have been in had he been able to get judgment a day or two after the writ had been issued, which would be the perfect situation. In the imperfect situation, where there are delays, there can be a long period between the issue of the writ and the date of judgment when a plaintiff is entitled to money but does not have it and cannot invest it. Therefore, he has lost it.

The Hon. R. C. DeGaris: To my mind, your Bill does not change the present position.

The Hon. C. J. SUMNER: I do not accept that, but that can be discussed in Committee, provided members agree with the principles. I envisage that, during the recess, the Bill can be circulated to interested groups for comment, particularly on the drafting. I believe that the drafting assists the courts by providing that they can award interest on the portion of the judgment that is for loss after the date of judgment. In overriding the South Australian Supreme Court in *Faraonio v. Thompson,* the Privy Council said that they cannot.

The Hon. R. C. DeGaris: No.

The Hon. C. J. SUMNER: That is the practical effect. This legislation gives them the power. Your argument is that they have the power now.

The Hon. R. C. DeGaris: Yes.

The Hon. C. J. SUMNER: We can argue that in Committee. The Bill changes the law, because now, to be bound by *Faraonio v. Thompson,* for all practical purposes the courts will not award interest on future loss. The 1972 legislation contained this prohibition. In 1974, that prohibition was removed because there had been adverse comments about it by the Full Court in the case of *Sager v. Morten and Morrison.* I think it was the Chief Justice who said that the difference between future loss and past loss with respect to interest was an artificial distinction that ought not to be maintained. As the Hon. Mr. DeGaris has rightly pointed out, the payment of interest is recompense for money the person did not have the use of when he should have had it.

The Hon. R. C. DeGaris: Doesn't this seem to imply that judges in South Australia are making their judgments from date of accident in regard to future loss?

The Hon. C. J. SUMNER: They do not do that generally. They make a global award that takes into account past and future loss but they try to estimate past loss to the date of judgment and then make an estimate of the future loss from the date of judgment. That was done by the Supreme Court in 1953 in *Sager v. Morten and Morrison* and it was done in *Faraonio v. Thompson,* but I believe that the court was of the view that interest ought to be on the whole sum.

The Hon. M. B. Dawkins: Are you saying past loss on day of accident and future loss on day of judgment?

The Hon. C. J. SUMNER: Yes. I believe the court said that in 1973 in Sager's case and again in, I think, 1978 in Faraonio's case. I think that in 1974 we were providing the courts with the power to do what the Full Court of the Supreme Court of this State wanted to do in Sager's case but could not do and what it did in Faraonio's case in 1978,

which was overruled by the Privy Council. I believe that it was the intention to give full interest on damages. I believe that the Supreme Court applied that and the Privy Council did not. That is why I say that the Privy Council has thwarted the intention of this Parliament.

The Hon. R. C. DeGaris: We divide there.

The Hon. C. J. SUMNER: The honourable member seemed to lead me to the conclusion that he should support us. If he is concerned that the Bill does not change the situation, surely the correct procedure is to vote for the principle at the second reading stage, and then we can look further at the matter in Committee. I put a similar suggestion to the Hon. Mr. Burdett yesterday when he propounded one of his theories on retrospectivity that left me non-plussed. However, he said he agreed with the principle and then he voted against the Bill, for spurious reasons. Now it seems that the Hon. Mr. DeGaris is going to fall into the same trap. I will circulate the Bill to interested organisations and people to find out what they think, but it would be useful for the Council now to make a decision that we can take up later.

The Council divided on the second reading:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

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

Pairs—Ayes—The Hons. C. W. Creedon and Anne Levy. Noes—The Hons. J. A. Carnie and R. J. Ritson.

Majority of 1 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—"Amendment of s. 30c of Supreme Court Act."

The Hon. C. J. SUMNER: I said during the second reading debate that the Hon. Mr. DeGaris had some doubts about the drafting of the Bill (although I believe that it is satisfactory) and that I would circulate interested organisations so that they could comment on the matter. I think that that is the appropriate procedure, and the Council has affirmed the principle. This Bill cannot become law because the Council will soon rise, and obviously another place is not prepared to consider it. I will therefore have to reintroduce the Bill. So, we can use the recess to examine in detail any drafting problems. Accordingly, I ask that progress be reported.

Progress reported; Committee to sit again.

POLICE OFFENCES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

TRUSTEE ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

PROROGATION

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That at its rising the Council adjourn until Tuesday 15 July 1980.

Earlier, I asked across the Chamber whether honourable members could remember an occasion when the Council had ended a session at such an early hour in the afternoon. I recognise that I have been in the Chamber for only a relatively short time compared with the experience of my many colleagues, but that is indicative of the co-operation I have received in getting the business of the Council completed. Of course, we have had some difficulties, but notwithstanding that we have managed to complete an amount of work that I believe is reflected in the number of Bills that this Council has been able to pass. In moving this motion, I make the point that neither the Council nor Parliament could operate without the very loyal and experienced service of the officers, messengers, *Hansard*, Parliamentary Counsel, the catering staff and a variety of other persons who work within Parliament House. That appreciation also extends to the many persons who work for Ministers and members of the Legislative Council outside this building.

Personally, and on behalf of the Government—and, I would like to think, on behalf of the whole Council—I would like to express our very real appreciation for the work that all those people have been able to do behind the scenes in assisting Parliament to perform its function and enabling it to run so smoothly. Those people are not very often recognised outside Parliament House for the work that they do, but all of us rely very heavily on them to ensure that things do happen. I believe it is appropriate on this occasion to recognise the work they do to help us perform our duties and discharge our responsibilities.

To all members of the Council, I express my appreciation for the assistance I have received on most occasions, although not without some criticism on some occasions. I have assumed the responsibility as Leader of the Council after only a relatively short time in Parliament and it has not been an easy task for me, but I have had the support of my colleagues, the Opposition and the Hon. Mr. Milne in undertaking that task. I also record my appreciation for that support and accord best wishes to all members and the staff for what will be a relatively short recess.

The Hon. C. J. SUMNER (Leader of the Opposition): It is with some reluctance that I rise to support the Attorney-General on this particular matter, because it heralds the end of the first session of the new Liberal Government, which is the first Liberal Government for nearly 10 years. I say "with some reluctance", because, to a politician, being in Parliament is like a drug. When Parliament is not sitting I have withdrawal symptoms. I feel that way particularly this year because, for reasons that are best known to it, the Government has caused Parliament to sit for only 35 days. For a politician, that is a disaster. A politician without a Parliament is like an alcoholic without a drink.

I endorse the Attorney-General's remarks, particularly about the staff and others who have assisted the functioning and continued functioning of Parliament through even its worst moments. Even you, Mr. President, when you were getting a little bit testy with us, have had the Clerks in front of you to help you keep calm in a crisis. Honourable members have no such assistance and must—

The Hon. Frank Blevins: You have the Whip.

The Hon. C. J. SUMNER: Yes, I have the Whip, and I must confess that he does quite a good job. The Clerks and others who have the job of running this Parliament do a

very effective job. Sometimes, they appear to be an island of calm in a sea of chaos. I very much endorse the remarks made by the Attorney-General in that respect.

I mentioned earlier, when asking a question, how much we all miss the press. There are a number of casualties that have arisen as a result of the press difficulties. I have failed to see my name in lights over the last month and certainly over the last two weeks while Parliament has been sitting and the Opposition has been dominating the Government day by day. However, that is not the only casualty. It has been traditional for the press to organise a party on the last day of the session and, when the Leader of the Government and the Leader of the Opposition give their traditional valedictory farewell speeches, the Chamber is usually almost empty, because most honourable members are partaking of the hospitality offered by the press. I do not see any evidence of a party being organised at the moment. Perhaps we can do something about that before the day is out. Of course, that could well be an indication of the new austerity that has been ushered into a previously happy, carefree, fun-loving community through the advent of a new Government.

In relation to the press and politicians my colleague, the shadow Minister of Agriculture, explained to me the meaning of the word "symbiotic." I believe that we politicians have a symbiotic relationship with the press. In a simple definition of the term, we need the press and they need us. It is to our mutual advantage—at least, that is what it ought to be—but I sometimes feel that the relationship is to our mutual disadvantage. Nevertheless, it is a pity that the representatives of the fourth estate have not been present over the last two weeks. I am sure that was not the fault of the representatives, but rather the fault of the fourth estate. I am pleased to endorse the Attorney-General's remarks. I believe that the session has been somewhat truncated but at least it has been a successful session in terms of the conduct of the Council. I wish all honourable members and staff a very happy winter recess.

The Hon. K. L. MILNE: I should like to support the remarks of the Attorney-General and the Leader of the Opposition regarding the staff and other people who make our work possible. May I also thank the Government and the Opposition for the courtesy extended to me during my first session in Parliament, and for their forbearance at the same time. It has been most interesting, and all honourable members have gone out of their way to make my entry into Parliament in this session as happy and productive as possible, and I am most grateful.

The PRESIDENT: I should like to add to the words of the previous speakers in appreciation of what the staff does for us as politicians. I am especially grateful to my Clerks, who work long hours and are of great value and assistance not only to me but to all honourable members and to Parliament in general. I am sure that the forbearance of the *Hansard* staff must be appreciated by all, and I am certain that your Joint House Committee members will pass on the gratitude that you have expressed to the catering staff. During this brief period all members will have the opportunity to consult with their constituents and tell them of the great things they have done and the better things they intend to do in the future. I wish you all well.

Motion carried.

At 4.33 p.m. the Council adjourned until Tuesday 15 July at 2.15 p.m.