HOUSE OF ASSEMBLY

Wednesday, March 22, 1972

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

STATUTES AMENDMENT (JUDGES' SALARIES) BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

MINISTERIAL STATEMENT: TERTIARY FEES

The Hon. HUGH HUDSON (Minister of Education): I ask leave to make a statement.

Leave granted.

The Hon. HUGH HUDSON: It has come to my attention that the basis of my approach to the Commonwealth Minister for Education and Science concerning university fees and fees for other tertiary establishments has not been properly understood. Honourable members will know that the proposal put to the Commonwealth Minister was rejected (although that is beside the point at this stage). However, it is important that those members of this House who wish to understand properly the proposal that I put to the Minister should be given the opportunity so to do and not be misled by inaccurate and prejudiced comment.

First, the proposal was that the Commonwealth Government should alter the basis of its recurrent support for universities and colleges of advanced education from the present $1 for every $1.85 either received from fees or provided by State Governments to a $1 for $1 basis, on the condition that State Governments abolish all fees at universities and colleges of advanced education. Superficially, it might appear that the cost to the Commonwealth Government of doing this would be the full amount of the additional support required, and the basis of the proposal I put to the Commonwealth Minister was that there were substantial offsets to this cost and that the cost to the Commonwealth Government of taking this step was only about one-third of the recurrent cost.

I should further explain that currently the $1 for $1.85 support means that the Commonwealth is providing 35 per cent of the running cost of universities and colleges of advanced education, and a $1 for $1 subsidy would mean 50 per cent support, but the offsets to which I will refer would reduce the effective increase in Commonwealth contributions for recurrent costs to about one-third of the increase. The offsets arise, first, because the Commonwealth Government pays fees to universities and colleges of advanced education, which fees work into State revenue because we pay less to universities as a consequence for all Commonwealth scholars and, if fees were abolished, that payment by the Commonwealth Government to the universities and colleges of advanced education would cease.

Mr. Goldsworthy: Brilliant!

The SPEAKER: Order! The honourable Minister has leave of this House to make a personal explanation. The honourable member is entirely out of order. The honourable Minister.

The Hon. HUGH HUDSON: The second point relates to the effect of tax rebates, because the individuals who paid fees for their student children would no longer be paying fees, and the amount claimed as a taxation rebate, which is now extended to cover a student up to 25 years, will be reduced. Therefore, there will be a recoup into Commonwealth revenue, or less moneys will be paid out as taxation rebate. Whichever way it is viewed, that is a further offset. Another offset occurs through the Commonwealth Public Service no longer paying for its own employees who undertake and pass university courses because currently all Commonwealth public servants have their fees refunded. I calculate that the total effect of these offsets would amount to two-thirds of the 50 per cent. Mr. Fraser in his reply certainly did not in any way dispute that calculation and, so far as he is concerned, apparently that calculation stands. Apparently the honourable member for Kavel does not think that this proposal is worth considering. I should like to make this further comment. I think it is a great pity that an accusation in relation to these matters should be mixed up with so much personal abuse, invective and viciousness. The only thing I can say about this matter is that, perhaps, it is fortunate that that kind of abuse should be levelled in this House and not in the confines of the schoolroom.

QUESTIONS

GAS

Dr. EASTICK: Can the Premier, as Minister of Development and Mines, say what are the implications of the statement, which was made by the Chairman of Directors of the Australian Gaslight Company and which was contained in

that company's annual report, to the effect that it was necessary, by May 26, 1972, to prove the reserve supplies in the Far North for a period of not less than 30 years? A press report last Saturday evening indicated that this statement had been made and that, provided supplies in the area concerned had been proven by that time, a $150,000,000 pipeline to Sydney would be commissioned. I am concerned about the difficulties confronting the whole programme if the supplies are not proven by May 26. I ask the Premier whether the announcement in today's newspaper that there are more gas flows in South Australia bears any relationship to this question.

The Hon. D. A. DUNSTAN: The basis of the contract between the producers on the gas field and the Australian Gas Light Company was that in the letter of intent the condition applied was that adequate reserves had to be proven by the date to which the honourable member has referred. It was expected that adequate reserves would be proven by that stage. Some time ago, negotiations had broken down between the producers and the Australian Gas Light Company, particularly over the question of the adequate stepping up of proving the field. All the indications have been that the reserves required in the letter of intent will have been proven by that date. Judging by all reports to me so far, I am confident there will be no difficulties in completing the contract on that score.

Dr. Eastick: And, if not, is it finished?

The Hon. D. A. DUNSTAN: That does not mean to say it is all over. However, at that stage of proceedings the producers will be so close to proving the total reserve required that 1 think there could be some further negotiation; on present reports, I do not expect that that question will arise. The producers here and the board of Burmah Oil Company in London have said that they are confident that the reserves will be proven.

Mr. COUMBE: The Premier will recall that last week I asked him a question about the supply of natural gas following the blow-out at the Moomba field. In reply, the Premier told me what progress was being made in examining the results of the blow-out, but he did not answer my question. I ask him now whether he can say what effect, if any, the blow-out will have on our known reserves of natural gas in that area?

The Hon. D. A. DUNSTAN: I have made inquiries and the answer is that the blow-out will have no significant effect.

HAIR CONSULTANTS

Mr. LANGLEY: Can the Minister of Labour and Industry say whether the Government intends to introduce regulations to eliminate malpractices among hair restoration consultants? An article in this morning's *Advertiser* states that the Victorian Government intends within a month to proclaim regulations to stop malpractices by hair restoration consultants. Apparently, lavish advertisements state that hair can be restored, but the claims of the consultants are baseless. Large sums of money have been paid out by people who have hoped to get new hair. I am sure that the only way to obtain new hair is to purchase a toupee, but I am told that toupees are unobtainable in this State.

The Hon. D. H. McKEE: As I can understand the honourable member's interest in this matter, I will take it up with the Minister of Health.

ARMED BANDITS

Mr. BECKER: Can the Attorney-General, representing the Chief Secretary, say what arrangements are being made to protect students as the return home today from schools at St. Leonards and Camden Park and from Immanuel College at Novar Gardens? As I understand that police officers are still pursuing armed bandits in the area of the three schools, I am concerned for the safety of my constituents, especially schoolchildren, who may be in danger as they return home from school at 3.30 p.m. and 3.45 p.m. What urgent arrangements are being made to protect these children as they return home without their parents?

The Hon. L. J. KING: I have not had any information in the last two hours about the position in that area; I do not know whether the persons concerned have been apprehended, nor do I know really whether the conditions existing in the area at present are a threat to the safety of children or other people residing in the area. However, I do know that the police have the matter in hand. They are most active in endeavouring to apprehend the persons concerned. I have no doubt that they are handling the matter with their usual competence and that, if there is any reason to fear for the safety of children returning from school, police officers will make the necessary arrangements for their safety.

POLICE COMMISSIONER

Mr. MILLHOUSE: Will the Premier say why a local man was not recommended for appointment as Commissioner of Police, and

whether the Government intends to appoint the new Deputy Commissioner of Police from outside the State? As you know, Mr. Speaker, the announcement of the appointment of the Commissioner was made some weeks ago, but the present Deputy Commissioner was reported to have said yesterday, at a graduation ceremony at Fort Largs, that any suggestion that there were not local serving men competent enough to take over as Commissioner of Police in South Australia was so much codswallop. Although that is not an expression that I use, I presume that it means nonsense. Mr. Leane goes on in that vein, and I may say that the same view has been expressed widely in the community. Therefore, I ask the question to give the Premier the opportunity to justify the appointment that has been announced, or otherwise.

The Hon. D. A. DUNSTAN: As to the first part of the question, in most Police Forces in the world it is not policy to appoint the senior police officer from within that force. In fact, in Great Britain, the policy is entirely the opposite. On examination of the position within the Police Force in South Australia, all senior officers of the force were considered but the Government also took advice as to how we could get a police officer of the widest possible experience and expertise to head the Police Force. I point out to the honourable member that a Government of which he was a back-bench member—

Mr. Millhouse: And not a member, therefore, of the Cabinet.

The Hon. D. A. DUNSTAN: The honourable member was supporting a previous Government when it appointed an officer from outside the Police Force.

The Hon. J. D. Corcoran: He wasn't a policeman, either.

The Hon. D. A. DUNSTAN: No, he was not a policeman.

The Hon. J. D. Corcoran: He knew nothing about it.

Mr. Millhouse: He is a good Commissioner, though.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The honourable member is now arguing the exact contrary of the position he put to me a moment ago. I am used to his inconsistencies, but I point them out to him.

Mr. Goldsworthy: Would you—

The Hon. D. A. DUNSTAN: The honourable member is being as jejune as usual. The Government consulted people who were authorities on the running of Police Forces at a world level.

Mr. Millhouse: What level is that?

The Hon. D. A. DUNSTAN: I consulted, amongst others, Mr. C. H. Rolph. His private name is Hewitt, a gentleman whom the honourable member was able to meet when he was in South Australia, and I think the honourable member would acknowledge this man's ability on matters of this kind. He was not the only person consulted who gave advice to the Government.

Mr. Millhouse: That's what you mean by world level, is it?

The Hon. D. A. DUNSTAN: If the honourable member does not consider Mr. Hewitt to be someone regarded as an international authority in this area, I can only say that his present opinion seems rather different from the point of view he expressed when he met the gentleman. We consulted people who had knowledge and expertise in this area with the aim of getting the best possible appointee with the most wide experience to head the force in South Australia. Having done that, certain recommendations were examined by the Government, and we made an appointment which has had very wide acceptance in the Police Force in South Australia. I have heard that it has been said by police officer after police officer that at last we have appointed as head of the Police Force in South Australia an expert policeman whom they regard well. The honourable member asks whether the Deputy Commissioner will be appointed from within the South Australian Police Force and the answer is "Yes".

ELECTRICAL EQUIPMENT

Mrs. BYRNE: Will the Minister of Works refer to the Electricity Trust details of a device known as the earth leakage core balance unit, which is used for protection against any form of current flow to earth? This unit could protect the home user from all the more serious forms of electrical shock. These would include bathroom, laundry, and kitchen accidents where taps and water are involved or adjacent to washing machines, water and space heaters, irons, mixers, dish washers, clothes dryers, etc., and all outside equipment where considerable earthing risk exists. The amount of equipment tends to grow each year and is subject often to considerable wear and tear. A list here would include portable drills, sanders, paint

sprays, etc., lawnmowers (electrical), outside electric pumps, for example, for wading and swimming pool filters, mandatory effluent pumps (for soakage trenches), outside lights, hedge clippers, etc.

A reasonable calculated guess would also suggest that considerably more than half of all house fires at some stage involve earthing, and even the time-worn danger of trying to put a fire out with water that involves say a stove or television set would be removed. I am told by a person who has one installed in his home that the principle is remarkably simple in operation with high reliability and long life. If anything, it trips almost too easily when minor electrical leaks on such things as steam irons and clothes dryers occur. This way it points out dangerous areas before serious damage occurs to equipment or user.

The Hon. J. D. CORCORAN: I shall be happy to refer the honourable member's question to the Electricity Trust and ask for a report on the device referred to. The trust may have already heard of this device and may have information available. However, I take it that, if the trust has not heard about it previously, it will receive co-operation from the person responsible for producing this unit so that it can prepare an accurate report on its performance. I take it that the honourable member will give me any details that may be required.

SECONDHAND CAR

Mrs. STEELE: Has the Attorney-General a reply to the question I asked some time ago about a disputed car sale?

The Hon. L. J. KING: I have a reply to the question that the honourable member for Davenport asked me last week. The reason for the delay in replying to the question is as I suggested when answering the honourable member on March 14: the matter is being investigated by the Prices Branch and negotiations have been protracted. The Commissioner for Prices and Consumer Affairs has reported as follows:

The complainant paid $695 for a 1961 EK Holden Special station sedan which was represented by the dealer as being a 1962 model. The price book used by the trade, which can only be used as a guide, indicates that a 1961 vehicle of that type in good condition was worth $580 in April, 1971, while the 1962 model was listed at $600. The price paid would not have been unreasonable had the car been in good condition but obviously the mechanical state of the vehicle was not up to this standard. Protracted negotiations by the branch have resulted in the dealer—

(i) overhauling the engine;
(ii) supplying a replacement radiator;
(iii) replacing a timing gear cover seal;
(iv) overhauling the steering and suspension including king pins (January); and
(v) offering to supply a road wheel to replace a damaged one (March, 1972).

The dealer has refused, in spite of further approaches, the last as recently as March 17, to reimburse the complainant for all or part of the $54.70 owing to a motor engineer for clutch repairs. It is known that the complainant has used the vehicle to tow a large caravan and this could have contributed to some extent to faults which have developed.

RECEIPTS TAX

Mr. RODDA: I wish to ask a question of the Treasurer about the position concerning those people who did not know, when they paid their receipts tax, that if they did not register a protest subsequently they would not be eligible for a refund. Referring specifically to receipts tax paid in respect of farm products, I point out that in the period following the High Court decision on this matter until September 18, 1969, a person who paid the receipts tax under protest received a refund. I point out that the Commonwealth Government handled the matter between September 18, 1969, and September 30, 1970. However, some people in my district, as well as in other parts of the State, who paid the tax under a bulk return, were not aware of the requirement to lodge a protest within 14 days of paying the tax and have received a bill to pay the necessary sum. As this is an anomaly, which is causing some concern in my district and throughout the State generally, I ask whether the Treasurer will consider the matter.

The Hon. D. A. DUNSTAN: The condition under which refunds would be made was stated at the time, and refunds have been made on that basis. The undertaking given in the matter has been honoured and it is not possible, in my view, to depart from that undertaking. If the honourable member gives me details of a specific case, I will obtain a full reply for him.

OXYGEN THERAPY

Dr. TONKIN: Has the Attorney-General received from the Chief Secretary a reply to my recent question about oxygen therapy?

The Hon. L. J. KING: My colleague reports that there have been numerous statements made in the press from time to time concerning the intro-arterial oxygen therapy of Dr. Moler at Kassel in Germany, the latest

such statement being that of the President of the South Australian Branch of the Australian Medical Association on October 26, 1971, wherein he stated that there is no treatment of any value for the medical condition of arteriosclerosis which is not available in South Australia. There has been no departmental statement issued to the press since the completion of the full-scale trial carried out at Royal Adelaide Hospital between 1966 and 1968, but the results of this trial were published in the *Annals of Surgery,* Vol. 168, No. 5, in November, 1968. In view of the question asked by the member for Bragg, my colleague is prepared to examine the situation to see whether a press statement is warranted at the present time.

CEDUNA MAIN

Mr. GUNN: Has the Attorney-General a reply to the question 1 asked on March 16 about the Minnipa-Ceduna main?

The Hon. J. D. CORCORAN: Application was made on July 13, 1971, for assistance to carry out part 1 of the scheme estimated to cost $10,400,000. The work involves the replacement of 113 miles of trunk main with larger diameter pipes between the townships of Minnipa and Thevenard. Consideration will be given to making a further application in respect of branch mains as part 2 of the scheme when part 1 is nearing completion.

BLACKWOOD SEWERAGE

Mr. EVANS: Has the Minister of Works a reply to my recent question about sewering Blackwood and the adjacent area?

The Hon. J. D. CORCORAN: Work is proceeding satisfactorily on the approved sewerage scheme for Blackwood-Belair. Total expenditure to the end of February amounted to $699,000 out of a total estimated cost of $2,387,000 for stage I of the scheme. The trunk sewer in Shepherds Hill Road and the Blackwood-Belair main road has been completed and adjacent areas that drain by gravity to this trunk sewer are also complete. The area between the main Blackwood-Belair road and the railway line has been completed. The area south of Cliff Street to the railway is nearly completed. The area adjacent to Beaconsfield Road, including the high school and primary school, has also been completed. Although progress has been slow, because of the amount of rock present, this had been expected. The wet winter of 1971 caused some inconvenience and delay, and also slight delays have been caused by the necessity to divert gangs to complete works in new subdivisions where the full cost of the works is being met by subdividers, but overall the work is on schedule. Faster progress in terms of sewers laid is expected when work commences in the Sun Valley area in about a month's time, as trial bores indicated that less rock is present in this area than in the areas already completed.

PORT LINCOLN BERTH

Mr. CARNIE: Will the Minister of Marine say whether consideration might be given to providing facilities for fishing vessels in Port Lincoln earlier than at present planned? I recently asked the Minister a question about what plans he may have had regarding these facilities, now that the *Troubridge* was returning to Port Lincoln, and the reply that he gave yesterday was that, when the new deep berths for bulk grain and phosphate rock ships were completed, berths 2 and 3 on either side of Brennan Jetty, comprising about 1,200ft. of berthing space, would be generally unused. The Minister will be aware that construction of the new berths will take about three years, and the fishermen are concerned that a further delay will occur in providing facilities that are already long overdue. The current tuna season, which has been very successful, and the continuing large catches of prawns, have shown the urgent need for providing unloading facilities.

The Hon. J. D. CORCORAN: The thought that occurred to the honourable member also occurred to me, so I questioned the Director of Marine and Harbors about the matter. Quite properly, in my view, the Director said that to provide interim arrangements would be costly. Indeed, he said it would be rather extravagant on the part of the Government if such facilities would not and could not be used after these permanent berths became available. This is a real problem. I think that the honourable member will understand that the Government is not willing to spend the sum required to provide temporary facilities that would be of no further use. In fact, such temporary facilities would have to be disposed of when the facilities to which I referred in my reply yesterday became available. For that sound reason I have decided not to provide interim facilities.

BRIGHTON ROAD JUNCTION

Mr. MATHWIN: Has the Minister of Roads and Transport a reply to my recent question about the installation of traffic lights at the junction of Brighton Road and Sturt Road?

The Hon. G. T. VIRGO: It is intended to erect traffic signals at this intersection concurrently with the widening of Brighton Road in this vicinity. The actual layout has been modified to avoid acquisition of land from the Brighton Hotel, but signals will still be installed.

Mr. MATHWIN: Can the Minister of Works say what progress is being made in the co-ordinated joint programme of laying the new trunk main and the remaking of Brighton Road? In November last, in reply to a question the Minister said:

It is hoped that within the next few weeks a co-ordinated joint programme between the two departments can be worked out.

The Hon. J. D. CORCORAN: I will obtain a report for the honourable member. The Minister of Education questioned me about this matter last Thursday, so I shall be able to supply the information to the Minister and to the honourable member.

STOCKWELL SCHOOL

Mr. GOLDSWORTHY: Can the Minister of Education say when the decision was made to make the Stockwell school available for use by students of the Modbury Primary School, and why local residents were not asked what they wished with regard to the future use of these premises? The Stockwell school was closed at the end of 1971. I attended the closing ceremony, at which one speaker suggested that the premises would be suitable for a museum. As a result of that suggestion a progress committee of local residents was set up. The local people decided that they would like the school premises used as a historical museum. The local paper, *The Leader,* contains the following article:

Stockwell residents want their closed school used as a museum, and the grounds as a caravan park for visitors, but Adelaide interests think the building and grounds would be ideal for weekend camps for city children. Stockwell residents wish to benefit more from tourism and their approach to the Minister of Education suggests a caravan park and museum.

I point out that some local residents in Stockwell knew as early as January that the Minister had made these premises available to the Modbury Primary School. I find it rather amazing that the decision could have been made so quickly. As soon as I received a communication from the newly formed committee, I wrote to the Minister, whose letter in reply confirmed the fear of the local residents that he had already made a decision. That letter states:

The present position is that the Stockwell school property has been made available on a temporary basis to the Modbury Primary School for use as a camp school by pupils of that school. The parents have been active in cleaning up and improving the property.

The Minister concludes by saying that the decision will be made permanently after a year, if the scheme works satisfactorily. I ask the Minister why local residents were not consulted before a decision was made.

The Hon. HUGH HUDSON: First, because this is Education Department property. Secondly, we have need for camp school facilities, as we are getting a rapidly growing demand throughout the State for use of camps of one type or another. Several propositions have been made suggesting that properties owned by the Education Department could be converted for possible use. Other possibilities are involved in this kind of activity, apart from the case of Stockwell. I am sure that the honourable member would be the first to throw his hands up in abusive horror if he found that we were disposing of all properties that could be converted for camp school purposes, and then spending large sums in building special facilities. I am sure the honourable member will be the first to appreciate the need we have to make the best use of the resources we already have. The position with regard to Stockwell is at this stage tentative. We do not know how its use by the Modbury Primary School will work out during the year, how successful that use will be, or what kind of ultimate development might be necessary if this were to be done on a permanent basis. The position this year is experimental. I should think it would be of considerable advantage to the Stockwell area if this became a permanent arrangement, because there would be a consequent expenditure in the town as a result of the provision of such facilities for these purposes. The school would be used not only during the weekend but during the week as well. That is the basic reason for the approach we have taken in this matter.

Mr. Goldsworthy: When did you decide?

The Hon. HUGH HUDSON: It was decided very early on, either towards the end of last year or early this year. Local opinion was not taken into account on the matter, because the property belonged to the Education Department. When we intend to dispose of a property, we certainly want to consult local opinion but, when it is a matter of using it for

education purposes, surely even the honourable member will permit us to consider using our own properties for that purpose.

COOKE PLAINS SCHOOL

Mr. NANKIVELL: Can the Minister of Education say whether his department has any procedure for retaining the records of schools that are closed and, if it has none, will be consider having such an arrangement made? Yesterday I was approached by an old scholar of the Cooke Plains school, which is about to celebrate the 50th anniversary of its opening. The school has been endeavouring to obtain the original record of its minute books, and also the list of pupils who first attended it. All other records, except for the original book, have been obtained. The point has been made to me that, as many of these old schools which have a historic interest are now being closed, it may be proper to supply the records, if they are available, for reference purposes.

The Hon. HUGH HUDSON: I will certainly look into the matter. Extensive records are kept by the Education Department, but just how well they are documented or sorted out I could not say. There are some amazing things to be found. I remember reading not long ago the report of an inspector of schools in the 1890's who said that parents were strongly objecting to wooden rooms in schools and that, as a consequence, no more would be built.

NEPABUNNA SCHOOL

Mr. ALLEN: Can the Minister of Education say when air-conditioning will be installed at the Nepabunna Area School? I first put a question about this matter in February, 1971, asking that a 32-volt air-conditioning system be installed at the school. The Minister replied that he would look into the matter and, in his further reply on March 25, he said that he had given directions that air-conditioners were to be provided. On November 4, I wrote to the school asking what progress had been made and was informed that the insulation had been completed but that no air-conditioners had been installed. I contacted the Public Buildings Department and was assured that the air-conditioners would be installed in time for the commencement of the 1972 school year. I wrote again to the school to check what progress had been made and I understand that air-conditioners have still not been provided. On March 11, the following article appeared in a country newspaper:

Fans are currently cooling off more than 1,000 school classrooms throughout South Australia. The ceiling fans are installed in the portable timber rooms which are a feature of most schools in the State—

I point out that the Nepabunna school is of timber construction—

This followed complaints that conditions in the rooms were unbearable during hot weather.

The article continues:

The Education Minister (Mr. Hudson) said that the programme provided for the hottest areas of the State to be first supplied with fans.

The Hon. HUGH HUDSON: That is certainly true regarding the programme. It was on our specific instruction that that order was arranged. Concerning air-conditioning at the Nepabunna school, I shall certainly take up the matter. This matter has not been drawn to my attention since the question was asked by the honourable member last year. If air-conditioners are not installed at this stage, they will be available for the beginning of winter.

Mr. Allen: There is plenty of hot weather left.

The Hon. HUGH HUDSON: I shall see what can be done to ensure that the position is adequately covered, if not for the remainder of this summer at least for next summer.

SOCIAL SERVICE PAYMENTS

Mr. PAYNE: Will the Minister of Social Welfare examine procedures in the Maintenance Section of the Social Welfare and Aboriginal Affairs Department to ensure that, when maintenance payments are not received by the department for forwarding, distressed persons involved are correctly and sympathetically advised of the possibility of relief payments being available? I have been told of this by a constituent, who has been in the unhappy position of having no finance for over two months, because maintenance payments have not been received by the department. The person concerned was advised, first, that if she wanted to get relief she should apply to a police officer and, secondly, when she asked a question concerning finance for medicine she needed, that she should ask a chemist for tick.

The Hon. L. J. KING: I should like to have the details of these allegations. I should be surprised to hear that such advice was given by an officer of the department, because it would certainly not be in accordance with the policy of the department. I should be

grateful to the honourable member if he would give me details so that an investigation can be made by the department.

HAMMOND HOTEL

Mr. VENNING: Will the Attorney-General say why he, being so responsible a Minister, has cut out a drinking facility in the Far North of the State when in other areas he intends to extend drinking facilities? Last Friday evening the Hammond Hotel was closed, and the beer ceased to flow after 95 years of service given by the hotel to the community in that area. True, there are problems because of the vastness of the area and the unavailability of an electricity supply. However, right up until closing, the publican hoped that something could be done to save this hotel and to maintain the provision of these drinking facilities.

The Hon. L. J. KING: The member for Rocky River would realize that, when a publican cannot conduct a business venture properly, like all other business men he must close his place of business.

Mr. Venning: Why don't you help him?

The Hon. L. J. KING: Short of establishing a sort of socialist enterprise, of which I am sure the honourable member would disapprove, I know of no way in which I can arrange for liquor facilities in that area. The honourable member knows that no Ministerial act is involved in the closing of the hotel at Hammond, and there is no reason why any person who believes he can conduct a profitable enterprise at Hammond should not apply to the Licensing Court for a licence. There is no power for the Attorney-General to provide the facilities.

Mr. Venning: Why doesn't the Government help?

The Hon. L. J. KING: It would be a strange use of public funds if we used them to subsidize a hotel at Hammond or elsewhere. There is no legal impediment to the provision of hotel facilities at Hammond, but because of a decline in the population of the area, it has become increasingly difficult to conduct a profitable hotel business there. That is regrettable, but it is something about which this Government can do nothing.

GALLERY INTERJECTION

Mr. MILLHOUSE: I should like to ask a question of you, Mr. Speaker. Do you intend to take action against a Mr. Goldsworthy for his reported disorderly conduct in the Strangers Gallery last evening, when the House was debating an amendment to the Industrial Code concerning shopping hours in South Australia? During my speech there were several interjections, mainly, although not entirely, from the other side of the House and, at one stage, I was aware of an interjection that came from the direction of my left hand.

Members interjecting:

The SPEAKER: Order! The honourable member for Mitcham.

Mr. MILLHOUSE: I did not pick up the interjection at the time and I ignored it. It was only afterwards that I learned that the interjection had come from Mr. Goldsworthy, who was at that time sitting in the Strangers Gallery. Subsequently he was brought down, I understand, and given a seat in your gallery, Mr. Speaker. In fact, I know he was, because I spoke to him there and he discussed with me the fact of his interjection. There is no doubt that it was he who interjected. I now see that the matter was reported in this morning's paper. I know that you take a serious view of all interjections—

Members interjecting:

The SPEAKER: Order!

Mr. MILLHOUSE: —particularly interjections, as has traditionally been the case, from the public gallery.

The SPEAKER: Unfortunately, I suffer from the same disability as that from which the honourable member suffers, and I did not hear the remark. Further, I did not know that it was Mr. Goldsworthy who interjected. Interjections were being made in the House at the time and I did not have any idea that Mr. Goldsworthy was the person who interjected from the gallery. If honourable members co-operate by raising these points as and when they arise, I assure them that, in accordance with Standing Orders, I will deal with the matter, but I cannot act on press reports made on the day after the incident. I still do not know whether it was Mr. Goldsworthy or someone else who interjected.

Mr. Millhouse: I can assure you he told me.

The SPEAKER: Order!

Mr. MILLHOUSE: Will you, Mr. Speaker, say what evidence you require before you will take action against Mr. Goldsworthy concerning the incident that occurred last evening?

The Hon. J. D. Corcoran: You missed the boat; you should have made a complaint last night.

Mr. MILLHOUSE: Sir, your reply to me earlier was to the effect that you had no evidence that it was Mr. Goldsworthy who interjected. I assure you, as I did in the explanation of my question, that ample evidence is available from me (I do not believe that Mr. Goldsworthy would deny it), from the police officer who was in the gallery, and apparently from at least one *Advertiser* reporter. He said by way of interjection (I certainly would have objected last night if I had heard it)—

The Hon. J. D. Corcoran: But you didn't.

Mr. MILLHOUSE: I did not hear the interjection, as I said earlier—

The Hon. G. T. Virgo: Then what did you expect the Speaker to do?

Mr. MILLHOUSE: —but other people heard it, and apparently it was to this effect: "Do you work for Myers?". If that interjection had been made by any member of this House and I had heard it, I would have asked for its immediate withdrawal, because it was a reflection on me and on my independence as a member of this House in taking part in a debate. It is highly objectionable, as I am sure you will realize. I therefore claim your protection, the more so as the remark came from outside the Chamber and, as it has been reported in the newspaper, has therefore received wide coverage. I certainly realize your embarrassment, because of Mr. Goldsworthy's prominence in this controversy and his membership of your Party. I could not help thinking that your earlier reply to me was simply an excuse for not taking any action, and I ask you to take action.

The SPEAKER: The honourable member for Mitcham is as aware of and as fully conversant with Standing Orders as I am. He admitted that he did not hear the interjection, and I point out that if an incident occurs in breach of Standing Orders it is the obligation of every honourable member in this Chamber to take a point at the time it arises.

Mr. Millhouse: How could I when I didn't hear the nature of the interjection? It happened in your own gallery.

The SPEAKER: Order! The member for Mitcham complains about the conduct of others in this Chamber, but I think he needs to examine his own conduct. I have given a reply and have dealt with the matter in accordance with the Standing Orders.

SPEAKER'S GALLERY

Mr. McANANEY: Although my question concerns the Speaker's Gallery, it is not along the same lines as the question asked by the member for Mitcham. The last bit of noise I heard from the gallery was when some woman applauded a speech I was making, and I should like more of that. Yesterday people from the Woodside camp, who were sitting in the Speaker's Gallery, were not able to hear members, and that would apply equally in the case of other people sitting in the gallery. The voices of members were not amplified sufficiently for these people to hear. When they went to the other Chamber they could hear what was taking place. If you, Mr. Speaker, could arrange for some action to be taken to amplify speeches, not only would the people in the gallery be able to hear but some members would also hear what they now miss hearing, because the Premier's voice is getting weaker and weaker, and I cannot hear him from my seat, although I can hear most other members. I hope you, Sir, can have this problem solved.

The SPEAKER: The matter of amplification has been referred for attention to officers of the Public Buildings Department, and they are doing the best they can.

HOUSING TRUST CONTRACTS

Dr. EASTICK: Has the Premier, as Minister in charge of housing, a reply to the question I asked recently regarding Housing Trust contracts?

The Hon. D. A. DUNSTAN: The Housing Trust's maintenance policy has not been varied in any way. There has been no slowing down or reduction in the degree of regular maintenance undertaken. In all of the cases in the current repainting programme in the Gawler area, the eaves under each house are being repainted.

LOCUSTS

Mr. CURREN: Will the Minister of Works ask the Minister of Agriculture what is the extent of the area in the eastern border districts of South Australia that is infested with locusts, how heavy is the infestation, and what action is being taken to eradicate the infestation? I have read and heard vague press and radio reports giving some details of the area infested, and, if this infestation is allowed to assume plague proportions, it could pose a serious threat to the irrigation settlements along the Murray River.

The Hon. J. D. CORCORAN: I shall be pleased to obtain the report that the honourable member has requested and to bring it down as soon as possible.

SOUTH-EAST TOURISM

Mr. RODDA: In the temporary absence of the Premier, who is the Minister in charge of tourism, can the Deputy Premier say what the Government is doing about the regional promotion of tourism in South Australia? I have received a letter from Mr. M. S. Hudson (Chairman of the South-Eastern Region of the Australian National Travel Association) drawing my attention to tourist promotion in his area, bearing in mind a matter that had been raised in the Commonwealth Parliament. Knowing the interest of my friends opposite in Commonwealth Government affairs, I am trying to help them. In the Commonwealth Parliament Mr. O'Keefe asked a question of Mr. Howson, Minister-in-Charge of Tourist Activities, in relation to financial aid for tourism. The Minister replied that the Australian Tourist Commission would approve funds for rural development. He went on to explain that the matter had come from the New South Wales State Government and that the approach should be made to that State Government. He also stated:

If that Government approaches me in regard to this matter, then the Commonwealth rnight have a look at it, but at the moment the Government of New South Wales prefers to handle the matter itself.

Our branch in the South-East, which is actively pursuing promotion of the tourist industry, has expressed interest in the matter raised by Mr. O'Keefe and has asked me to bring before the State Government the fact that it may be able to promote tourism in our South-East.

The Hon. J. D. CORCORAN: I think the honourable member will appreciate that I do not want to go into detail on the Premier's behalf on this matter. I think it would be better for the Premier to examine the proposition submitted by the honourable member and to reply to him in detail, because the honourable member has raised an important matter. I am as keen as he to see not only the South-Eastern part of South Australia developed on a regional basis as a tourist promotion, but also to see other parts of the State and the whole of Australia so developed, because in this country we have something unique to offer people from other parts of the world. We have a great variety of things to be seen, enjoyed and appreciated by those who come to our great country. The Government appreciates the need to do much more in this matter. Much more can be done. There is tremendous scope, and this Government, unlike the Government of New South Wales, according to what the honourable member has said, realizes the need for the Commonwealth Government to participate far more actively in this field than it has participated in the past. It is only recently that the Commonwealth Government has become interested in the matter by attending the conferences of State Ministers in charge of tourism. The Commonwealth Minister has not attended these conferences previously, and the change is a good sign. I would prefer that the Premier replied to the specific points the honourable member raised. Doubtless, the Premier will bring down a report for the honourable member.

HIGHBURY EAST SEWERAGE

Mrs. BYRNE: Has the Minister of Works a reply to the question I asked on March 16 regarding the sewerage of an area at Highbury East?

The Hon. J. D. CORCORAN: The sewerage scheme to serve Tolley's winery, Amber Avenue, Zircon Avenue, and adjacent streets at Highbury East has been completed and a connection point provided, to which the council will connect its common effluent scheme. I understand there has been a delay in the connecting up by the council, due to difficulties it is having in obtaining an easement. The honourable member may wish to obtain further information from the council on this matter.

GUMERACHA COUNCIL

Mr. GOLDSWORTHY: Has the Minister of Works a reply from the Minister of Forests to the question I asked about fire-fighting equipment owned by the Gumeracha council?

The Hon. J. D. CORCORAN: The honourable member is not correct in his statement that the Woods and Forests Department uses fire-fighting equipment, including radio equipment, belonging to the District Council of Gumeracha. The Conservator of Forests points out that the department co-operates closely with the council in district fire control matters; and, although departmental mobile radio units operate on the same frequency as the council's Emergency Fire Service units and a common base station is used, the two systems are used in co-ordination only for fire-fighting operations involving the district generally. The

department has its own well equipped fire-fighting organization, and has not used fire equipment owned or operated by the council to suppress outbreaks on forestry land.

The honourable member has not indicated the period during which the $30,000 has been spent by the District Council of Gumeracha. However, the council, in common with other local governing bodies, has received substantial subsidies on capital items and maintenance of fire-fighting equipment, and no doubt this policy will continue. The Gumeracha council has a commendable record in fire prevention and control; but I point out that an increased subsidy to one local governing body could be paid only at the expense of all other councils, many of which could present equally convincing claims for special treatment; and it will be appreciated that the funds available for this purpose are necessarily limited.

I have a similar situation in my district where there are substantial forests, and the various councils have their own fire-fighting equipment as has the Woods and Forests Department. The same co-operation and co-ordination goes on but I think the honourable member will appreciate the points that have been made by the Minister of Forests from whom this report came.

STIRLING SOUTH SCHOOL

Mr. EVANS: Will the Minister of Education seriously consider changing the site of the proposed school at Stirling South to a location outside the water catchment area? The department has been surveying and acquiring land north of the railway line and south of Milan Terrace at the end of Branch Road, Stirling South, for a proposed school. I do not know the type of school that is to be built, but I assume it will be a primary school. This site is within half a mile of the border of the catchment area and it appears foolish at this time, when we are considering the pollution of our water, to encourage and actively create the grouping of people for seven hours a day, five days a week, inside a catchment area.

The Hon. HUGH HUDSON: I shall be pleased to look into the matter for the honourable member and I will also consult with the Minister of Works.

COOBER PEDY COURTHOUSE

Mr. GUNN: Has the Attorney-General a reply to my recent question concerning the Coober Pedy courthouse?

The Hon. L. J. KING: Tenders for the work will be called this week, to close on April 21, 1972. Subject to receipt of a satisfactory tender the work should be completed about October, 1972.

MISCELLANEOUS LEASES

Mr. CURREN: Has the Minister of Works, representing the Minister of Lands, a reply to the question I asked yesterday concerning the terms of renewal in respect of leases in the Loveday area?

The Hon. J. D. CORCORAN: The holders of expiring miscellaneous leases in the Cobdogla irrigation area were offered new perpetual leases as follows: residential sites, irrigable land up to one acre, $12.00 a site; agricultural or horticultural land, irrigation water supply available from Government headworks, $4.00 an acre. Crown improvements, if any, are to be paid for at the assessed value. Settlers were offered a new miscellaneous lease for 10 years, the miscellaneous to include the use of Crown improvements at a charge based on 5 per cent a year of the assessed value, which was added to the perpetual lease rental determined as above; and the rental for a miscellaneous lease was based on 80 per cent of the charge for improvements of the proposed perpetual lease rent. Settlers were told that a period of 10 years would be permitted for the payment of Crown improvements. Settlers were also told that, where a specific disability was evident on a block, arising from salinity or any other cause, they should make an individual application to the district officer in the area, whereupon the matter would be investigated and the rent reviewed.

PHARMACY ROBBERIES

Dr. TONKIN: Will the Attorney-General obtain a report on a recent armed robbery at a pharmacy in Adelaide, and will he ask the Chief Secretary whether other armed robberies have occurred in pharmacies in Adelaide and what steps have been taken to protect pharmacists? Extreme fear has been expressed to me because of the inevitable progression of offences relating to drug dependence in South Australia. I have been told that we are once again following, almost inexorably, events in the Eastern States, and in the United States of America in particular. In this recent episode, shots were fired but, fortunately, the pharmacist was not injured in any way. If the suppositions that have been put to me are correct, we can expect an upsurge and further robberies and attempted

armed robberies of pharmacies. I believe that this matter deserves the concern of the Attorney-General and of members of the community.

The Hon. L. J. KING: I will refer the question to the Chief Secretary and obtain a reply.

HELICOPTER

Mr. BECKER: Can the Premier say whether the Government could hire, at short notice, a helicopter? If it cannot, will the Government consider purchasing a suitable machine for use by the police and civil emergency organizations? I refer to today's hunt by police for two armed bandits in the south-western part of my district. I have been told that at 2.10 p.m. one bandit had been caught at Holdfast Bay and that the other one was still at large. I am concerned about the anxiety suffered by my constituents in the south-western part of Hanson. I understand that a light aircraft has been used in the hunt and that the New South Wales Government uses a helicopter for traffic surveillance, civil emergencies, and hunts similar to that engaged in by the police today.

The Hon. D. A. DUNSTAN: I will get a report on the matter. Helicopters, I understand, are extremely expensive items. I believe the one in New South Wales is owned by the Main Roads Board and that it is lent to the police.

HOPE VALLEY SEWERAGE

Mrs. BYRNE: Will the Minister of Works use his influence with the Engineering and Water Supply Department to have sewers laid in an area at Hope Valley which includes Crissoula Avenue, Irene Avenue and Lagonik Drive? The land adjacent to this area is currently being subdivided, a requirement being that it be sewered.

The Hon. J. D. CORCORAN: I shall be happy to see what I can do.

KANGAROO IDENTIFICATION

Dr. EASTICK: Can the Minister of Works, representing the Minister of Lands, assure the House that there will be no danger to the kangaroos in the North-East as a result of the fitting of identification collars? An Agriculture Department press bulletin, dated March 20, 1972, indicates that many kangaroos are being fitted with collars and that, in the first instance, 24 red kangaroos at Eringa Park Station, six miles south of Olary, have recently been fitted with bright red and white reflective collars. The bulletin stated it was hoped that more red kangaroos would be fitted with collars later in the year.

Although it is necessary to have some idea of the migratory and other habits of the red kangaroo, I point out that vagrant animals (this applies to a kangaroo, as it does also, for instance, to a cat) are at risk if they have a collar about their neck, because, through the very nature of their movement, the collar may become caught on twigs or branches as the animals move about. Indeed, in regard to cats there have been many instances of strangulation and other injury caused in this regard, and 1 see this as a danger in relation to kangaroos.

The Hon. J. D. CORCORAN: I shall be happy to take up that matter with my colleague. I take it that no collars are being placed on cats at present, so they are out of danger. However, I am surprised that white collars have been placed on red kangaroos south of Olary: I should have thought the collars would be green.

KEITH MAIN

Mr. NANKIVELL: Will the Minister of Works ascertain whether or not it will be possible to consider applications for further extensions to the Tailem Bend to Keith main? The Minister seems rather perturbed, but I am not suggesting any extensions other than those already suggested. Representations were made to extend the scheme along the highway in the direction of Wirrega, and other minor extensions to the scheme that had not been incorporated in the submissions to the Commonwealth Government were suggested initially. It was hoped (and the people concerned were told) that, should it be possible within the finances available to provide a supply to these areas, the people concerned would have to wait until the other properties in question had been connected, when it would be seen whether or not there were sufficient funds to comply with their request.

The Hon. J. D. CORCORAN: When the honourable member referred to extensions, I thought he might have been referring to extensions around the lake frontage which, as the honourable member knows, give a little trouble from time to time. However, I will examine the request.

WHEAT INDUSTRY

Mr. RODDA: I wish to ask a question of the Minister of Works, representing the Minister of Agriculture.

Members interjecting:

The SPEAKER: Order! I am afraid it is just not possible for the Chair to hear where interjections are coming from or to hear them actually being made. I am going to ask honourable members, who have had experience in conducting themselves in a proper manner, to give their colleagues the opportunity of dealing with the business that they are here to deal with. The honourable member for Victoria.

Mr. RODDA: Will the Minister of Works ask the Minister of Agriculture to ascertain whether sufficient funds are available to carry out all the experimentation required for the purposes of studying the various aspects of the wheat industry? There is at present an obvious market for wheat of specific qualities, and I notice, looking at the Auditor-General's Report, that in the Wheat Industry Research Committee Fund there was a balance of $12,800 as at June 30 last year, and a balance of $13,600 in another fund relating to the wheat industry. It is apparent to members in wheatgrowing districts that, bearing in mind that wheat quotas apply, the specific qualities of hard and soft wheat varieties should be the subject of experimentation in order to determine their potential. Will the Minister ask his colleague to ensure that the vital wheat industry does not suffer from a lack of experimentation in this regard?

The Hon. J. D. CORCORAN: Yes.

DOCTOR SHORTAGE

Dr. TONKIN: Has the Attorney-General a reply to my recent question about the shortage of doctors?

The Hon. L. J. KING: The Chief Secretary states that from time to time requests are made to him or to the Hospitals Department seeking assistance in providing medical practitioners to country areas. Such requests are relatively infrequent and generally follow the departure from a country region of a medical practitioner who has been unable to arrange for a replacement through the normal medical agency sources. Often, in areas where there has been difficulty in attracting a doctor, the local council will offer inducements in the form of reduced or free rental on homes or surgeries, etc. It is believed that attractions of this nature have proved helpful from time to time and, in view of the benefits arising from local community involvement, it is considered that such inducements should continue to be the responsibility of the local governing body or bodies concerned. The State Government medical cadetship scheme is providing relief in country areas where difficulties are being experienced, and this relief will continue as more cadets qualify for registration. Two post-cadetship graduates were placed last year at Wallaroo and Ceduna, and one is going to Leigh Creek this year. There will be another four available for placement in each of the next two years. At the present time most of the country towns receive adequate services from medical practitioners. In certain country areas additional medical practitioners are required, and the Government will continue its support of any practical measures designed to overcome these difficulties. It must be kept in mind however that, with the exception of medical cadets, the Government has no power to direct medical practitioners to undertake any particular medical career or to practise in any particular area.

TELEPHONE BOOTHS

Mr. PAYNE: Mr. Speaker, can you arrange to have repaired the folding door to one of the two telephone booths just outside this Chamber that are used by members? I have just had an encounter with this door, and I shudder to think of the consequences if the division bells were ringing: there could be a heart attack or something like that.

The SPEAKER: I shall be pleased to have the matter attended to. However, I point out to all honourable members that this is an administrative matter. I see no reason why matters of this kind should be raised in the House without their having first been raised with the relevant officers.

OLD LEGISLATIVE COUNCIL BUILDING

Mr. BECKER: Can the Minister of Works say what renovations are being carried out on the old Legislative Council building, and how much they will cost?

The Hon. J. D. CORCORAN: The purpose of these renovations is to provide a temporary home for the Railways Institute, whose present premises will be demolished in conjunction with the work taking place on the Adelaide Festival Centre. This is only a temporary measure, as the institute will eventually be housed elsewhere. As I do not know the cost involved, I will find out. The current renovations will be utilized after the institute has moved, because the intention is eventually to set up the old Legislative Council building as a Parliamentary

museum. The repairs taking place at present will serve that purpose, as well as catering for the temporary needs of the institute.

COMPULSORY UNIONISM

Mr. GUNN: Will the Minister of Labour and Industry enforce the provisions of the Industrial Code against union organizers who threaten apprentices so that, against their will, they join unions? I was approached by one of my constituents who owns a butcher shop and who employs an apprentice. Recently, a union organizer visited this man's premises and informed the aprentice that, if he did not join the union forthwith, he would not be permitted to complete his apprenticeship. Although the person concerned did not wish to join the union, out of fear of losing his apprenticeship he joined, under duress.

The Hon. D. H. McKEE: I think that the honourable member should give me the details associated with this matter. With regard to his question about alteration to the legislation in this respect, the answer is "No".

DARTMOUTH DAM

Dr. EASTICK: Has the Premier a reply to the question I asked last week about the Dartmouth dam?

The Hon. D. A. DUNSTAN: Under the terms of the 1971 Act, the Victorian Government is responsible to the River Murray Commission for the design and construction of the Dartmouth dam. The Commissioner representing Victoria on the River Murray Commission has sought $350,000 from the commission for works during the present financial year. The commission has accepted in principle his proposal to engage the Snowy Mountains Engineering Corporation to design the dam. It is expected that available funds will be used as down-payments for design work to be undertaken and for preliminary site works access roads and camp establishment.

CENSORSHIP

Mr. MILLHOUSE: Will the Attorney-General make in the House, before the end of this session, a considered statement of policy on the question of censorship? Yesterday, on the motion to go into Committee of Supply, I raised the question of the policy, or lack of it, of the Government on this matter. I canvassed three instances of this. Unfortunately, to my disappointment, the Attorney did not see fit to participate in the debate to answer the points I had made. When the Premier replied, amongst other things he said:

> Adults in this community should be allowed to read, see and hear what they wish, because the judgment is for them to make.

I took that to be an absolute rejection of any form of control, certainly with regard to adults, however they are defined. No reference was made to the question of children. As this is a matter of grave importance and as the Premier's statement took me rather by surprise because of its sweeping nature, I ask the Attorney whether he will make a considered statement in this place before the Parliamentary recess.

The Hon. L. J. KING: Within a month or two months of assuming the office of Attorney-General, during the course of a debate which centred around the book *Portnoy's Complaint,* I made a considered statement on this matter. The statement of policy then made on behalf of the Government is still the policy of the Government, and the honourable member may consult it in *Hansard.*

Mr. Millhouse: Despite what the Premier said yesterday?

The SPEAKER: Order! I remind the honourable member for Mitcham that he has objected to certain conduct in this House. He would set a good example if he set out to observe Standing Orders, instead of departing from them. When the Attorney-General is replying to a question, he should not be subjected to a barrage of interjections from other honourable members. The honourable Attorney-General has the right to be heard in silence.

The Hon. L. J. KING: In making the remarks he made, the Premier was, of course, replying briefly to a very wide-ranging grievance debate. What he said I adhere to; it is the Government's policy. He did not purport at that time to make any exhaustive statement on all the aspects involved. If the honourable member is interested in the Government's policy on this matter, it is to be found in the speech I made in reply to the debate on the *Portnoy's Complaint* issue within two months of my taking office. I will consider whether any good purpose would be served by repeating that policy statement in the House, but it is there and it remains the Government's policy.

HONOURED CITIZENS AWARD

Mr. BECKER: Will the Premier consider establishing an honoured citizens award? I understand it is not Labor Government policy to recommend citizens for knighthoods,

although in the past two years many citizens have been awarded honours by Her Majesty, However, it is not known what standard the Government uses in nominating people for these awards, and I wonder whether the State Government will consider creating honoured citizens awards for people who have given outstanding community service for a minimum period of 20 years.

The Hon. D. A. DUNSTAN: It is not now the Government's policy to make recommendations in respect of the awards for Imperial Orders. However, the question of some recognition of public service in South Australia being given through a South Australian award is being considered by the Government. When it has reached some conclusion on that, I shall be able to make an announcement.

Mr. MILLHOUSE: Does the Premier's answer mean that the Government is considering a system of honours for South Australia alone?

The Hon. D. A. DUNSTAN: It will be a system of public recognition of public service.

Mr. Millhouse: A system of honours?

The Hon. D. A. DUNSTAN: I do not know what the honourable member means by "honours". If he means, "Is the Government going to create the South Australian Order of the Wombat?" the answer is "No".

GARDEN SUBURB

Mr. MILLHOUSE: Has the Minister of Roads and Transport any definite information yet to give the House about the future of the Garden Suburb? I regret very much that I have to ask this question yet again, but I have been asking it now for nearly two years of the Minister. I also regret that my friend from Mitchell does not join me in showing an interest in this. I received from the Minister a letter dated February 24, which the Minister wrote to me in response to a question I had asked on November 10, both about the general future of the Garden Suburb and about the hall in Colonel Light Gardens. I do not now ask about the hall but I do ask the Minister about the general future of the Garden Suburb. In his letter he said:

> The first question concerned the future of the Garden Suburb. Whilst I am not able to advise you of any decision in this matter, I am negotiating with the Council of the City of Mitcham regarding the transfer of the suburb to that council area. As soon as these negotiations reach finality, I will advise you.

With great respect, that did not take the matter any further than it had been taken previously. I notice that since I asked my question in November the Garden Suburb Commissioner has been reappointed. As nearly a month has passed since the pot-boiler, the letter, came from the Minister, has he yet any definite information to give me?

The Hon. G. T. VIRGO: I am not quite sure what the pot-boiler reference is—

Mr. Millhouse: Your letter.

The Hon. G. T. VIRGO: —so I will ignore that; but I did write to the honourable member. As he has been kind enough to tell the House, in that letter I said I would advise him as soon as any further information was available. As he has not had any advice since then, I should think that any intelligent person would know that there was nothing further to advise.

Mr. Millhouse: I have waited for several months.

The Hon. G. T. VIRGO: I know that the honourable member is anxious to have this matter finalized, as are his colleagues behind him. I hope he will remind them, for they seem to like barracking for him, that the former Government had this problem to deal with and was unable to solve it, and it came on to my plate. It is still being actively considered. I certainly do not intend to provide the honourable member with an answer that has not yet been determined. My final point is that the member for Mitchell, whom the member for Mitcham likes to call his friend (which is heartily rejected by the member for Mitchell), does display an active interest in this matter. Unlike the member for Mitcham, however, he does not waste the time of this House with stupid questions.

MEDIAN STRIPS

Mrs. BYRNE: Will the Minister of Roads and Transport inquire of the Highways Department whether the safety factor is considered when median strips are constructed? At present, metal used to cover the median strip in the centre of the North-East Road between Lowan Street and Tarton Road, Holden Hill, has fallen on to a small portion of the roadway near the strip. This problem has, of course, occurred elsewhere. The metal has fallen probably through people walking on it. This metal can be thrown from the wheels of passing motor vehicles on to the windscreens of other vehicles. I know of one case where this occurred. As a temporary measure, the metal should be removed from the roadway, but it seems to me there should be a permanent answer to this,

that the median strips should be sealed if they are not to be grassed. If not, the metal should be as small as possible.

The Hon. G. T. VIRGO: I shall be happy to have this matter considered by the Highways Department but I should make it plain that in the building of median strips every care and consideration is given to road safety. In fact, the whole purpose of having the median strip is to provide an added area of safety, particularly on the wider roads where there are four or more lanes of traffic. It is considered absolutely essential to provide a refuge for pedestrians attempting to cross the road, because of its width. Where there is a heavy volume of traffic, it is often not safe to cross the road in one operation but rather one should get half-way to the median strip, and then attempt to negotiate the other lanes as soon as practicable. I will certainly have the matter relating to the metal investigated and, if some improvements are found to be desirable, they will be effected.

STATUTES AMENDMENT (MISCELLANEOUS PROVISIONS) BILL

Returned from the Legislative Council with amendments.

STATUTES AMENDMENT (LAW OF PROPERTY AND WRONGS) BILL

Returned from the Legislative Council without amendment.

METROPOLITAN TAXI-CAB ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Roads and Transport) obtained leave and introduced a Bill for an Act to amend the Metropolitan Taxi-Cab Act, 1956-1963. Read a first time.

The Hon. G. T. VIRGO: I move:

That this Bill be now read a second time.

This Bill, which amends the principal Act, the Metropolitan Taxi-Cab Act, 1956-1963, provides for two substantial amendments to that Act. First, it is intended to reduce the number of members of the board from 12 to eight, and secondly it is intended that the board shall be clearly subject to the control of the Minister, the latter amendment being consistent with the considered policy of the Government that statutory bodies concerned with transport be under such control.

Clauses 1 and 2 are formal. Clause 3 provides that until the "appointed day" the board shall consist of 12 members comprised of the 12 members at present in office. After the appointed day the board shall consist of eight members, and this reduction is to be arrived at by reducing the local government representation from eight to four. The Adelaide City Council's representatives will be reduced from four to two and the other councils' representatives will be reduced from four to two. One representative of the "other councils" will be appointed on the nomination of the Local Government Association and the other representative will be appointed on the nomination of the Minister. The reason for this division of nominating power is that seven of the larger metropolitan councils are not members of the Local Government Association, and the power of nomination vested in the Minister will enable regard to be paid to their interests.

Clause 4 is an amendment consequential on the amendments proposed by clause 3. Clause 5, which reduces the quorum from six to five members, is in recognition of the proposed decreased size of the board. It is also intended that the Chairman or presiding member will have a casting vote as well as a deliberative vote. Clause 6 formally places the board under the control of the Minister, and clause 7 is a statute law revision amendment.

Mr. McANANEY secured the adjournment of the debate.

ACTS REPUBLICATION ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Acts Republication Act, 1967. Read a first time.

The Hon. L. I. KING: I move:

That this Bill be now read a second time.

The Acts Republication Act, 1967, authorizes the reprinting of the Acts of Parliament, as amended, in sets of bound volumes as well as in pamphlet form. About the time of the passing of that Act, the Government of the day entered into an arrangement with the Law Book Company Limited whereby the company agreed to collaborate with the Government Printer in editing, publishing and selling the Acts in sets of bound volumes, after employing as editor a person approved by the Government. At the same time, the Government decided that it would be of tremendous value to the public, the legal profession and the courts if the opportunity were also taken to continue consolidating and reprinting the amended Acts in pamphlet form, thus resuming this service which had previously been

undertaken by the late Mr. J. P. Cartledge, as Draftsman in Charge of Consolidation and Reprints, until the time of his retirement from the Public Service in 1965.

Section 5 of the Acts Republication Act, 1967, provides that no Act shall be reprinted under that Act unless it has been prepared for reprint by or under the supervision of the Commissioner. The expression "the Commissioner" is defined as meaning the person appointed by the Governor as and for the time being holding or acting in the office of Commissioner of Statute Revision. The present occupant of that office is Mr. E. A. Ludovici (Parliamentary Counsel). Since his appointment as Commissioner at the end of 1967 he has been working in that capacity out of office hours, bringing out the pamphlet copies of amended Acts, preparing and maintaining tables of amendments of amended Acts and keeping up to date, as master copies, all the amended Acts that have been reprinted. He has also, with the approval of the Government been appointed by the Law Book Company Limited as editor of the new edition of Acts to be published in bound volumes.

Because of ill health Mr. Ludovici has to retire from the office of Parliamentary Counsel and the office of Commissioner of Statute Revision. The purpose of this Bill is to extend the definition of the Commissioner to include a legal practitioner for the time being authorized in writing by the Attorney-General to supervise the preparation of Acts for reprint under the principal Act, thus maintaining continuity of this work by briefing it out, if necessary, after the retirement of Mr. Ludovici from the Public Service becomes effective.

Mr. MILLHOUSE secured the adjournment of the debate.

SUPPLEMENTARY ESTIMATES

In Committee of Supply.

(Continued from March 21. Page 4047.)

TREASURER

Miscellaneous, $390,000.

Dr. EASTICK (Leader of the Opposition): I should like clarification from the Treasurer on the nature of the subsidies to be paid in country areas. Are they subsidies on the cost of distribution of electricity? If they are not, what is their specific purpose?

The Hon. D. A. DUNSTAN (Premier and Treasurer): The Electricity (Country Areas) Subsidy Act provides that subsidies are to be paid to country electricity undertakings in order to keep country electricity charges within 10 per cent of the charges in the metropolitan area.

Line passed.

MINISTER OF WORKS

Public Buildings Department, $500,000—passed.

MINISTER OF EDUCATION

Education Department, $300,000.

Dr. EASTICK: Is part of this expenditure due to misuse of subscriber trunk dialling facilities? This has become a problem in industrial and commercial undertakings because persons use this facility as though they were making a local call, and this has disastrous results to overall management.

The Hon. D. A. DUNSTAN: I cannot say whether S.T.D. facilities are involved in the increase of telephone usage. I do not believe that is the case, because the Public Service has already instituted controls over S.T.D. calling. I will obtain a report for the Leader.

Line passed.

MINISTER OF AGRICULTURE AND MINISTER OF FORESTS

Agriculture Department, $316,000—passed.

Miscellaneous, $40,000.

Mr. McANANEY: Can the Treasurer say what are the future prospects of the Citrus Organization Committee of South Australia? I understand this grant is provided for a specific period. What will happen during that period? Is there to be an investigation into the organization's activities and what future is foreseen for the C.O.C.?

The Hon. D. A. DUNSTAN: This grant is to cover the losses of the C.O.C. for this year to the end of April 30. The committee has been unable to suggest a means of financing its full-scale operations following the refusal by the growers to accept, by poll, an acreage levy. However, requests have been made by some packing organizations that the committee concentrate on marketing operations and it is intended that the organization shall confine its activities to marketing for the next year. That is expected to cost about $16,000, and the Government believes it should support the committee's activities on that limited basis. The Government will not support the full-scale operations of the committee originally foreseen while growers as a whole will not contribute the necessary funds. It is obvious that the services of the committee as a

marketing operation are required by substantial groups of growers and co-operative packing organizations. In those circumstances the limited operation of the committee will be continued this year.

Mr. WARDLE: Will this mean the discontinuance of the board? Will it no longer meet regularly and make decisions?

The Hon. D. A. DUNSTAN: No. The board will be maintained and will still meet.

Line passed.

MINISTER OF SOCIAL WELFARE AND MINISTER OF ABORIGINAL AFFAIRS

Department of Social Welfare and of Aboriginal Affairs, $200,000—passed.

APPROPRIATION BILL (No. 1) (1972)

The Supplementary Estimates were adopted by the House and an Appropriation Bill for $1,746,000 was founded in the Committee of Ways and Means, introduced by the Hon. D. A. Dunstan, and read a first time.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I move:

That this Bill be now read a second time.

It is based on the Supplementary Estimates and it is in the same form as the supplementary Appropriation Bills passed by the House in recent years. Clause 2 authorizes the issue of a further $1,746,000 from the General Revenue. Clause 3 appropriates that sum and sets out the amount to be provided under each department or activity. Clause 4 provides that the Treasurer shall have available to spend only such amounts as are authorized by a warrant from His Excellency the Governor, and that the receipts of the payees shall be accepted as evidence that the payments have been duly made. Clause 5 gives power to issue money out of Loan funds, other public funds or bank overdraft, if the moneys received from the Commonwealth Government and the General Revenue of the State are insufficient to meet the payments authorized by this Bill. Clause 6 gives authority to make payments in respect of a period prior to the first day of July, 1971. Clause 7 provides that amounts appropriated by this Bill are in addition to other amounts properly appropriated. I commend the Bill for the consideration of members.

Dr. EASTICK (Leader of the Opposition): Having been assured that this Bill is in the usual form, I support it. The procedure has been followed for some years to the benefit of the State.

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

SUPPLY BILL (No. 1) (1972)

Adjourned debate on second reading.

(Continued from March 21. Page 4048.)

Dr. EASTICK (Leader of the Opposition): The Opposition supports the documentation that has been provided in connection with this Bill. Because the matters in the Bill have been researched to our satisfaction, we see no purpose in delaying it.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Payments not to exceed last year's Estimates except in certain respects."

Dr. EASTICK (Leader of the Opposition): Will this clause enable Parliament, after the end of the current session, not to reconvene until next financial year?

The Hon. D. A. DUNSTAN (Premier and Treasurer): Yes.

Clause passed.

Title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN FILM CORPORATION BILL

Adjourned debate on second reading.

(Continued from March 14. Page 3826.)

Dr. EASTICK (Leader of the Opposition): The Opposition is disappointed with this Bill for several major reasons. The Bill must surely go down as one of the greatest pieces of blank-cheque legislation that has come before this House in my memory and in the memory of many of those who have been members for a longer period than I have. The Premier's second reading explanation is contradictory, and the Bill itself is far from enlightening. It falls a long way short of what the Premier must have envisaged when he referred to the proposal in his policy speech, as follows:

A Labor Government will establish a State film unit and will work towards the provision of film studio and processing facilities on a site that has provision for varied outdoor location shots. The facilities will be available to independent producers to produce films for export, for television and for cinema. South Australia's light and climate are ideal for this purpose and with such facilities producers will be able to make use of the new Commonwealth grants for film productions. They will find it cheaper to work here than elsewhere in Australia. A special Act will be passed making it possible to close streets and make them available for film shooting with proper safeguards to the members of the public involved. Full co-operation of the administration will be given to film producers who use the facilities.

One of the provisions referred to in that speech worries the Opposition very much—that streets can be closed off for the purpose of film making. We can see no evidence that the Government has considered the difficulties that may arise in such circumstances. A group of people could possibly take over a closed-off area and foment a riot or conduct an unauthorized march. On the third page of this morning's press South Australia is pictured as "the future Hollywood of Australia".

Dr. Tonkin: We heard that about 18 months ago.

Dr. EASTICK: Yes, but on this occasion it was repeated by an oversea film director, rather strangely, but I suppose not inconsistently, a few minutes after he had discussed the matter with the Premier. Doubtless, he gained some enthusiasm from the Premier, who has been known to be extremely interested in this development, but I doubt that this film director has examined the proposal before us because I cannot see how this legislation can achieve such grandiose objectives as were outlined in the press statement.

A close study of the Premier's second reading explanation does little to clear the air for people who are interested in the Government's plans to develop this industry. If one comment is common to all people in the Adelaide area who are interested in this industry, it has been, "Just what does the Government intend?" and, "This Bill is just too much of an open cheque, with little detail about what will be done." This is the considered opinion of people in the community who have been given the opportunity to look at both the second reading explanation and the Bill.

The Hon. D. A. Dunstan: Who are they?

Dr. EASTICK: As an example of what I have said, I point out that a major conflict occurs in the third line of the Premier's explanation, when he says that one of the main areas of activity of the Film Corporation will be undertaking film production. Clause 11 provides:

The corporation has power to do all things necessary for the administration of this Act and, without limiting the generality of the foregoing—

(*a*) shall have the sole and exclusive right to produce, or arrange for the production of, film for or on behalf of the Government of the State or for or on behalf of any instrumentality or agency of the State or the Government of the State;

(*b*) may undertake film production on its own behalf or for any other person or organization;

(*c*) may enter into and carry out arrangements and agreements for the making of films;

However, in his explanation the Premier states:

It is not intended that the corporation will enter into the role of film-maker.

It is this divergence of opinion that concerns us.

The Hon. D. A. Dunstan: You haven't understood what I was talking about.

Dr. EASTICK: If the Premier's statement that it is not intended that the corporation will enter the role of film-maker is correct, the provisions of clause 11 are irrelevant. This aspect of the Bill is far too open, in that the corporation can make films but does not have to do so. The Premier has said that there is a need for a centralized film industry to rejuvenate the sluggish pulse of the local film industry. I think every honourable member knows that this comment is not appreciated by persons involved in this industry, even though their number may be small in comparison with the number in the industry in other places. Is the Premier talking about the Government sector of the local film industry at present, or about the private sector?

If he is speaking of the Government sector, it is apparent that the statement is probably valid. I do not in any way reflect on the persons engaged in Government productions, but private film producers around Adelaide have for a long time been highly critical of the facilities and output of the Government unit. The Tourist Bureau has the sole responsibility of promoting South Australia throughout Australia and the world. The work done in the past has been limited but, in fairness, it must be said that the department has been faced with severe restrictions. It has not had top-quality professional equipment, and it has worked with only a skeleton staff.

The member for Gouger, as Leader of the Government, took a step forward in boosting State promotion when he appointed a cinecameraman to the Premier's Department. This man was equipped with top-quality professional 16 mm movie equipment and commissioned to work on industrial development promotional films. During the term of his employment under the Liberal and Country League Government, he completed one colour film on State promotion, and this was given wide distribution: more that that, it also gained an award of merit because of its quality and presentation.

When the Hall Government went out of office, a second film was well on the drawing board, but we have heard nothing of this film since then. I should like the Premier to say just what happened to this film that was in course of preparation, on the drawing board. Was it ever started, and how many other films have been undertaken for Australian-wide or oversea distribution even assuming that the proposed second film did not come to fruition? Certainly, the word "sluggish" seems to those who have considered this matter to be the word for the Government venture.

The other matter that one wonders about is whether the promotions that we recently saw regarding shopping hours, a matter which is dealt with in another Bill and which I cannot discuss further now, was a product of the film unit in the Premier's Department. One supposes that it was not but, if it was not, why was advantage not taken of the availability of equipment and personnel capable of using that equipment? If, however, the Premier, in using the word "sluggish", was talking about the private enterprise in the community, I consider that this was grossly unfair to the extremely active, highly skilled, and hard-working group of film-makers. One comment from such a film producer was that he was so busy producing television commercials that he was unable to fit in the time to produce speculative films that might not be a financial success.

He was not knocking the idea of a film corporation: he was saying that his section of the industry was far from sluggish, whilst at the same time saying that anything that could produce greater value from the Government film sector must be very good. There is advantage in encouraging the various film units throughout the Government departments to pool their efforts to a greater extent, and hopefully this could be expected to arise as an outcome of this Bill. In this case, I refer to the Premier's statement that South Australia was suffering from promotional under-exposure. We consider that South Australia should be exposed to Australia and to the world.

We then had the Premier's comment about the vast markets (they are the words he used) into which locally produced films could be introduced easily. He also referred to one of these outlets as the free national theatre distribution that can be obtained for quality 35 mm documentaries. I believe this is a misleading statement, because "free" refers not to the cost of getting films placed in theatres but to the terms dictating their acceptability for this medium; they must be given free to the theatres.

It should be pointed out that just about all the featurettes shown in our theatres dealing with crayfishing, local tourism, industry, and sporting achievements are produced by large companies with large budgets (probably offset against taxation, with which one cannot quibble) and distributed free to the theatre chains. Who will pay for these types of film to be produced in South Australia under the auspices of our new film corporation? Will the Government give money to independent film producers to produce the films speculatively or purchase them after some form of vetting for their suitability and acceptability for Government purposes? How much will the Government make available for these films? The Premier should be able to tell us how much the film *The Central State,* which was well received overseas as well as in this country, cost the Government to produce and distribute, how many copies of this film were actually sold and how many were given away (in other words, how many copies were produced, and did we get any return). This is the only way to get the film on to the promotional band waggon, and it is an established practice. How much money is to be set aside for producing these free films, who will say what sort of films is wanted, and will we be talking of thousands of dollars, hundreds of thousands of dollars or millions of dollars?

I suppose I could answer this and say that we do not have millions of dollars to spend on this sort of thing but, knowing something about the costs of producing films, I know it would certainly not be expected that tens of thousands of dollars would be adequate for the purposes suggested. Clause 11 (*d*) provides that the corporation may acquire and lend films and any periodicals, books and equipment for use in film-making, producing, projecting and screening. Does the Government intend the film corporation to provide equipment for the industry? Will it encourage people to produce films because they can obtain this equipment at low cost or on loan? Under other legislation, experimental work has been undertaken. The Minister of Roads and Transport set up an experimental laboratory in association with his organization that was to disseminate information. I lauded this at the time because I thought it was essential, but we have to ensure that we are not giving

an open cheque to the ultimate advantage of persons or corporations outside this State who are able to make recompense for the benefits they were gaining. Are we going to provide the finance in this situation? I accept that we will be helping other people, but surely we should expect to obtain some recompense.

The Premier said in his policy speech that we would establish a film studio and processing facilities on a site that had provisions for a variety of outdoor locations, and facilities would be available for independent film producers to make films for export. Has the Premier any idea of the cost of setting up a studio fully equipped with 16 mm and 35 mm movie cameras and equipment for filming, recording, editing and the general production of films? We appreciate Commonwealth funds will be available to us, but what sums are we expending from State resources? On page 3 of today's *Advertiser* Mr. J. L. Hargreaves, a leading U.K. film producer, was quoted as saying:

> With the right studio and technical facilities, Adelaide could become the Hollywood of Australia.

What does he mean by "the right studio and technical facilities"? Does he mean a multi-million dollar outlay such as the studios in the U.S.A. have? These are being scrapped because today, with more sophisticated equipment, filming can be more simply and effectively done on location than in studio sets. Regarding the two films his company is to make in Australia later this year, Mr. Hargreaves said:

> If there was a suitable studio and processing facilities, we would shoot the entire film in Adelaide.

I would not be averse to this, because it would bring Adelaide and this State to the notice of people overseas. However, can the Premier say what return from tourist spending will come from the moneys expended in film production? Mr. Hargreaves is canvassing the suggestion that we should have a major processing laboratory in Adelaide. The Premier also canvassed this in his policy speech. Has he any idea of the cost involved in setting up a processing laboratory capable of meeting the entire needs of a film industry? At the moment the combined film processing in Australia is undertaken by a firm in an Eastern State, which gets exposed film by aircraft and returns it again within 36 hours. Are we to compete with the facilities of that one major interstate organization, which can provide such a service to industry in Australia? A person in Sydney who is vitally concerned with the processing side of the film industry has said that a minimum outlay of $500,000 would be necessary to set up a basic processing laboratory capable of handling 16 mm and 35 mm films.

That was the basic cost: just enough to get one off the ground.

It is conceivable that not much more expenditure (perhaps $100,000 for an optical printer; $120,000 for a colour processing plant; and $40,000 or $50,000 for other types of printer and sound-dubbing equipment) would bring the total to $750,000 or $1,000,000, just for the purpose of processing. This person also stated that $500,000 could be spent on a basic film studio, with lighting and sound-proof rooms, recording facilities and all the other facilities that go into an overall organization of this nature. These prices, which could easily be increased, need not be a barrier to such a project. I am merely pointing out what the prices involved may be.

However, I wonder whether the Government realizes how much it could cost to set up a basic film industry here, let alone to turn Adelaide into the Hollywood of Australia, as was suggested yesterday. Is there a need for a processing laboratory costing between $500,000 and $1,000,000? If there is, let us analyse that need. We have a local privately owned processing laboratory which services us with black and white processing and which is moving into the colour processing field with the introduction of colour television. It has waited some time before acting in this respect, until increased opportunity was given to it by the introduction of colour television.

Of course, there is also a need for processing 35 mm film, which is the type of film used for theatre release. One should consider the services available in the laboratory in another State to which I have already referred. The Premier also said that film work would be contracted out to appropriate film-makers in this and the other States.

The Hon. D. A. Dunstan: That answers all you have been saying for the last 20 minutes.

Dr. EASTICK: That is all right, and I am willing to say it for another 20 minutes, so long as honourable members are certain of what the Government intends to do, because its intentions have not been clearly spelt out in the information it has already supplied. The Government has said that it will provide facilities for films to be made using a Government studio and that it will loan out equipment.

However, how will these contracts be let? Will tenders be invited for these special projects? Will the Government say, "We want a film promoting the Barossa Valley, the Flinders Range, or the outback. Come up with some ideas on scripts, locations and general production", or will it say that it has prepared a script on, say, the Flinders Range and that someone should go out and produce a film? Will the Government initiate this process, or will it give the opportunity to others to enter into development? If the Government hands over a script, will it also hand over a director to supervise the filming, or will it have a liaison officer? Honourable members need to know all these things when they are asked to consider this legislation.

Will any sort of preference be given to local producers in allocating contracts? On the local scene, apart from two companies (Brian Bosisto and Associates, and Milton Ingerson Productions), few people are available to do top-quality work. This is realized generally in the industry; it is not an attempt by me to denigrate the work of smaller groups, which are prevented from doing top-quality work because of the costs involved. If neither of those two companies is wanted, does it mean that the Government will spend money for the benefit of film-makers in other States at the expense of the local film industry?

This legislation is fraught with vague definitions of intent, and I hope the Premier will be able to answer some of the questions I have asked. I believe that the broad principles of the legislation will be welcomed by the people in the film industry in Adelaide as a step in the right direction. However, just how big a step it is will depend on how much money the Government will allocate to the industry. The simple fact is that, if the film industry in South Australia is not flourishing to the extent to which the Premier would like it to flourish, the fault must be due to lack of finance. Will the industry then need to be given a boost, just as the citrus industry, the abattoirs and so many other industries have had to be assisted?

I am not suggesting that we should not back up local industry. However, it has been stated in this House that, as more and more props are given to certain industries, it becomes more and more difficult to service those industries. Those engaged in the film industry in Adelaide would undoubtedly welcome any money that the Government puts into the industry. Naturally, the industry would welcome this assistance if it was directed towards it, especially if those engaged in the industry were told that they could improve their facilities. However, whether it is sufficient to have the effect to which the Premier referred in his policy speech and in subsequent statements is another matter. Perhaps the Premier can encourage private investors to spend more money on films on promotion of the State, on promotion of individual industries, or on speculatory films for the entertainment media.

I have been told that some companies would like to become involved in producing films concerning their individual activities but that they cannot do so because of the costs involved. This applies particularly to some industrial organizations, which believe they could enhance their production and the demand for their products if they were able to present them to the buying public in this manner. Perhaps the Government intends to make available facilities for this type of work, although it does not say with certainty that it intends to do so.

These are many questions associated with the Bill that must be answered, and I look forward to hearing from the Premier regarding them later. I refer especially to this statement that, although one of the mian areas of activity for the corporation will be undertaking film production, the Government will not enter into the role of film-maker. Although these are problems that I can see in the legislation, I support the second reading.

Dr. TONKIN (Bragg): I, too, support the Bill. While one or two matters concern the Opposition, the Leader has explained well the Opposition's attitude to the formation of the corporation, which is indeed a necessary step if we are to publicize South Australia and if we are to do as the Premier hopes we can do: rejuvenate the sluggish pulse of the local film industry. The Premier was not terribly complimentary about that industry in his second reading explanation.

The Hon. D. A. Dunstan: The words I used were taken directly from the report of the Government's consultants.

Dr. TONKIN: I was about to say that I thought the words used were probably not his own. Nevertheless, he obviously subscribes to them. There is certainly a need for action to be taken to bring these facilities up to a reasonable standard. I do not intend to refer to the portions of the second reading explanation to

which the Leader has referred so excellently. However, I share the Leader's concern regarding the Government's intended processing and studio facilities, about which it made an announcement earlier, and the fact that it has said that it is not intended that the corporation will enter into the role of film-making. This, of course, needs clarification.

I think all honourable members know that the producing of films is not the same as film-making, although this is not always apparent in the mind of the general public. Nevertheless, I am sure that local film-makers breathed a sigh of relief when they heard that the corporation would not engage in film-making. I am a little disturbed, however, on their behalf to find that film work will be contracted out to appropriate film-makers in this and in other States, because I am not sure who will get priority here. I sincerely trust that it will be the South Australian film-makers, and I hope that, if they do not have the facilities available here, they will be encouraged, and perhaps subsidized and helped, to obtain facilities that will enable them to meet the requirements in South Australia.

I have read the functions and powers of the corporation, and I cannot quite see that in those functions and powers, as listed, there is anything that will stop the corporation from entering into the sphere of film-making. This concerns me. I may be unnecessarily concerned; I hope I am. I may be being pedantic about this; once again, I hope I am. However, I think that if it is the Government's intention to encourage local film-making here by private enterprise it should be spelt out properly, so that there is no possibility of misunderstanding.

If this is the Government's intention (and I believe it is), I wholeheartedly support the move but, as I say, I believe that it must be spelt out absolutely clearly and without any risk of misinterpretation by uninformed or poorly-informed people. I think the functions and powers of the proposed corporation are very much those of any other film corporation and, if we are going to enter into direct film-making competition, I am most unhappy on behalf of the local enterprise. If we are not (and I accept the assurance that we are not) who, as the Leader has already said, will decide which local firm will get the contract? Will it be by tender, and can we be sure that it will go to a South Australian firm? Will the corporation call tenders? One wonders.

Most of the film-makers in this State, as in other parts of Australia, work on projects commissioned by advertising agents, and I point out here that the attitude of this Government to the use of advertising agents gives one a little cause for concern about whether or not South Australian firms will be used to produce films and whether South Australian film-making concerns will be used. Members are aware that all of the South Australian Government's advertising contracts are handled by an interstate firm, which certainly has branches here but which is indeed basically an American firm (or it was to begin with). That firm did not originate in Australia; it is an offshoot of an American firm, and one wonders whether or not the same considerations will apply to South Australian film-making and whether the Government will wish to employ, for one reason or another, a firm from another State.

One cannot but wonder whether the South Australian Government's advertising contract has anything to do with the fact that that advertising agent handles the Australian Labor Party's advertising. I sincerely trust that such a consideration will not come into deciding which South Australian film-making firm, if any, gets the job. I think, then, that the small film-makers have every reason to be a little uneasy. When I say "small", I am referring to all the film-makers in South Australia because, although some are bigger than others, they are small by international standards. As I have said, if the Government's attitude to advertising is any guide, there is no guarantee that these film-makers will be employed by a South Australian Labor Government's film corporation. We can only hope for the best. As I have also said, I do not think there is any guarantee, under the wording of this Bill, that the corporation will not make films.

I only have to quote clause 29, which deals (as the Leader said, in a different context) with the directions to the Commissioner of Police, who may direct that any road or part of a road may be temporarily closed during the making of any film being produced by or on behalf of the corporation. This quite clearly covers the possibility that the corporation could become a film-maker. I sincerely trust that this measure will have the effect that the Premier desires of rejuvenating the local film industry. It depends entirely on how Government policy is administered through the corporation (and to what

extent the Government will implement its policy through the corporation) as to whether or not the Government will pick and choose and whether it will play favourites, as it has done with its advertising agents.

I agree that this is a blank cheque, and I agree with the Leader, who has covered the situation well, that we have been given no indication of how much money will be spent in the initial stages or in running this organization. I hope and believe that the Premier will be able to give us some details of this. If he cannot, I think he has no business bringing this legislation into the House. I look forward to hearing these details from him. We will watch, wait and see the developments with great interest. I believe that it is a good proposal and that it will help South Australia, but I think there are dangers in the Bill's administration and I think there are doubts that must be removed. I look forward to hearing from the Premier any answers he can give on this matter. I support the Bill.

Mr. RODDA: Like the Leader and the member for Bragg, I do not intend to knock the Government for what it is doing under this Bill, which is to set up a triumvirate of the Minister concerned, the corporation, and the advisory committee. My colleagues have referred to the sluggish film industry in this State, and the Premier has referred to a feasibility study carried out into the whole set-up of the film industry in South Australia. Of course, we on this side have not had the opportunity to see the findings resulting from that feasibility study. We have no quarrel with that, because we accept our role in this Parliament as members of Her Majesty's Opposition. Likewise, however, the Government will have no quarrel with our inquisitions about this measure.

I must give a plug here for private enterprise associated with the film industry and, in fairness to the people engaged in the industry in this State, I point out that our locally-produced films and commercials are a credit to the people concerned and are the best that can be produced. However, we are entitled to an explanation of the various matters when the Premier closes the debate. In his second reading explanation, the Premier said there was a need for a centralized film industry and that there was also clearly a need to rejuvenate the "sluggish pulse" of the industry. One speculates on the scope of the action that will be taken to remove this sluggishness. This venture into the film industry will require some expenditure. There is no shortage of locations in South Australia. The Police Commissioner will have power to close roads, so that the corporation will be able to proceed as it wishes.

As previous speakers have dealt with the provisions of the Bill, at this busy end of the session I will not deal with them at length. Clause 10 sets out the functions of the corporation, while clause 11 deals with its powers. The Leader dealt with these provisions extensively. In his second reading explanation, the Premier said that the corporation would perform other functions and would contract work out. The member for Bragg has referred to this matter. If it wishes, the corporation has the sole right to produce a film, and this may not be a bad thing. Perhaps the Premier can explain this provision further. It appears that the advisory board will have the capacity of an overseer, advising the Minister and the corporation. Therefore, we are interested in the representatives on that board. Clause 18 provides that the board shall comprise one member appointed on the recommendation of the Minister of Education; one member appointed to represent the Australian Broadcasting Commission; one member to represent commercial television enterprises; one member to represent the universities in South Australia; one member to represent industry and commerce; one member to represent the arts; and one member to represent the Public Service. Therefore, the members of the board will cover a wide field of experience. I have no doubt that, in making these appointments, the Government will see that all those interested are considered.

In these days of inflation, we must be concerned about the finances involved. To this end we will be especially interested in what the Premier envisages will be the cost of setting up the corporation. This will not be a cheap venture. If the corporation is to do what is necessary, considerable expense will be involved. Knowing the Premier, I have no doubt that he has big plans for this corporation and that its interests will extend beyond the boundaries of the State. I shall be pleased to hear what he has to say about these matters. I support the Bill.

Mr. EVANS (Fisher): I believe in the principle of promoting a film industry in this State. Under the Bill, the corporation will have power to farm out work and to undertake film production for other people. This

could mean that any other operator in the State who wishes to produce films might be forced to compete against a State organization, which would be able to operate without the normal taxation charges. This could be a problem for a private operator. If the corporation farms out the work, that will be different, but if it solicits work it will take away opportunities from private operators. This will be direct competition with private enterprise, with the balance really lying in favour of the Government enterprise.

I am a little concerned about clause 29. Although this is only a minor point, if there were a moratorium demonstration in a street and the corporation was filming the demonstration, under the Bill the corporation could apply to close the street. Although this is a technical point, it could arise. I support the idea of promoting the State in this way. Although I make the point that private operators in this industry could be harmed, if the corporation and private operators work together great benefit could result from this innovation.

The Hon. D. A. DUNSTAN (Premier and Treasurer): The policy that the Government announced at the election was determined after a consultation with a number of intending film makers in Australia. On taking office, the Government believed that, in order to ensure that we did this job thoroughly and soundly in what has been a high risk area of industry, generally enjoying only limited success in Australia so far, we should have a full and careful feasibility study undertaken as to how we were to proceed. That study advised the Government that it should proceed from small beginnings, and that the changes in film technology were so rapid at present that it was unwise to commit the Government to providing sound, stage and processing facilities in the State. Therefore, we were advised to set up a production group without its having more than the most limited of film-making capability, and that limitation would be for one or two cinematographers who could provide the ordinary day-to-day stock footage of material required for governmental purposes.

We were told that the technical capacity to make a film should be drawn from outside the unit, for two reasons. The first reason was that it would be a means generally of promoting employment in the industry, rather than creating a group without adequate flexibility. In deciding this, an examination was made, in the feasibility study, of the film units of the Commonwealth Government and of the Tasmanian Government. The consultants also made the point strongly that, for certain films, a limited number of people was available in Australia with the highest technical capability. We were told that, for some films, we would want to bring in a certain cameraman who would be highly paid, for whose services there would be much competition, and whom we would not be able to get as a cameraman within a governmental film unit, under permanent employment. Indeed, he would not be needed permanently and would come in for special jobs only. Therefore, a producer should be free to obtain the best workmen from the limited pool in this country. We would then be able to use the technical capability of local film-producing and film-making studios. Members opposite have suggested that preference would not be given to South Australian studios: preference would certainly be given in accordance with the general Government policy for the provision of services by South Australian companies. The aim clearly is that that production facility that we would have in having a producer, two directors and the other staff as recommended by the feasibility study, would oversee the actual production work although, in some cases, they would bring in a guest director.

The actual film-making would take place in commercially owned facilities and not in facilities owned by the Government. This is the distinction drawn by the feasibility study as against the proposals that have earlier been advanced. The projected cost of the total work of the centre is $450,000 annually. It was originally intended by the study that the film centre be a branch of the Premier's Department. The Government did not accept that advice, because it believed that it was preferable to have a separate statutory corporation, as such a body could take advantage of semi-governmental borrowing up to $300,000, without the approval of the Loan Council. Therefore, a significant proportion of $450,000 a year spent will be borrowed semi-governmental money and will not be a charge, as would otherwise be the case, on the Revenue Budget of this State. A considerable part of the $450,000 will be charged to Government departments for films made for them. True, some feature film work will be done here, but it is clear from the feasibility study that we are not justified in undertaking the establishment of a large sound,

stage or processing facility. Until film-making activity builds up in South Australia it would be unwise to undertake a course of that nature. We intend to use processing facilities available elsewhere in Australia, and that is now the most economic and sensible course of action. However, it may be that in the future, with the increase in film-making forecast by independent producers, there will be sufficient demand to justify the provision of such a facility.

The Government has not proceeded with the making of films for the Government, except in a limited way, in the last 18 months. We did this under advice from the makers of the feasibility study, because it was considered that films that had been previously made for Government departments (for example, the film made for the Mines Department since this Government took office) was not of the standard we required, and we will not proceed to spend money on film-making until we are certain that we will get films of such quality that we can get effective distribution of them. That should come from the kind of production centre that is proposed in the feasibility study for the South Australian film centre.

We have examined the work of some of the best film producers in Australia to see how we are to staff this centre. The Leader has asked whether tenders will necessarily be called in the case of all films, and the answer to that is "No". It is made clear in the feasibility study that producers must be able to draw on what they consider to be the best talent available but, at the same time, the film centre will be directed to give preference to South Australian film-making studies. A central part of this activity is to provide additional employment in South Australia.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Chairman of the corporation."

Dr. EASTICK: Subclause (3) provides:

At any meeting of the members of the corporation two members shall constitute a quorum.

Neither of those need be the Chairman of the corporation. The Chairman or the person acting as Chairman is given a casting and a deliberate vote, which means that, at a meeting of only two members, the decisions could be made by only one member. This could cause difficulties in the case of vital matters before the committee and, although I hesitate to use the word "dictator", I am sure the Premier will appreciate what I mean. The committee could meet without making much progress. Has the Premier considered this matter?

The Hon. D. A. DUNSTAN (Premier and Treasurer): Yes, I have. This is, in effect, an administrative committee that is required to work almost from day to day, and it will also be under the general direction and control of the Minister. If the committee gets into a knot on this provision, the Minister will be able to solve the problem, and he will have the advice of the advisory board.

Clause passed.

Clauses 7 to 9 passed.

Clause 10—"Functions of the Corporation."

Dr. TONKIN: I move:

In paragraph *(a)* to strike out "undertake" and insert "arrange for".

This amendment seeks to ensure that there will be no misunderstanding about the terms "film-making" and "producing". It is desired to make clear the Government's intention that the corporation will not indulge in film-making.

The Hon. D. A. DUNSTAN: I appreciate the honourable member's intention, but I do not think the amendment makes it clear, with great respect to him. A producer of a film is someone who is in charge of the production and the film centre will have a producer, a director, and filmwriters. It will require technical staff and it will hire film-making sites. It will be producing. I think my assurance about the basis on which we are proceeding, arising from the feasibility study, is sufficient.

Dr. TONKIN: I accept the Premier's assurance that the corporation will not indulge in film-making and I agree that it is not easy to draft an amendment to cover what I have in mind. If the people of South Australia and the film-makers have the Premier's assurance, I shall be satisfied and will not proceed with the amendment. I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clause 11—"Powers of the Corporation."

Dr. TONKIN: I assume that the Premier's assurance covers my other amendments, and I do not intend to proceed with them.

Clause passed.

Clauses 12 to 28 passed.

Clause 29—"Temporary closure of roads, etc."

Dr. EASTICK: People in the industry are confused about the fact that, although the closing of a street is provided for, there have

been difficulties about entry to places such as Granite Island and the Botanic Garden to produce films. I appreciate why it may be difficult to get into the Botanic Garden, but speedy entry may be important to a film-maker or a producer who is here for only a short time. Has the Government considered facilitating entry to places other than streets?

The Hon. D. A. DUNSTAN: Already we have been making facilities, such as Government properties and other areas, available to film-makers. In the case of the *Bonaparte* series, we gave much assistance for the fauna productions in the North of the State. All that needs to happen when we get a request is to have quick access to a Minister, who can make the necessary arrangements with the body concerned. Granite Island is not now administered by the Government as a national pleasure resort; it is administered by the Victor Harbor council. The Botanic Garden is under the control of the Botanic Garden Board, and arrangements have had to be made with each of those bodies, which have autonomy. With the creation of the film corporation it should be easy for film producers to have quick access to people who know how to make arrangements quickly, and I think this will assist.

Clause passed.

Remaining clauses (30 to 33) and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (JUDGES' SALARIES) BILL

Adjourned debate on second reading.

(Continued from March 21. Page 4048.)

Mr. MILLHOUSE (Mitcham): The magnitude of the increases which are being offered to Their Honours the judges fair takes one's breath away. The Bill provides for an increase of over $5,000 for His Honour the Chief Justice, and correspondingly high increases right down to the position, which has not yet been filled, of Deputy Chairman of the Licensing Court, for which the increase in one fell swoop is a mere $3,400. I point out to the Government (and no doubt its own backbenchers, who I hope are more vocal elsewhere than they are in this place, have pointed this out to it) that the increase which is being offered to His Honour the Chief Justice is of itself greater than the total income of many members of this community. It is a very high increase indeed when one looks at it in isolation.

I, for one, hesitate to deny to Their Honours the judges a salary appropriate to their station, one which will allow them to live in dignity and without financial stress. Because of my respect for the Judiciary, both as a member of this place and in my professional capacity, I am willing to support the second reading. However, I think there will be much misgiving in the community generally and, if it were not for the respect that I have for Their Honours (and in every case, I hope and believe, their friendship), I think I would find it difficult to support the second reading.

In its explanation of the various increases, the Government has been reticent. All we are told is that judicial salaries in New South Wales and Victoria have recently been increased by about 20 per cent to 25 per cent and that other States will shortly follow suit; and, therefore, the Government believes that these increases proposed here are proper. That really is not enough to justify them to members of Parliament who are not members of the profession and who do not perhaps regard the Judiciary in the same light as do members of the profession. I desire a far better reason for the magnitude of these increases than we have yet had. I suppose that, in spite of all we say in this place (we jest sometimes about the salaries of members of professions, especially the legal profession, because there are a few of us here), the legal profession is comparatively well paid.

I could not help making a comparison the other day when I received a circular from the Law Society advertising the position of Deputy Master of the Supreme Court. This position is open to practitioners of six years standing or more (in other words, practitioners below the age of 30 years would in most cases be eligible for this position), and the salary for that job is $15,000 a year. On the same day, because of the change in leadership of the Opposition, we read in the paper an analysis of the salary of the Leader of the Opposition and, if my memory is correct, that salary totals $15,900, to which of course certain perks must be added, such as a car, which I suppose is worth $1,000 but which I hasten to add is essential if the Leader is to carry out his job properly, just as it is essential if a Minister is to carry out his job properly. Here (and I say it with great respect to the Deputy Master) we have a position of importance in the profession, but not of the first rank, carrying a salary that is not much lower than the salary offered to a man who occupies a position of great responsibility in Parliament. I could not help making that comparison and

thinking of my own income from all sources, especially when I received the advertisement for the position of Deputy Master.

Mr. Ryan: Why don't you put in for it?

Mr. MILLHOUSE: The member for Price asks the question more in hope than in any other way. I do not intend to offer myself for that position, attractive though it may seem.

The Hon. L. J. King: Do you think the Deputy Master should get less or that politicians should get more?

Mr. MILLHOUSE: The Attorney is entitled to ask that question. First, as I have already said, the legal profession is comparatively well paid, and I say that irrespective of the increases we are now offering under this Bill to the most senior members of the profession. Secondly, for all that is said in the community, politicians are not comparatively well paid. I do not believe that the responsibilities undertaken by the Deputy Master compare with those undertaken, to use the example I gave, by the Leader of the Opposition in this place.

Mr. Payne: You should have said this to the salaries tribunal. You didn't even appear.

Mr. MILLHOUSE: I certainly appeared before the tribunal on one occasion and suggested that an increase was warranted. As my own personal position has now been raised by the member for Mitchell, I point out that I do not believe that a private member of Parliament should make his job in this place a full-time job. I do not believe that that is a good thing. I believe that a member of Parliament is far better off having some other occupation as well that will take him outside this place and bring him into contact with people who probably have no interest whatever in politics. That will do far more to keep his feet on the ground than will anything else that I know, although I make an exception for Ministers and for the Leader of the Opposition. Those must obviously be full-time occupations. Therefore, despite what I have said about the salary of the Leader of the Opposition (and one can add the salaries of Ministers), I do not believe it is desirable that private members of Parliament should have no other occupation and, therefore, no other income besides that of a member of this place.

Mr. Hopgood: There can't be too many constituency problems in Mitcham.

Mr. MILLHOUSE: I have had much experience now. I have been in this House for 16 years, and I now have a much smaller district that I once had.

The Hon. Hugh Hudson: You're still getting as much trouble as ever.

Mr. MILLHOUSE: Maybe.

The SPEAKER: Order! The interjection is out of order.

Mr. MILLHOUSE: Of course it is. It is a district which I like and which I hope likes me, but it certainly does not involve the number of problems and the amount of work that my old district involved.

The SPEAKER: Order! The honourable member is speaking to a Bill dealing with salary increases of judges, not of members of Parliament, and he must link his remarks to the Bill.

Mr. MILLHOUSE: I remind you, Sir, that I got on to this tack because of interjections from the other side.

The SPEAKER: Interjections are out of order and should not be encouraged.

Mr. MILLHOUSE: I hope I did not encourage them. I certainly did not mean to do so.

The Hon. L. J. King: Interjections did not put you on to this line of thought; it was your own comparison.

Mr. MILLHOUSE: No, it was the member for Mitchell who raised my own position and who put me on to this matter.

The SPEAKER: Order! I think the honourable member had better get back to the provisions of the Bill, and I ask him to link his remarks to the measure.

Mr. MILLHOUSE: I thank you on this occasion, Mr. Speaker, for your direction and protection. I believe that these increases are high and that, although they should be supported by the Government, far more information is required than has been given. I believe, however, that it is proper that we should pay the Chief Justice, the puisne judges, and judges of inferior jurisdiction a good salary so that they do not have financial worry and so that they live in a proper state. I therefore support the second reading.

Mr. McANANEY (Heysen): I strongly oppose the second reading. The suggested increase in salaries is far too large at this stage, as it is far more than the average increase in wages. The honourable member for Playford made an eloquent speech last year on the great wage and salary margins becoming apparent between various sections of the community. This applies even to those on

lower wages. One group is not moving at the same rate of increase as another on the lower part of the scale is moving. Some people on the top salary scale are to receive increases of thousands of dollars while others on the lower scales are getting hundreds, and this is breeding far too much discontent in the community. The last people who should be doing this are Labor members when in Government.

An inquiry is being conducted in America, where increases in higher salaries have been more than double those in lower wages over the past few years. Somewhere there must be a stop to this, and I am willing to make a sacrifice and reduce my salary by a certain proportion if everyone else in the community is willing to do likewise. We do not want to see develop in this country the discrepancies we see in South-East Asia between those on the lower levels and those in the higher income brackets. If I am the only one to oppose this Bill I will call for a division and vote against it. If members on the other side really believe what they say at times and are genuine and consistent I shall have to get an adding machine to count the support I will get. I will not support these increases, because I think many people in the community in receipt of more than a certain salary ought to take a reduction in that salary. The people on higher salaries are never happy with the increases they receive. They moan that two-thirds of the extra amount goes in income tax and that superannuation payments increase. They growl about the cost of living caused by these increases and they are always ready to complain. The sooner we face the fact that there is extreme inflation and an imbalance between the various sections of the community, rather than wasting the time of this Parliament on things such as drinking hours, the sooner we will make some progress. I oppose the Bill.

Mr. VENNING (Rocky River): I oppose the Bill. These increases in salaries are excessively high and away from the thinking of the rank and file of Government members, as evidenced by the manner in which they have debated many subjects in this House during the present session. We have heard them criticize the profits of the Broken Hill Proprietary Company Limited, we have heard them criticize General Motors-Holden's, and as recently as last night, speaking on the shopping legislation, they criticized Myers and the profits of that organization. They talk about support for the Prices Branch, but what are they doing about this Bill? I suppose they have already got their instructions and they will follow their Leader. The increase proposed for these people is of about 23 per cent on the present high salaries. This figure in itself is greater than the total wage that many people receive today. I am not speaking of basic wage earners, but of fellows well up on the wage scale.

Mr. Mathwin: This is more than the shop assistants get.

Mr. VENNING: Yes, as we heard last night. I give notice that I will move some amendments regarding these increases. I oppose the Bill because I think it is wrong and inconsistent of the Government and unfair to the people of South Australia. We hear about inflation, but what is the Government doing? It is acting contrary to many of the principles put forward from time to time in many items of legislation.

Mr. Payne: You will never get that hotel licence now!

Mr. VENNING: It is interesting to hear the back-benchers. They utter a bundle of contradictions from one Bill to another. I oppose the legislation, and I give notice that I intend to move amendments to reduce the increases.

Mr. EVANS (Fisher): I object, too, to the size of the increases to be paid to the Judiciary under the provisions of this Bill. In 1969 the salary of the Chief Justice was $19,400, in 1970 it was increased to $23,000, and now the proposal is to increase it further to $28,200, an increase of $8,800 in a period of three years. Can we justify that type of increase at a time when we say we are trying to restrain prices and costs? We cannot consider these people as being divorced from the tax structure of the State. The people pay for the increases, and this increase is of almost 50 per cent in three years.

Taking the next bracket of judges, the salary in 1969 was $17,500 and it was increased in that year to $19,500, in 1970 it was $21,000, and now we are talking of increasing it to $25,750, an increase of $8,250 in three years. This is closer still to a 50 per cent increase.

I ask honourable members opposite to be honest in their thinking when they condemn other people and organizations for showing increased profits or increased prices, or for at least maintaining the same percentage of profit. We have here a 50 per cent increase in three years. Neither G.M.H. nor B.H.P. has increased the cost of their products by that

proportion, nor have the profits increased to such an extent in that period. I voice my objection not to increases but to such large increases as those being given to our top public servants when the average public servant is being left far behind. The increase in the Chief Justice's salary over the salary fixed two years ago is far in excess of the salary that the average public servant would receive. I am not saying that the Chief Justice is not worth more than the average public servant is worth, but I am saying that the proposed increase in his salary is excessive. For that reason I cannot support the Bill in its present form, but I shall support the second reading in the hope that amendments will be carried during the Committee stage to provide for a more reasonable increase.

Mrs. STEELE (Davenport): I am surprised that such a Bill has been introduced by a Socialist Party. Most of the people who will be the recipients of the very large salary increases proposed in this Bill are friends of mine, but I must say that the increases are extraordinarily large, particularly at this time, when funds are needed for so many purposes. Because the principle is wrong, I must object to these large increases of between 20 per cent and 23 per cent. Although I agree that the Judiciary should receive salaries that set it above probably any other group, nevertheless I believe that such large increases are wrong.

Mr. WARDLE (Murray) : This Bill provides for a steep increase in the salaries of the Chief Justice from $23,000 to $28,200. It is not good enough that the Government has given such a poor explanation of the Bill; a far more detailed justification should have been given for these salary increases, the largest of which is about $5,000. Many members, including some on this side, would be absolutely disgusted if I said that we should call the recipients of these increases to the Bar of the House and ask them to justify the increases. However, at least the Government, on behalf of the recipients, should seek to justify the increases. It is not sufficient to say that, because various salaries are paid in New South Wales and Victoria, it necessarily follows that they must be paid here. As I believe that the increases are excessive, I shall vote against the Bill.

Mr. GOLDSWORTHY (Kavel): I, too, object to the Bill, for the reasons advanced by my colleagues. Many members of the community would be well satisfied with a total income equal to the salary increase being granted to the judges by this Bill. The Attorney-General has said that the legal profession earns all the money it gets, but I have also had it put to me that one reason for the Bill is that, if the recipients of the increases were in private practice, they would earn far more than is guaranteed to them under this Bill.

I do not believe that anyone serving the community, even if he works an 80-hour week, deserves a remuneration in excess of the sums provided for in this Bill. Further, I do not believe we can justify the sort of income that accrues to some people in the community by way of fees for services rendered. In effect, this Bill transfers a fairly handsome sum from the State Treasury to the Commonwealth Treasury, because over half of any income in excess of a taxable income of $10,000 a year is paid to the Commonwealth Government as taxation. If we are aiming at ensuring that our citizens have some sort of equality, we cannot justify these steep salary increases. I therefore oppose the Bill.

Mr. BECKER (Hanson): I support the Bill.

Members interjecting:

The SPEAKER: Order! The member for Hanson has the call. I remind members that I have a responsibility to hear what members say, but I find it most difficult to do that when there is so much conversation and so many interjections. Honourable members must be fair to the Chair, to the member for Hanson, and to their own colleagues in this Chamber. The member for Hanson has the call, and I ask members to extend to him the utmost courtesy so as to enable him to give his views on this Bill and so that members can inform their minds on the matter.

Mr. BECKER: Thank you, Mr. Speaker, I appreciate your efforts in keeping the House in order. I repeat that I support the Bill.

[*Sitting suspended from* 6 *to* 7.30 *p.m.*]

Mr. BECKER: Although the proposed salary increases appear large in total, perhaps the present salaries of the Judiciary are far too low: hence, the reasonably big increases now. It is reasonable to assume that, when people observe these large increases, they will jump to the conclusion that perhaps something has been amiss over the years and we are now bringing the salaries of the Judiciary to a fair and reasonable level. Compared with the salaries of the top management men, these

proposed salaries would not be unduly high. They are comparable with the salaries of managing directors or general managers of large companies. In some companies, the salary ranges are not as great as those proposed in this Bill, but there are allowances to be taken into consideration—car allowances, housing allowances, non-contributory superannuation and so on—which are worth an untold amount of money.

The salary of a business man is sometimes kept low because it attracts a high incidence of taxation otherwise and he gets the benefit of tax-free amounts of money. Unfortunately, that cannot be done with the Judiciary. I also consider that we shall not attract the right type of person to the Judiciary if the salaries are not attractive. There is no system of arbitration open to the Judiciary for their salaries, so Parliament must decide them. We also must consider the qualities that a judge must possess: he must be learned in the law, he must have a sense of fairness and he must be a person of undoubted integrity. He is isolated from the community because of his position and the responsibility it carries. That does not apply to other people on similar salaries.

Dr. TONKIN (Bragg): I support the remarks made by various members on this side of the Chamber. There has been very little activity from the Government benches about these proposals. 1 do not intend to repeat the arguments put forward for the judges receiving the salaries they do. I greatly admire the work they do, their ability, and their standing in the community. It is right that they should enjoy that high standing and they are entitled to all the respect in the world. I believe also that they are entitled to the salaries they get, but these proposals are a little out of perspective. Therefore, I will support amendments to be moved by members on this side.

I think an increase is justified but it should be a reasonable one. I do not think these proposed increases are reasonable. Together with the member for Mitcham, I look forward to hearing from the Attorney-General why these increases should be so steep. I would prefer to see smaller increases in salaries than those proposed. On the other hand, I would not be happy to leave the salaries as they are. So I reserve my judgment until I hear what the Attorney-General has to say.

Mr. McRAE (Playford): I was not proposing to enter this debate but I shall do so only briefly. I support what the Attorney-General says. It is inevitable that we are doing nothing but achieving wage justice in this case. I approve of what has been said about incomes policy. However, in order to achieve a proper incomes policy, one needs to have the whole machinery of Government, including income tax, wage control and price control. It is indeed a matter of moment when the member for Heysen, as Chairman of the Liberal Party, supports my incomes policy. It is a most touching accolade. Indeed, it is a most touching moment in my Parliamentary career, when I find that not only my colleague, the member for Elizabeth (whom I regard somewhat as a political mentor), but also the Chairman of the Liberal Party both agree on my incomes policy.

Mr. Clark: Don't break down.

Mr. McRAE: I am trying not to. The member for Heysen, while accepting my incomes policy, has not completely followed through its implications. If he examined the whole policy, he would know that one had to do more than just freeze wages or prices: one must have an incomes policy to start with and a proper taxation system to work towards it. I cannot remember any previous occasion on which a mini wage-freeze has been attempted in this State. It is like Mr. Harold Wilson's attempt in Great Britain or Mr. Nixon's attempt in the United States, and it will, I think, be doomed to the same failure.

This is also a matter of historic moment for another reason: it is the first time that a concerted attempt has been made by any member to stop salary increases for judges. I think these increases are largely illusory, anyway, because the Commonwealth Government will take 60 per cent of them forthwith. We are, therefore, engaged in what I would call an illusory exercise in comparative wage justice. It is unfortunate that there is not some tribunal to act as arbitrator in fixing judges' salaries. However, one reaches the point when one is dealing with senior people when one must ask oneself who on earth would fix the wages of the people who fix the wages of everyone else. All sorts of difficulty are inherent in this Bill. It is unfortunate that one of the people whose wages we are now fixing is likely to be one of the persons who will be fixing our wages later.

On past history, I am afraid no generosity on the part of this Parliament has resulted in the chairman of a previous salaries tribunal demonstrating tremendous generosity to the

members who sit here. I do not think any *quid pro quo* is involved; indeed, the contrary may be the case. It is unfortunate that this Parliament should be fixing the salaries of those people who, in turn, fix members' salaries.

I should like to raise another matter: that of the salary of judges of the Industrial Court, who should be receiving the same salary as a Supreme Court judge. The only reason they are not receiving that salary is that their predecessors slashed their own salaries by 10 per cent during the depression. This is an unfortunate situation that the Attorney-General and the Minister of Labour and Industry (and I notice that the member for Torrens, a former Minister of Labour and Industry, is nodding his head) have overlooked, because they have not wanted to rock the judicial boat.

The only injustice I can find in this Bill, provided that I preface my remarks by saying that it is by no means in accord with what I would consider to be a proper incomes policy, is that the salaries that are being fixed for the judges of the Industrial Court are inadequate and inappropriate. Those judges should receive the salary of Supreme Court judges, just as they do everywhere else. However, previous Ministers of Labour and Industry and Attorneys-General have chosen to overlook this injustice, which has continued for 30 years. It is clear that until people in South Australia are prepared to look on the situation realistically and hand out a little justice to others, as they do for themselves, that situation will continue.

I do not want to spoil what was for me a touching moment when I received the accolade of so many members, and I do not want to finish on a sour note, but I brought this matter up for consideration because it has been completely overlooked. I agree with honourable members that wage and salary increases are to a large extent illusory and in this context they may be an affront to these people. However, I say that until we have a proper wage and income policy we can do little but follow the normal principles of comparative wage justice. What can be achieved by having a mini wage-freeze on one small section of the community when we cannot and will not impose it on any other section.

I suspect that, lurking behind the scenes of this concerted opposition from some of our country friends, is a sense of personal frustration that their own capital appreciation has fallen off in the last few years. I wonder whether they would have had the same objection 10 years ago when their capital was appreciating and their incomes were escalating every year. With those brief but heartfelt remarks, I support the Bill.

The Hon. D. N. BROOKMAN (Alexandra): I move:

That Standing Order No. 302 be so far suspended as to enable me to move an amendment without notice.

I rise to support views I have held and expressed on many occasions regarding the procedures of this House that are many years behind the practices enforced by the Government. We have on our files 152 Bills, probably three or four times as many as the number a few years ago. These procedures are followed whereby we attempt to dissect these Bills—

Members interjecting:

The Hon. D. N. BROOKMAN: I think that the front bench ought to behave itself.

The SPEAKER: Order! Interjections are out of order.

The Hon. D. N. BROOKMAN: We attempt to consider all this legislation in the same old way. Standing Orders are suspended by one means or another in order to avoid the necessity even of giving notice of Bills. In many cases the first and second readings, the Committee stage, and the third reading are telescoped to an absurd extent. The result is that we are at present dealing with legislation that was not introduced into the House until yesterday, whereas, under the provisions of the Standing Orders, we would normally have had a longer time to consider it. Under the old system of not having so much legislation as we have now, we had time to leave it on the Notice Paper for a week or more, during which time we could discuss and study the salary increases involved in this Bill.

Members interjecting:

The SPEAKER: Order! The honourable member for Alexandra has given notice under Standing Order 302, and his speech is limited to 10 minutes. Honourable members should extend to him the courtesy of having a full opportunity to explain what he wants to do. The honourable member for Alexandra.

The Hon. D. N. BROOKMAN: We have, as an adviser to this House, the Auditor-General, whose Report we examine every year and to whose efforts, in my opinion, we pay too little attention. If we spent more time studying his reports and examining his opinion of State affairs and less time on other matters

which are trivialities in this context, we would be doing much more for the people of the State.

I hope that, by getting the suspension of Standing Orders to enable me to move this motion without notice, I can then move that the Bill be withdrawn and referred to the Auditor-General. The motion I would move would be to strike out all words after "That" in the question "That this Bill be now read a second time" and insert "the Bill be withdrawn and referred to the Auditor-General for a report on its justification or otherwise".

That is a sensible thing to do, and the Auditor-General's advice would be invaluable. That action would take much of the heat out of this debate, because there has been considerable indignation about the terms of the Bill. It would be much better, not only for this House but also for Their Honours the judges in the various categories, if this matter was referred to the Auditor-General, to be considered in a calmer light than that in which it can be considered here. Obviously, we are not set up to be a tribunal to determine wages and salaries, although, by reason of the legislation, there are certain categories of people within the community whose salaries this House must fix.

We have had no argument, really, to support the Bill before us, except that we are falling out of line with other States. I submit that whether we are in line with other States, whilst being a factor that should be considered, is not the only factor. I think that the most sensible thing to do would be to use the impartial services of the Auditor-General, who is an officer appointed to advise this House, by letting him submit a report and recommendation.

The SPEAKER: If the Attorney-General replies, he closes the debate.

The Hon. L. J. KING (Attorney-General): On a point of order, Mr. Speaker, is that so? As I understand the position, there has been a motion for the suspension of Standing Orders. Isn't it the position that that may be debated and that then, if the motion is defeated, the second reading debate will be resumed in the ordinary way?

The SPEAKER: It closes the debate on the motion for the suspension of Standing Orders, but not the debate on the Bill.

The Hon. L. I. KING (Attorney-General): I oppose the motion for two reasons. One is that it seems to me that the Auditor-General cannot be an appropriate person to advise the House on a matter that must be a matter of policy. The Auditor-General is not a wage-fixing tribunal. The responsibility for fixing the salaries of judges rests fairly and squarely on the Parliament, and it seems to me that to try to refer it to the Auditor-General, or to any other functionary for that matter, would be an abdication of responsibility by Parliament. The Government must make up its mind on what it considers to be the appropriate remuneration for judges and must bring down to the House a Bill containing the provisions which it considers to be just and proper. It is for the House then to decide what is really a question of policy, namely, what should be the salaries of judges, having regard to all relevant factors, including the salaries paid in other States. To adopt an amendment that would have the effect of referring the matter to another public officer is illogical and wrong in principle.

Hon. D. N. BROOKMAN: Have I the right of reply?

The SPEAKER: Standing Order 470 provides:

> The mover shall in every case be limited to 10 minutes in stating his reasons for seeking such suspension and one other member may be permitted to speak, subject to a like time limit but no further discussion shall be allowed.

The question before the Chair is that Standing Orders be so far suspended as to enable the member for Alexandra to move an amendment without notice. There being a dissentient voice, ring the bells.

The House divided on the motion:

Ayes (18)—Messrs. Allen, Becker, Brookman (teller), Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, Millhouse, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (25)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Jennings, Keneally, King (teller), Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, Wells, and Wright.

Majority of 7 for the Noes.

Motion thus negatived.

The Hon. L. J. KING (Attorney-General): A number of matters emerged during the second reading debate to which I would like to refer. The first point is the reference to the salaries of public servants in relation to

the topic of judicial salaries. It is very important to make the point that there is no relationship, either logically or in practice, between the salaries paid to judges and those paid to the Public Service. The situations are completely different. The public servant, for the most part, has made a career of the Public Service. He has worked up through the ranks and, generally speaking, has spent a lifetime in the Public Service under the conditions which exist for the remuneration of public servants.

The judge is in a completely different situation. He has spent the greater part of his life, until he has reached a suitable degree of eminence at the bar, outside the Public Service. He is a person who, if we want the best in judicial ability, must be attracted to the bench by reasonable conditions—that is to say, reasonable not only having regard to his status and dignity in the community, but also to the income he is able to command at the bar. This latter matter is one of considerable importance. The honourable member for Kavel was inclined to disparage it as a consideration, but I remind him that a judge must occupy a position of very great importance in the community. If we are to attract the men with the greatest eminence and achievement in the legal profession to the high office of judge, we must take into account what they were earning at the bar.

The remarks of the member for Kavel might have some relevance if we were talking of the average income of lawyers, but the legal profession is like any other learned profession: there is a small group of men at the top who have achieved eminence, and it is those men whom we must attract to the bench. Therefore, the professional incomes relevant here are not the average incomes in the legal profession but the incomes that the most able and sought-after men at the top earn. If we do not accept that position we condemn ourselves to a system in which the mediocre professional man would be the only man available to us for judicial appointment, and that would be absolutely disastrous. If the administration of justice is to be preserved in its full capacity to do good for the community, we must have the services of men of great ability, skill and industry; and that means those men who have achieved eminence in the profession and, as a result, are receiving high incomes.

Mr. Venning: Don't Socialist members criticize excessive prices?

The SPEAKER: Order! The honourable member is entirely out of order in interjecting. He has made his speech; the Attorney-General must now be heard in silence.

The Hon. L. J. KING: Ignoring the interjection, I shall refer to remarks made during the second reading debate, when it was suggested that in some way the payment of remuneration that is commensurate with the skill and knowledge built up over a lifetime by the people whom we attract to the Judiciary is in some way inconsistent with Socialist principles. Members who said that should be reminded that Government members have never to my knowledge (and certainly not as a body) criticized the payment of incomes commensurate with skill and industry to any section of the community, particularly those rendering public service to the community. It is one thing to refer to excessive profits that ultimately go into the pockets of shareholders without personal effort on their part and it is quite another thing to suggest that we should deny to people of skill and industry the incomes that are commensurate with their skill and industry. Private enterprise never takes that attitude.

The member for Hanson very sensibly and properly referred to some of the high incomes received by executives in private industry, but he was moderate in his figures. In the last three or four weeks I have considered a case in which the managing director of an Adelaide company for many years received an income of $100,000 a year. If the community wants the services of its best brains, it must always be willing to pay the incomes that those best brains command—at any level of public service but particularly in relation to the administration of justice, where the highest skill and integrity are tremendously important.

In the last year I have looked at a legal system on the British model where salaries are not adequate to attract the highest level of ability and success in the legal profession. I refer to the Indian Republic where, unhappily, the policy of the Government has been to relate judges' salaries to public servants' salaries, which are low in that country in comparison with salaries in private industry and the legal profession. The result is that it is impossible in India to attract to the legal profession not only the best brains but even those in the upper professional salary ranges, because professional incomes are so much

higher than judicial salaries. In that country the best positions are occupied by men of mediocrity while the positions of men at the bar appearing before the judges are filled by men of high ability, because their salaries are so much higher than those of the judges. That point was brought home to me by practising lawyers in that country, and that hideous position has seriously impaired the integrity of the administration of justice in India. So I cannot warn too strongly against the dangers of underpaying the Judiciary. When I hear the observations of some members opposite (only some of them), I fear for the future of the administration of justice in this State if ever people holding those views come to occupy the Treasury benches.

I have referred to the necessity of at least providing an income that does not, on his elevation, involve the judge in too radical a change in his living standards from the accepted standards of professional people of similar standing. Now let me refer to the important matter of comparability, because what a judge does in Sydney or in Melbourne in trying a case is precisely what a judge does in Adelaide; there is no difference at all. However, that does not apply to top members of the Public Service, for the head of a department in the South Australian Public Service has a less onerous responsibility than the head of a similar department in New South Wales or Victoria because this State is smaller and fewer people are involved. However, the same cannot be said of a judge. He merely tries a case between two people and it does not matter whether the case is tried in Sydney or Adelaide: it is the same job. The remuneration paid to judges in South Australia should bear some degree of comparability to the salaries paid to their brethren in other States.

Let me now refer the House to what has happened in the States of New South Wales and Victoria. A similar sort of thing will be happening in the other States soon if my information from the Attorneys-General in at least some of those States is correct.

Mr. Venning: Do you mean Western Australia?

The Hon. L. J. KING: Western Australia is considering increasing its judges' salaries soon.

Mr. Venning: You seem to be working hand in hand.

The Hon. L. J. KING: We could do worse than work hand in hand with the Western Australian Labor Government. We also have the distinction of working hand in hand with the Liberal Governments of New South Wales and Victoria.

Mr. Venning: But—

The SPEAKER: Order! The member for Rocky River must not continue interjecting. The honourable Attorney-General.

The Hon. L. J. KING: On January 1 of this year the New South Wales Government increased its judicial salaries in this fashion. The Chief Justice of the Supreme Court prior to the increase was in receipt of a salary of $25,600, including allowances. The new rate, after January 1, was $30,950, an increase of $5,350, or a percentage increase of 20.9 per cent. The puisne judges of the Supreme Court of New South Wales had an increase in salary from $23,350 to $28,275, an increase of slightly less than $5,000, but a percentage increase of 21.1 per cent. As regards the district and county court judges in New South Wales, the salary of the chairman (equivalent to our senior judge in the Local and District Criminal Court) was increased from about $21,200 to $25,525, an increase of just over $4,000, or 20.8 per cent. The salaries of the ordinary judges of the district court rose from $18,950 to $23,080, an increase of 21.8 per cent.

Last November, in Victoria the salary of the Chief Justice was increased by 25 per cent, from $24,800 to $31,000; the puisne judges' salary was increased by 25.8 per cent from $22,200 to $27,950; and the Victorian County Court judges' salary, which admittedly had fallen behind, was increased from $17,950 to $24,700, an increase of 38 per cent. There was a corresponding increase of 41 per cent for the ordinary judges of the County Court.

The amount of the increases proposed in this Bill, compared to the salaries paid in New South Wales and Victoria, are as follows: under the provisions of the Bill, the Chief Justice will receive $2,750 less than his counterpart in New South Wales; the puisne judges will be paid $2,525 less than their counterparts in New South Wales; the senior Local Court judge will be paid $3,525 less than his counterpart in New South Wales; and the ordinary judges of the Local and District Criminal Court will receive $2,880 less than their New South Wales counterparts.

You will see, therefore, Sir, that the increases provided for by this Bill really adopt the mean between the increases in Victoria and New South Wales, omitting the Victorian County Court judges because they were making up a

leeway that occurred in the past. The mean between the increase in the salary of the Supreme Court judges in New South Wales and Victoria ranges from 20 per cent to 25 per cent (in other words, 22.5 per cent), and that is the increase that has been adopted in this State. However, it still leaves the South Australian judges receiving amounts ranging from $2,500 to $3,000 less than their counterparts in the other States.

If we had any regard to comparative wage justice, it would be difficult to explain why there should be even that discrepancy. Certainly, to adopt the suggestions which have been made that the increase given to the South Australian judges should be less than that provided for by the Bill would simply create a disparity between the salaries paid in the Eastern States and those paid here to men doing precisely the same work, because there is no difference between the work performed by judges in one State and that performed by judges in another State. I should like to stress what I have said previously: that the sort of attitude that has been adopted by some Opposition members to these proposals makes me fear for the future integrity and capacity of those responsible for the administration of justice in South Australia, if ever the persons holding those views come to occupy the Treasury benches.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Salaries of judges."

Mr. VENNING: I move:

To strike out "twenty-eight thousand two hundred dollars" and insert "twenty-five thousand three hundred dollars".

I disagree with much of what the Attorney-General has had to say concerning comparability of judicial salaries in this State and those in New South Wales and Victoria. After all, the volume of court work in those States is much greater than it is in South Australia. Our judges have had an increase as recently as 1970. and my amendment is fair as it will allow the Chief Justice a 10 per cent increase.

The Hon. L. J. KING (Attorney-General): I do not believe that the honourable member has advanced any argument for changing the figure in the amendment. Regarding his observations that the work of the Chief Justice in New South Wales must be greater than that of the Chief Justice in South Australia, this involves a misunderstanding of the position. A judge tries cases that come before him. Judges of the Supreme Court of South Australia are exceptionally busy and the volume of work they shift is staggering. They have made great inroads into the waiting list of cases, which is not only astonishing but a credit to them.

The Chief Justice in South Australia has greater responsibility than his counterpart in New South Wales because in this State the Chief Justice presides regularly over the court of appeal and it is an increasing part of his responsibility to carry out the important duties of an appellate judge, especially as the presiding judge in a court of appeal. In New South Wales, however, there is a separate appellate division of the Supreme Court, and the Chief Justice of the Supreme Court does not sit on appeals. If we are to make any comparison between the duties carried out by the respective Chief Justices, the Chief Justice in South Australia has a greater responsibility to discharge.

The amendment of the honourable member would mean that the Chief Justice of the Supreme Court of South Australia would receive $5,650 less than his New South Wales counterpart. I ask the Committee to consider whether there is any possible justification for such discrimination against our own Chief Justice.

Mr. VENNING: I cannot agree with the Attorney-General. I do not know why he does not base conditions for the State of South Australia on the State of South Australia. He takes these conditions into consideration only when he sees fit, and he is doing so now. An increase of 10 per cent is reasonable, because the Chief Justice received an increase less than two years ago. No wonder there is dissatisfaction in this State. I am amazed that a Socialist Government should be promoting this line of action.

The Committee divided on the amendment:

Noes (26)—Messrs. Becker, Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Jennings, Keneally, King (teller), Langley, McKee, McRae, Millhouse, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Ayes (16)—Messrs. Allen, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning (teller), and Wardle.

Majority of 10 for the Noes.

Amendment thus negatived.

Mr. VENNING: I withdraw my other amendment to this clause.

Mr. BECKER: Can the Attorney-General say what is the nature of the allowance paid to the Chief Justice in New South Wales?

The Hon. L. J. KING: The allowance of the Chief Justice in New South Wales is $1,150, with $875 for the puisne judges. It is a general expense allowance, but it does not alter the tax position. The Commissioner of Taxation allows judges, as a matter of course and without verification, 5 per cent of the judicial salary as an allowance, so they have 5 per cent of the judicial salary tax free. This matter has been examined and discussed with the judges themselves, and I am satisfied that there is no justification for adopting the principle here.

Clause passed.

Remaining clauses (5 to 10) and title passed.

Bill read a third time and passed.

ENFIELD GENERAL CEMETERY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 21. Page 4050.)

Mr. COUMBE (Torrens): My remarks on the subject will be brief, because personally I cannot see very much future in it. I support the measure. I have some knowledge of this cemetery, which is quite attractive in appearance and is designed on the more modern trend. Instead of having the old-fashioned monoliths or statuesque-type headstones it is laid out as a garden cemetery with tastefully landscaped areas, and the headstones are either at the end or laid flush with the ground, enabling the area to be mown easily and kept in good condition, in contrast with some of the other cemeteries one sees from time to time in various parts of the State.

The cemetery was set up by Act of Parliament in 1944 with the blessing, and the financial support to some extent, of the Government of the day, it has continued in that way. I recall a few years ago being a member of a Select Committee appointed to make some variations to the parent Act. I believe what has brought this measure before the House at this late hour is the very pungent and strong comment of the Auditor-General in his recent report. As I have been exhorted by my very good colleague from Alexandra to study the Auditor-General's report, I now intend to quote from it. For many years the Auditor-General has drawn the attention of this Parliament to the financial operations of the cemetery trust. This year he concluded his remarks on a very strong note (I do not think there is a stronger criticism in the whole of his report than this), as follows:

> I have reported previously on the serious deterioration of the Trust's financial position due in the main to the failure to maintain a satisfactory level of "before need" sales. The selling body, Evergreen Memorial Park Limited, was put into voluntary liquidation during May, 1971, but constructive action to arrest the downturn in the Trust's affairs is a matter of extreme urgency.

I imagine this is why the Minister has brought the Bill to the House at this late stage of the session. So that members can appreciate the importance of the Auditor-General's impartial comment, I point out the effect of last year's trading. The income in 1969-70 was $71,878, but in 1970-71 it dropped to $55,386. While sales of burial grounds at need were fairly consistent with those in previous years, the before need sales (and I think every member knows what I mean by that) have continued to decline from $82,500 during 1968-69 and $53,060 in 1969-70 to $23,320 in 1970-71. That is a staggering and serious drop in the trust's income. As a result, the trust has been forced to redeem some of the investments from which it had previously received income. The Auditor-General's Report states:

> The decrease in working capital of $59,500 was due to the redemption of investments to finance the operating deficiency and crematorium.

The investments in debentures were reduced from $144,000 in 1969-70 to $67,000 in 1970-71; that is not good enough if an organization is to keep going. As some members know, the Evergreen organization was criticized in this House a year or two ago. I remember the member for Ross Smith, who was then the member for Enfield, raising this matter. That organization is now in liquidation.

The trust has also borrowed money to build a crematorium, which is obviously necessary in the area, so that funeral traffic does not have to go through the city to the crematorium on the other side of the city. The need became greater after the West Terrace crematorium was demolished. The area controlled by the trust is aesthetically laid out and meets the wishes of those who have loved ones interred there. I gather from the Minister's second reading explanation that the cemetery is not to be operated by the Government, unlike the West Terrace cemetery, which comes under the control of the Minister of Works.

The Bill changes the composition of the board of the trust; instead of there being three representatives of the clergy on the board, there will now be only one such representative. Further, on the board there will be a Treasury officer and a local government officer. This seems to be fairly sound business practice, and I hope it will keep the trust on a sound financial footing. It will receive from competent officers advice on the day-to-day running of the cemetery; such advice will ensure that there is no wasteful expenditure and that the trust's funds are gainfully employed. The Bill provides for the Treasurer to guarantee any loans made to the trust.

The principal Act provides for three clergy—one who shall be a representative of the Diocese of Adelaide of the Church of England, one who shall be a representative of the Archdiocese of Adelaide of the Roman Catholic Church, and one who shall be a representative of other religious denominations in South Australia. What is now proposed is that there shall be a rotation of representation of the various denominations in future. It is suggested that the first representative in the four-year term shall be representative of the Senate of the Anglican Diocese of Adelaide, the second one shall be a representative of the Archdiocese of the Roman Catholic Church, and the third nominee, in another eight years time, shall be a representative of other religious organizations.

The Minister said that agreement has been reached with the heads of the various denominations concerned. I take that to mean that the organizations have got together and have agreed to this arrangement. It is important that the clergy be represented on such a trust, but the total representation is now being reduced. However, as long as we have a representative of the clergy on the trust, that purpose will be well served.

The trust as presently constituted will continue in office until the date of proclamation, that is, until all the things in this Bill have been achieved and are ready to be put into operation. So that honourable members will know who the other members are, let me say that there is first of all the Chairman, appointed by the Governor; then there are one member appointed by the Governor and two members appointed by the Governor on the nomination of the City of Enfield, in whose municipality the cemetery is situated. In addition, there is the one representative of the clergy and the two officers I have mentioned. All these people will now form the trust, so it will be fairly representative.

I have looked at the other provisions in this Bill and, apart from the formal one of merely converting the old pounds, shillings and pence to decimal currency, the others deal mainly with the directions that the Minister may give to the trust. In these regards, it appears that the Minister may, on the recommendation of the Treasurer, direct the trust how it shall apportion its funds and what use it shall make of its funds. Also, the Minister himself may direct the trust on its day-to-day operations, because in the original Act the trust has the power to employ or dismiss servants (I use that word in its correct sense of "employees") and officers. The Bill is fairly straight-forward. I hope that this will mean that we shall get some semblance of a better financial arrangement in this organization.

I sound one word of warning. Let no member go away thinking that overnight this position will be magically remedied. It will take many years, if ever, before this trust will be able to stand on its own feet without help from the Government. It already has borrowing powers from the bank, but it will need the consent of the Minister in that respect. Also, it can get money from Parliament; the Treasurer may guarantee loans. This, of course, is a special circumstance, because the Enfield General Cemetery Trust Act was brought into being mainly because the North Road cemetery, which happens to be an Anglican cemetery established just after the State was born, was becoming full. In 1944 it was seen that it would not be long before the cemetery was full, and advantage was taken of this area, which was largely not built on. This cemetery trust took advantage of the available land. One of the tragedies of many old cities is that, when their cemeteries become full, new cemeteries must be established out of the city. Recently, I read a report that one of the cemeteries in Sydney was to be replaced and used for other purposes. I support the Bill, realizing that it is a hybrid Bill and that it will have to be referred to a Select Committee.

Mr. WARDLE (Murray): I, too, support the Bill. The previous speaker said there was not much future in the Bill, but I think that is his funeral. Perhaps I will try to lay out my time more objectively. I have been interested in this area for a number of years and, indeed, have taken the members of several

country cemetery trusts to this area, which, I believe, is a model area. I shall be interested one day to hear (and no doubt the member for Spence will be able to tell me this) what part of the original plan did not work out. No doubt, there is a fairly simple reason for this.

I am convinced that the idea behind the legislation is right, and that this is a pleasant, peaceful and beautiful place. I know of at least one country cemetery that is being planned along similar lines. The replacement of the two clergymen on the trust by a Treasury official and a local government official is probably a good move. It can perhaps be said that there will be more financial influence and less celestial influence on the board. The two new members will no doubt assist the workings of the board greatly. It will be interesting to see the board function over the years and to observe how much progress it will be able to make. I support the Bill, although I may ask one or two questions in Committee.

Bill read a second time and referred to a Select Committee consisting of the Hon. G. T. Virgo and Messrs. Coumbe, Crimes, Wardle, and Wells; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on March 28.

COMPANIES ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

PUBLIC ASSEMBLIES BILL

Adjourned debate on second reading.

(Continued from March 14. Page 3828.)

Mr. MILLHOUSE (Mitcham): This is the first of the Bills arising from the report of the Royal Commissioner into the September moratorium demonstration. The handling by the Government especially by the Premier of the moratorium demonstration and the events leading up to it is one of the more disgraceful episodes in the life of this Government. Over 18 months has passed and there is little point in raking over the events except so far as they are relevant to this legislation. The Government was successful in stifling all discussion in this place on the events of September 18, 1970, by appointing a Royal Commissioner within four days (on September 22) and, under our Standing Orders, this House, alone on all assemblies in South Australia, was not able to discuss the events that took place. To me, that was more than regrettable: it was reprehensible.

The Government has now been able to stave off discussion for so long that interest in the actual events that took place has now gone and, to that extent, the Government has had quite a success. The Royal Commissioner's Report was presented in May, 1971 and, if I may say so, with respect to the Royal Commissioner (Mr. Justice Bright), it appears to be more an essay on the causes of the event and an exposition of the existing law than a code for dealing with future demonstrations. However, several recommendations for changes to the law have been made, and it has taken until now for any of these recommendations to appear in the form of Bills in this House. In his second reading explanation of the Bill the Attorney said:

> Its purpose is to implement the recommendations made by the Royal Commissioner.

In fact, the Bill does not implement the recommendations made by the Royal Commissioner, because it provides a voluntary notification procedure in the case of demonstrations that are planned for a day more than four days ahead of the notification itself, and for arbitration by a local court judge. However, no sanctions are provided in the Bill if notification is not given. The notification is optional and not obligatory and that is contrary to the report of the Commissioner, as I understood his language. I say that despite the references made by the Attorney-General in his second reading speech. I now refer to chapter 7, headed "Problems relating to demonstrations", where His Honour states:

> If one concedes that some authority ought to have the power, exercisable upon proper grounds, to prohibit a particular march along a particular route on a particular occasion, then one must, I think, also concede that for such a power to be properly exercised the authority must know in advance sufficient details of the proposed march. How, otherwise, can it exercise the power? The most appropriate source of information as to the details of the proposed march is the group which proposes the march.
>
> In my opinion, therefore, it is reasonable to require that a group proposing to demonstrate by means of a demonstration involving the use of the public streets should co-operate with some authority and sufficiently communicate its plans.

I stress the term "require that co-operation". At page 250 of my print, under the heading "recommendations", in paragraph 4, headed "System of Acquainting Authorities with Intention to March", His Honour states:

> There are two main systems, if one concludes, as I do in chapters 7 and 8, that advance information ought to be made available to the authorities.

Again at page 251—

The Hon. L. J. King: Aren't you going to read the third recommendation in that section?

Mr. MILLHOUSE: The one headed "Police Bail"?

The Hon. L. J. King: No, where His Honour states, "I see no need for the creation of a new offence of marching without prior notification . . ."

Mr. MILLHOUSE: No, I was not going to read that.

The Hon. L. J. King: It's very relevant to the point you're trying to make.

Mr. MILLHOUSE: Very well, I will read it all. I cannot find that.

The Hon. L. J. King: It's under the heading you have read.

Mr. MILLHOUSE: That is quoted in the second reading explanation, is it not?

The Hon. L. J. King: Yes.

Mr. MILLHOUSE: In that case, I shall not read it.

The Hon. L. J. KING: It negatives the point you're making.

Mr. MILLHOUSE: No fear, it does not negative the point I am making.

The Hon. L. J. King: I think you should deal with it.

Mr. MILLHOUSE: If the Attorney-General will allow me to deal with it, I will do so in my own way, by quoting from page 251. His Honour states:

The chief purpose of advance warning is to enable the authorities to afford proper protection to all persons taking part in or affected by the proposed demonstration. I recommend a system of advance notification to achieve this end. I am clearly of opinion that at least both the City Council, in which the streets are vested, and the Police Force, which has the responsibility for controlling traffic and maintaining order, have a right to be consulted and to raise objections on proper ground to all or any of the proposals contained in the advance warning. The Hon. the Chief Secretary may also properly deserve to be heard.

If that phrase "have a right to be consulted" does not imply that there must be notification, I do not know what the common meaning of those words is. The Attorney can quote, as he has done in his second reading explanation, the recommendation that His Honour does not suggest that it should be an offence not to notify. I cannot square that with what the Royal Commissioner has said in the three references that I have read out.

The Hon. L. J. King: But it does mean that the Bill reflects the Commissioner's recommendation, doesn't it, and that is not what you suggested earlier.

Mr. MILLHOUSE: I am not here to argue with the Attorney-General on the meaning of words. If he can square what I have read out with what he has inserted in his explanation, he is a better man than I am.

Mr. Payne: He is a better man than you are.

The Hon. J. D. Corcoran: There's no doubt about that.

Mr. MILLHOUSE: I thought I had some friends on the other side.

The Hon. J. D. Corcoran: You have, but he is still a better man than you are.

Mr. MILLHOUSE: It may well be that there is simply a contradiction in what the Commissioner has written in his report but, whatever he has said, I do not rest my case (I cannot, in view of the attitude I will take on some other Bills) on the recommendations of the Commissioner alone. I use those references to bolster my argument that there should be advance notification in all cases and I suggest that, if there is not advance notification, we are really no better off than at present. Law-abiding citizens (John Martin's which is staging its pageant; the Returned Services League, which is organizing the Anzac Day march; and other like bodies) will naturally observe the notification procedure, and the Bill will be enabled to work.

Those people who are not willing to abide by the law will not notify, and then the Bill is an absolute nullity; it comes to nothing, and we are back to exactly the same position we were in on September 18, 1970. The Bill depends for any effectiveness it may have on a voluntary system of notification and, if that system is not worked, the Bill is silent. I believe that that means that the Bill is practically, if not completely, useless. I have here a dodger, which I think was stuck up on one of the buildings around here, and which states, "Irish Socialist Republican Movement" (I cannot think of a more ghastly combination than that). It goes on: "International Anti-Internment Rally, March 18, Victoria Square, 10 a.m. Speakers. March to follow. Collection for official I.R.A." That was brought to me by an outraged citizen who said I should do something about it, although there was nothing I could do but refer to it now. I have little doubt but that the organizers of

that March would totally ignore the provisions of this Bill if it were the law, and then where would we be?

The Hon. J. D. Corcoran: When did that march take place?

Mr. MILLHOUSE: I have no idea.

The Hon. J. D. Corcoran: It must have gone off peacefully. Didn't you say it was on March 18?

Mr. MILLHOUSE: I know the Minister should not be interjecting. You never stop him, Mr. Speaker. What point does the Minister make?

The SPEAKER: Order! The honourable member cannot canvass points raised by way of interjection.

Mr. MILLHOUSE: You always manage to twist out of it somehow, Mr. Speaker. A crowd such as this, and other smaller crowds, are most unlikely to work the notification procedure. What if the police were to see one of those dodgers on a pole somewhere and there had been no notification? Under this Bill, the police are not given any power to do anything about it and, in that case also, the Bill would be quite useless. The police cannot force anyone to notify the plans for a march. That, again, shows the uselessness of the position. I remind the Government (and I detected some sensitivity the other day when 1 referred to this matter in asking a question of the Premier) of the resolution passed by the Australian Federation of Police Associations, which states:

That this conference expresses alarm at the growing tendency of certain sections of the community to resort to actions of organized violence and lawlessness, demonstrations in the streets and other places throughout Australia, and that this motion be brought to the notice of all members of Parliament throughout Australia.

I heard the Attorney-General praising the police only today, saying we should do whatever we can to help the police carry out the job we entrust to them. In my view, this Bill will not help them at all.

Notification should be obligatory. May I turn, for some support to that proposition, to one of the witnesses who gave evidence at the Royal Commission, a witness well known to you, Sir, I presume, and to members opposite. I am speaking of Dr. J. F. Cairns, a member of the Australian Labor Party and of the Commonwealth Parliament.

Mr. Hopgood: An illustrious one.

Mr. MILLHOUSE: An illustrious one, says the member for Mawson. For the purposes of the argument I adopt his description of Dr. Cairns. I hope it will mean I have his support in this matter, because I am going to quote the opinion of Dr. Cairns as given to the Royal Commission. It is at page 2459 of the transcript of evidence, and Dr. Cairns was being questioned by Mr. Connor. The first question was this:

From the point of view of compulsory notification to emergency services such as fire brigade, ambulance, etc., do you see any objection to a compulsory notification system as part of the legislation?

The answer was as follows:

I do much prefer that to the present situation where an authority can—where one has to apply to an authority to do something and the authority may withhold or grant that. I think myself it is desirable to have notification, to have communication between those responsible for regulation in the area and the people who are going to act. I think it is desirable for communication, for notification, to exist between them, and I would much prefer a system where this notification is necessary compared to one where an application has to be made for permission and it can be withheld for any reason.

Question:

For no reason?

Answer:

Well, there is always a reason . . .

A further question:

If you had a compulsory notification system what would your view be about the right of police authorities, local government authorities, to be in a position to raise some objections about the proposed right or the timing or something of that nature?

Answer:

I think that is reasonable.

And so he goes on. The Attorney-General can say, having read one passage from the Royal Commissioner's report, that we should not have compulsory notification. I have found, and I have quoted from, three passages where it is clearly implied that there should be compulsory notification. I quoted one of his senior Commonwealth colleagues who came from Melbourne to give evidence, to describe all the goings on on the same day in Melbourne during the moratorium campaign, and said straight-out that there should be compulsory notification. Can the Attorney-General and his supporters simply brush off the suggestion I make that there should be compulsory notification? I hope they will not, because for the reasons 1 have given I believe the Bill will not work unless we have an element of compulsion in it.

I know (and this I assume or suspect is the reason why we have not got any compulsory notification in it) that it is extremely difficult to frame such a provision. I shall do my best to do so at the appropriate time, but there is the very great difficulty of the so-called spontaneous demonstrations, which grow up within a period of a few hours. What are we to do about those? Admittedly it is difficult. I hope the Attorney-General has read the *Australian Law Journal* for October, 1971. If so, he will be familiar with the article in it by Messrs. Fisse and Jones dealing with this problem. At page 595 they make some recommendations. I suspect the Attorney has read this article, because the authors suggest a four-day period, and of course that is what has found its way into the Bill. I do not suggest that what they say is without fault, but I believe that it is quite satisfactory as an outline or a framework for notification of spontaneous demonstrations. This is what they say:

It is clear that the procedure outlined above would be inappropriate for spontaneous demonstrations. We suggest that the following approach be adopted for such demonstrations. First, demonstators should be encouraged to notify the municipal authority (or police) of a proposed demonstration.

Throughout their article the authors assume compulsory notification when there is plenty of time. The article continues:

Even one hour's notice may be sufficient to enable an effective allocation of traffic control resources to be made. Notification would be encouraged if it were possible for a municipal authority (or a Police Force) to indicate that it had no objection to a particular spontaneous demonstration, and if this decision created the same immunity from traffic control offences as that outlined below in the case of the normal notification procedure. In addition the possibility of court review should be left open. In the event of a decision adverse to the demonstrators, the municipal authority (or police) should be required to justify the decision before the court whenever court resources permit. Where this court review is not possible, we suggest the following safeguard against abuse or error in administrative discretion. Upon application by a demonstrator charged with a traffic control offence from which immunity would have been provided had the municipal authority's decision (or the decision of the police) been favourable, the municipal authority (or police) shall be required to justify its decision before the court. Should the court rule that the municipal authority's objection (or that of the police) was unreasonable all participants in the demonstration would be relieved of responsibility for any traffic control offences in respect of which immunity would have existed had the municipal authority (or police) raised no objection when first notified of the spontaneous demonstration.

That is a line of approach to what is admittedly a very difficult problem. In my view (and I do not pass judgment on whether I differ from the final view of the Royal Commission or not) it is essential, if we are to work any system such as this Bill envisages, for there to be an obligation to notify plans, whether the demonstration is to be well ahead or whether it is a "spontaneous demonstration", the term used by Fisse and Jones. I have no special quarrel with the other provisions in the Bill, and I am happy to give the system a try. We cannot do better than to leave the responsibility for a decision to one of the local court judges, who are of sufficient standing, experience and common sense to be able to carry out that task.

Dr. Tonkin: What will happen if the assembly does not abide by the judge's ruling?

Mr. MILLHOUSE: Then, the assembly would not get the protection that it would get if it abided by the ruling. That is about as far as we can go in the circumstances.

Mr. McRAE (Playford): I support the Bill. The only criticism that the member for Mitcham could make (and I must confess that I found it a little difficult to follow his speech) was that there was not some separate provision for penalty in this Bill in the case of an organization or person that did not give the notice allowed for. It seems to me that there are two answers to that criticism: one is that the Royal Commissioner himself saw no point in it, but the second and more important answer is obtained by merely perusing the present state of the law.

1 do not intend to embark upon a lengthy dissertation on the present state of the law, but I merely indicate that those persons who either fail to give notice and proceed to take part in a demonstration or give notice but then, not having permission granted, still persist may, in varying circumstances, leave themselves open to one or more of the following common law and statutory offences. These are just a few of them: first, trespass; secondly, nuisance; thirdly, obstruction; fourthly, breaches of numerous traffic regulations; fifthly, unlawful assembly; sixthly, riot; seventhly, rout; eighthly, affray. Involved in all those offences one can mention the following subheading "Offences against public order". These include disorderly behaviour, riotous behaviour, offensive behaviour or language, threatening behaviour or language, insulting behaviour or language, abusive words or

behaviour, disturbing the peace, indecent, profane and obscene language, etc. In extreme circumstances, people could also be charged with treason, sedition, or breaches of the Commonwealth Crimes Act.

As I understand the report of the learned Royal Commissioner and his excellent and learned assistant, the current state of the law is already far too confused. What we are all trying to do in this place, as I understand it, is to provide a balance between the right of the citizen in a minority group to present his point of view to the public and the protection of the law-abiding public from the unwelcome attentions of minority groups. I believe that that, historically, has been the intention of all Parliaments. In order to do this, we have from the Royal Commissioner (a judge of great standing and a very fair-minded man) reasonable suggestions of a way in which this situation can be overcome. In his report the Commissioner says that the existing state of the law can be impaired because there are so many breaches of it and so many legal entanglements into which one can fall that one ought not to add to them. That seems to me to be the only criticism that the honourable member for Mitcham made and, if that is his only criticism, as I understand it to be, that is easily destroyed.

At the time of the moratorium there was intense criticism from the Opposition of the decision of the Government to set up a Royal Commission. It said it was "passing the buck" and that nothing would be achieved. There was also intense criticism from extremist elements in the community, who said, too, that nothing would be achieved; but what was achieved was a historical document, a learned treatise on the current state of the law, a fair and reasonable ascertainment of the facts of the day in question, and some suggestions of what should be done in the future, on a commonsense, fair and democratic basis. This report has been received not only with acclamation in South Australia but also with tremendous interest in the other States of Australia and overseas. When it was first released, lawyers from Sydney were in contact with me trying to get photostat copies of it, if need be, so interested were they in the proposals put forward.

This document and the following legislation show that the hysteria that was demonstrated at the time of the moratorium and the extremes to which some people wanted to go were so ill-founded that they justified the stand that the Government took at that time that it was possible to protect the minority right to demonstrate while at the same time preserving public order. That was something that members of the Opposition vehemently said was not possible. They now find that this Royal Commission was a tremendous success, something that has been applauded throughout Australia and, indeed, throughout many parts of the world. In view of what they said 18 months ago, I expected tonight that honourable members opposite might offer all sorts of severe criticism of the Bill. However, all we have heard from their leading speaker on the subject has been one minor point of machinery, which, as the honourable member accepts, is crushed by the report itself. That being the case, I believe I am supporting a Bill that is an excellent step forward not only for democratic rights but also for public order in this State.

This Bill not only provides a reasonable means of dealing with demonstrations; it also will have the tremendous effect of stopping the totalitarian elements that were involved in the moratorium from being able to exploit those associated with them, particularly young people, as they did before. Indeed, this report shows how these kids were exploited, and I am pleased that the Attorney-General once more has the honour of introducing a historic and important document that will be of great use to the people of South Australia and, indeed, a great guide to the people of Australia.

Mr. GOLDSWORTHY (Kavel): I support the Bill, but without any great show of enthusiasm or conviction. The honourable member who has just resumed his seat seemed to think that this report has vindicated everything that the Government did regarding the moratorium, during which a disgraceful episode occurred at the intersection of King William Street and North Terrace. I believe this to be far from the case. Although, in a spirit of generosity, I am willing to support the Bill and to see how it works, I am far from convinced that the Government's troubles are over, as it is merely passing the buck to a judge to make its decisions for it.

Mr. McRae: What you say on the legislation regarding the Commissioner of Police will be interesting.

Mr. GOLDSWORTHY: I will get around to that when the House is debating that Bill. However, in order to refresh honourable members' memories, let me examine what happened previously.

Mr. Clark: Why don't you speak to the Bill?

Mr. GOLDSWORTHY: I am doing just that, if the honourable member would clean his ears out and listen. The demonstration that occurred at the intersection to which I have referred, the Government's confusion in dealing with the situation or, indeed, in interfering with the Commissioner of Police who was attempting to deal with the situation, and the frustrations of the Premier and his Government as a result of the Commissioner's action (an action that I, for one, applaud), all led to the setting up of this Royal Commission.

I agree entirely with some of the sentiments expressed by the Attorney-General in his second reading explanation. However, when one tries to reconcile theory with practice, the Government's actions seem to depart from what he was saying. In his second reading explanation, the Attorney said:

In a free and democratic society, they—

that is, the minority groups—

are entitled to the maximum degree of freedom to achieve this which is consistent with the safety, peace and convenience of the citizens.

That is the part that appealed to me. The Attorney continued:

Nevertheless, the safety, peace and convenience of the citizens depends on the maintenance of public order.

I have no quarrel at all with that. The Attorney continued:

The right to use the streets to demonstrate dissent must therefore clearly be restricted in the interests of the public generally.

I am in complete agreement with that statement. During the moratorium demonstration the Premier, his Cabinet, and members of his Party were prepared to deny the right to the public generally: their convenience was to be completely overlooked. This is a difference in emphasis on the matter of where the rights lie. This is the balance the Attorney says we must seek to find, balancing the rights of those who want to dissent and the rights of those who want to go about their normal peaceful business and not have their convenience unduly disturbed. The Premier has said this in this House and I quote from the Royal Commissioner's report of a statement made by the Premier in Parliament on September 15, as follows:

The position of the Labor Party on public demonstrations has always been that it believes in the right of people in this community publicly to demonstrate their beliefs, and, as long as those demonstrations are peaceful and orderly and do not interfere with the rights of other people to go about their normal business, those demonstrations are proper.

I am also in complete agreement with that statement. What happened at that intersection is known not only by me but by the general public: that the demonstration did interfere with the rights of other people going about their normal business and, according to the Premier's statement, this demonstration was not proper. I find this statement to be completely incompatible with the statement made by the Premier on the morning of September 16, when he was seeking to give directions to the Police Commissioner and reported in the Royal Commissioners report at page 56. The Commissioner states:

The Hon. the Premier referred to the Moratorium demonstration and stated that he understood that there were a lot of young "hotheads" who were determined to bring about a confrontation with the police during the demonstration. He desired that the police should take no action to interfere with the march if the participants took over a city intersection. He suggested that the demonstrators be ignored, no effort made to move them, and that traffic be diverted.

I find those two statements to be in complete conflict, as would any reasonable member of this House. This is the point of dissention between those on this side and those on the Government side—just where the emphasis lies.

I believe that the emphasis lies, as the Attorney professes to say, in the interests of the public generally: that is, its convenience, and the right of the public to come and go should not be unduly restricted. One of the leading figures of the demonstrations and the original leader of the demonstrations in Australia during the height of these moratorium affairs was Dr. Jim Cairns of Victoria. According to an article in the *Advertiser* on March 11, 1972, he appears to have gone quiet. He is quoted as saying two things that I find significant. Referring to the moratorium demonstrations in which he was a leader in Victoria (and I take it that he is accurately reported) he states:

I won the fight, but I didn't get any of the credit. Nobody else could have got 70,000 into the streets.

Here is Dr. Cairns bragging of his ability to get 70,000 people into the streets of Melbourne, completely disrupting the coming and going of thousands of citizens. The other statement that I find of interest is when Dr. Cairns says this:

When I was fighting on Vietnam, I was never free of doubts. I was worried if I was right.

Ts that the statement of a man so convinced of his cause that he is prepared to take 70,000 people into the streets of Melbourne and completely disrupt that city? He was a man full of doubts as to his cause.

The Hon. G. R. Broomhill: Go on with what he says.

Mr. GOLDSWORTHY: He goes on to say that he was proved right, but I do not believe that he was. I still do not believe that he was vindicated, but this man, at that time, was prepared to lead 70,000 people into the streets of Melbourne and disrupt that city so that the demonstration would have impact, when he was full of doubts. I think it is disgraceful for one of the leading Commonwealth members of the Labor Party to carry on in this fashion, when he is not even sure in his own mind of his cause.

Dr. Tonkin: We haven't heard much of him lately.

Mr. GOLDSWORTHY: He is getting his strength back. That is the tenor of the statement. This is the sort of document to which we come in this Bill, with this disgraceful behaviour of Cairns in Melbourne, and I believe, of the Government in connection with the demonstration we had here. I believe that the whole success of this scheme depends entirely on the judge and what interpretation he puts on what is right and proper. I, for one, do not believe that it is right and proper to allow hundreds of people to take over an intersection and interfere with the coming and going of citizens, and this is the view that the Premier expressed on September 16 last year, but he expressed a different one on September 17.

The Hon. L. J. King: You don't seem to have the same view as the judge on that topic.

Mr. GOLDSWORTHY: I think there are other people to consider in this matter, and they are the people of South Australia. The Government, if it is prepared to be realistic in this matter, must realize that, if ever it took a thrashing in regard to public interest, it was in this matter.

Mr. Millhouse: Government members know it.

Mr. GOLDSWORTHY: They know it. Why did they set up the Royal Commission with such indecent haste? They did that because they did not want the matter discussed in public. Government members know that very well. I was absolutely disgusted at the Premier's behaviour at that time, and when I read the statement by Cairns that he was not even convinced of his cause, I thought his action was, frankly, criminal, when a man could take 70,000 people out, without being convinced of his cause and being full of doubts, openly flouting the law, and then claiming that he had a right to do it.

The Hon. G. R. Broomhill: Don't misquote him.

Mr. GOLDSWORTHY: I am not misquoting him.

The Hon. G. R. Broomhill: Well, read it all.

Mr. GOLDSWORTHY: He said:

When I was fighting on Vietnam, I was never free of doubts. I was worried if I was right.

This was when he led the demonstration.

The Hon. G. R. Broomhill: Keep going.

Mr. GOLDSWORTHY: The Minister is going to say that Cairns said that subsequent events proved him right.

The Hon. G. R. Broomhill: Yes. Do you deny that?

Mr. GOLDSWORTHY: I do deny that. Nevertheless, if the Minister is so obtuse that he cannot see that, when he led the demonstration—

Mr. Clark: You have to get insulting, haven't you?

Mr. GOLDSWORTHY: So as not to offend the sensibilities of the member for Elizabeth, let me put it in a positive way. I am sure the member for Elizabeth has the intelligence to realize that, when Cairns led these 70,000 people into the streets, he was not convinced of his cause.

Mr. Clark: It was the statement of a very honest man.

Mr. GOLDSWORTHY: He was so conscientious that he was prepared to flout the law, yet he was not convinced of his cause! I think that, if ever there was a damaging statement from all these rabble-rousers like Cairns, that was it.

Mr. Clark: Only one man who ever lived was certain of everything.

Mr. GOLDSWORTHY: That is you!

Mr. Clark: Now you're being insulting again.

The DEPUTY SPEAKER: Order! I think all members are conversant with what is required of them. The member for Kavel is

addressing the House, and there must be no cross-fire between members. The honourable member for Kavel.

Mr. GOLDSWORTHY: Thank you, Mr. Deputy Speaker. I am sorry if I have offended the sensibilities of the member for Elizabeth, whose interjections I have always found to be polite. I have described the background of our approach to this Bill, and it is a matter of deciding where the rights lie. The Government is adept at passing the buck: if it cannot make up its mind on a matter, it lets someone else do the job for it. I remember the Attorney-General's celebrated statement that a report would not be published because the Judiciary could not be involved in controversy.

Mr. Millhouse: I don't think he'll rely on that this time.

Mr. GOLDSWORTHY: His definition of "controversy" may be different from mine. I support the Bill but, as I say, it depends entirely on how the judge interprets the nature of a demonstration as to whether it is a reasonable one, and he decides what the people concerned are allowed to do. I agree that there should be notification of the proposal for any assembly, it being necessary to give notice to the Chief Secretary, Commissioner of Police, or Clerk of a council. When one of these people has received notification, the onus is on him to notify the other two. It did occur to me that the demonstrators in question might inform the three of these people but, if one is notified and it is in the public interest to do so, that person will notify the other two. If the Chief Secretary receives more than one notice, he will determine which of the notices is to be valid and effective for the purposes of the legislation. The Bill seeks to provide protection to the demonstrators from certain other Acts which may normally be invoked.

The Bill does not make clear the position that may arise if the judge does not like any of the proposals in question. The one to lodge the objection seems to be the Chief Secretary, although many members of the public may wish to object. However, it is unlikely that the time allowed to lodge an objection will be sufficient for the public to object. As I say, many members of the public may wish to object to the sort of demonstration that occurred during the moratorium campaign. What is the position if the judge does not like any of the proposals? Clause 5 provides that the judge may, upon the hearing of an application, if he is not satisfied that proper ground for any objection made to the proposal exists, quash the objection and approve the proposal. Alternatively, he may approve any other proposal submitted to him before, or at the hearing of, the application. Subclause (3) also provides that the judge may hear proceedings without formality. If he does not like any of the proposals, do the demonstrators go ahead with their march and do the normal sanctions of the law apply?

If a situation occurred such as the one that occurred during the moratorium campaign last year, and these people, many of whom are not convinced of their cause (just as Dr. Cairns was not convinced), decide they will take over the intersection, what is the outcome? We get back to the situation that existed last year. The intersection was occupied illegally. If this should happen again, and if we have a Commissioner of Police of the calibre of Commissioner McKinna, he would do what Commissioner McKinna did. The Bill is simply passing the buck. It is throwing on to a judge the entire responsibility for deciding what is reasonable and what is not.

I think members on this side are probably ready to support the Bill, but with considerable lack of enthusiasm. The measure has arisen from the completely disgraceful action of the Government during the moratorium campaign. In my opinion, the Commissioner of Police had the support of 90 per cent of the public. If the Government were realistic it would appreciate this. With those remarks, I am prepared to see the Bill reach the Committee stage.

Dr. TONKIN (Bragg): I am not sure, to be perfectly honest, whether I support the Bill or whether I do not. I understand that, according to the honourable member for Playford, this is historic legislation and the Attorney-General is to be congratulated for bringing it into this House. It strikes me as being one of the most edentulous pieces of legislation I have ever read; it is entirely without teeth. I am not sure that it is not window dressing for the public. It is another example, one more exercise in legislation for the benefit of public relations which the Government adopts.

Mrs. Steele: All gummed up.

Dr. TONKIN: All gummed up, as the member for Davenport says. The member for Mitcham and the member for Kavel have quite adequately dealt with the events that led up to the appointment of the Royal Commission and which ultimately led to the introduction of this spurious Bill. The purpose, quoted

from the second reading explanation, is to implement the recommendations made by the Royal Commission reporting on the September 18, 1970, moratorium demonstration relating to the orderly conduct of demonstrations. It is supposed (and I say this advisedly) to provide a system whereby the authorities are notified in advance of a proposed demonstration so that steps can be taken to afford proper protection to all persons taking part in or affected by the proposed assembly or, if the proposal is not considered to be in the public interest, to object to the proposal. Those are very high-sounding objects and very worthy aims which should be welcomed by every member of the community except one or two odd radicals whose business it is to demonstrate. Of course, the Bill provides for a judge to hear objections; further, it lays down a mechanism whereby a person who objects, whether he be the Chief Secretary, the Commissioner of Police or someone else, can lodge his objection and, if the judge finds the proposal unreasonable, he can rule that way. This is where things break down. Clause 4, the crux of the matter, provides:

(1) Where an assembly is to be held in, or to proceed through, any public place any person who is engaged in the organization of the assembly, or who proposes to participate in the assembly, may give notice—

I stress the words "may give notice". I think the Attorney-General is being unduly optimistic here. Obviously, the people who will give notice are the people who will conduct an orderly assembly or procession and will not give any trouble, anyway. They are the people who have enough respect for law and order to give notification of where they are going, what they will do, how long they will take, and what part of the roadway they will occupy. Are those the people that this Bill is aimed at? Obviously not! Where do we go from here? These people "may give notice" and if they give notice (I stress the word "if") an objection may be lodged and the judge may rule on the matter. If the judge does not approve of what is to go on, what happens then? (I am speaking not from a legal viewpoint but from a plain, commonsense, man-in-the-street viewpoint.) Does the judge have any power to direct that that assembly shall not be held? Is there provision for a penalty for holding an illegal assembly against the ruling of the judge? I have read the Bill several times because I thought I was missing something, but I did not miss anything: such a provision does not exist. The best we are told is that people who do not abide by the ruling do not have the protection set out in clause 6, which provides:

(1) Where the conduct of an assembly conforms with approved proposals, a person participating in the assembly—

(*a*) may, in accordance with the proposals, position himself, or proceed over, any portion of a public place defined or described in the proposals; and

(*b*) in acting in conformity with the proposals does not incur any civil or criminal liability by reason of the obstruction of a public place.

What a back-to-front way of putting things! These offences are there; charges may be laid at any time. I am reminded of another Bill that we considered, when protection already existed in common law. What on earth does this Bill add to the present situation, other than perhaps giving the Labor Party something to boast about? The people likely to give notification are the people who will not cause trouble. As members know, some processions have been held in Adelaide without causing any trouble whatever. Even if we do not agree with the viewpoint of those involved in such processions, at least we must admit that they have made a point by behaving in an orderly fashion. I have always believed (and I have said this before) that demonstrating is a particularly juvenile way of reacting to a situation. I am not quarrelling or arguing with anyone's right to demonstrate. If that is how a person wants to behave—very well; he is allowed to. Every man is entitled to do this but it is a juvenile way of behaving. There are more sensible and productive ways of approaching a problem and of getting a point of view across. But these people who wish to express their point of view in a juvenile way are likely to act in a juvenile way while they are demonstrating, and part of the demonstration will be a failure to notify. I cannot see that these people who deliberately set out to provoke violence in an inverted way by shouting "No violence!" will front up and notify their intentions. It will suit them very well not to.

I suppose it does in some small way take the sting out of it by saying only "may" instead of "should" notify. Perhaps there will not be such a point in not notifying. If these people are determined to make a fuss, this may persuade them that there is not so much in it for them, but I do not see the point of this legislation. One "may" notify, but there is no obligation on him to notify. If a person does notify and someone lodges an objection,

a judge may rule and at the end of that time, if that person wants to go off and behave exactly as he would have done if he had not notified, he can go and do that, too, and he can still be charged and make all the fuss, and turmoil and disturbance, if need be, because that is what one sets out to do to make the point in demonstrating. I see no point in the Bill. There is no offence, no penalty. This will not stop the violent disturbances that these people are aiming at.

Thank goodness, I do not believe they are at present demonstrating as often as they used to. At last they seem to be realizing that there are more sensible ways of trying to get a point of view across. I do not believe this Bill will stop disorderly demonstrations. It will do nothing; it is useless as it stands, except perhaps for passing the buck to get the Government off the hook should anything similar to what happened last September ever happen again in this State. Historical legislation? I say it is edentulous legislation. I do not think it is necessary to say whether I support it or oppose it.

Mr. PAYNE (Mitchell): I support the Bill. The member for Mitcham and the member for Kavel have this evening spoken on this Bill and we have witnessed one of the very best duets in bitter pill swallowing that I have ever seen. The member for Mitcham at the time of the moratorium and the subsequent Royal Commission was exceeded in his vituperation only by the member for Kavel. Members will recall that what I say is true. We have watched the member for Mitcham blithely ignore all his earlier ravings and rantings about demonstrations, his statements that there was no need for a Royal Commission, and so on. He has damned himself in *Hansard* for all to read. At page 1589 of the 1970 *Hansard,* he said:

> I make it clear, as I think I did yesterday, that in my view and in the view, I believe, of many (probably a majority)—

and how wrong he was—

> of the citizens of this State a Royal Commission is entirely unnecessary.

Yet tonight we saw the honourable member stand up and force that bitter pill down, saying that he accepted the report of the Royal Commission and the Bill now before the House. That was as good a demonstration of swallowing the bitter pill as members are ever likely to see. It is not necessary for me to refer further to the member for Mitcham and what he said tonight. The member for Playford pointed out that the only thing the honourable member could come up with after the series of performances all members witnessed at the time of the moratorium and the subsequent discussion about the Royal Commission, and so on, was a little bit of carping nonsense about whether or not notification should be compulsory.

However, this bitter pill-swallowing produced a different result in the case of the member for Kavel, as we all saw only just a moment or two ago. He protested in vain about the attitudes of the A.L.P. throughout the whole of that period. All he could do was to attack a man who had such a conscience about an issue (the wholesale death in Vietnam) that he went publicly into the streets and declared his position to everyone. He said, "This is what I believe and stand for, and I am saying it to everyone in public." According to the member for Kavel, that is a crime. The honourable member apparently considers that it is disgraceful and terrible to stand up and be counted.

Mr. Goldsworthy: Read this article again!

Mr. PAYNE: The honourable member has already made his speech this evening (if one could call it that) and is now interjecting and waving a piece of paper about. I remember when he came into this House on another occasion with a piece of paper which he said he had picked up on the steps of Parliament House and from which he read a pack of lies that he attributed to the A.L.P. However, when he was asked who signed that piece of paper, he could not say, even though he had attributed it to the A.L.P. I witnessed that episode in this House about 18 months ago, so I would not pay much attention to interjections from a man who would resort to that sort of thing to bolster his arguments in this place.

Mr. Goldsworthy: You had better read the article.

The SPEAKER: Order! Interjections are out of order.

Mr. PAYNE: I understand the honourable member is so unsure of himself that he campaigns at one end of his district as a primary producer and at the other end as a schoolteacher.

Mr. Goldsworthy: You had better upgrade your dossier.

Mr. PAYNE: The honourable member has just confirmed what I have said: he is willing to adopt a certain stance for a certain

situation. He attacked a man who had great courage publicly to state his position on a matter when, to be honest, it was not popular to do so. Mr. Jim Cairns, of the A.L.P., went out into the streets of Melbourne at great personal risk.

Members interjecting:

The SPEAKER: Order!

Mr. PAYNE: On this side we refer to members by their Christian names. We do not have to resort to honours, names and spats and that sort of thing. One cannot divorce what is contained in this Bill from the attitude of those who have already spoken about the Vietnam issue, and I contend that has a bearing on the matter we are now discussing. I will not further discuss the remarks of the member for Kavel, as they were blown away as straws. Public opinion on the Vietnam conflict has been affected by the Pentagon papers. I do not hear any interjections now, because it is difficult to interject when the whole record is available in the Parliamentary Library to every member. I am saddened by saying that the member for Kavel gave a demonstration to all in this House of the kind of thinking that not only caused the Vietnam war but sustained it against the rising tide of public opinion. It was finally ended by the very thing he was ranting about, that is. public opinion expressed in the form of a public demonstration, which is what this Bill is all about. This Bill recognizes that peopde have this inalienable right to express their views publicly on issues about which they are concerned.

Mr. Goldsworthy: And to make a confounded nuisance of themselves to members of the general public.

Mr. PAYNE: I believe that the public may be subjected to some nuisance when people are expressing their feelings and opinions about an issue, but that is a small price to pay to stop the continuance of a wrong. If the only price that must be paid is a small degree of nuisance to the public, I am happy to see this type of thing continue. This Bill recognizes that this should be allowed to happen. The Royal Commissioner vindicated what was said here tonight by the member for Playford. I do not profess to be a legal authority, but I read the report from end to end and I was impressed with the careful and dispassionate manner in which Mr. Justice Bright looked at the whole matter and made a series of recommendations, which, in his opinion, ought to apply in future for the common good in South Australia. I maintain that this Bill has been produced in that climate. It will allow reasonable and orderly demonstrations to occur. Procedures can be followed to allow reasonable notification to the authorities concerned. The requirements on those who wish to participate in these demonstrations are not harsh or severe.

The protection for the members of the public and for those persons who wish to engage in a demonstration is clearly outlined. No honourable member can deny that. Finally, there are sanctions against those who will not adhere to the requirements of this Bill, in that whereas certain protections are offered to those who undertake the lawful way to engage in demonstrations, sanctions will be applied to those who will not do this, because they will lose certain protections. I support the Bill.

Mr. MATHWIN (Glenelg): First, I think the Bill is a useless document. I do not think there is a need for it and I do not see its purpose. My main objection is to clause 4. I draw attention, as other members on this side who have spoken before me have done, to the use of the word "may" in that clause. This imposes no obligation, and I think it is obvious, even to members opposite, that the people who usually stimulate or cause trouble will never use this provision, because there is no requirement for them to do so. These people will just please themselves.

The main objective of some of these moratoriums and marches is to cause trouble and inconvenience. This is all part of the exercise and drill. As the word used is "may", these people will never take the opportunity to notify. Some people never make any trouble, and some people conduct marches in an orderly way. Their objective is merely to register to the public and all concerned their disapproval, and those conducting these marches are willing to do that with the least inconvenience to the general public. Naturally, these people would apply and give notice.

However, in my opinion this Bill will not meet situations similar to those which have happened in the past. Do members opposite think that the organizers of the last moratorium, who defied the police, would apply? I am sure they would not. The Bill does not provide for penalties, so I do not see that there is any protection. I should like the Attorney to tell me what use the Bill is and what good it will do.

Mr. GUNN (Eyre): Mr. Speaker—

The Hon. L. J. King: Speak up to the Tumby Bay demonstrators now. Speak up to your constituents.

Mr. GUNN: I support the remarks of my colleagues. Perhaps I should remind the Attorney-General that Tumby Bay is in the District of Flinders, not in my district. This Bill is in line with the deplorable action taken by the Government preceding the September moratorium demonstration. On that occasion, the Government refused to support the Commissioner of Police.

Mr. Clark: You haven't too many colleagues supporting you at present.

Mr. GUNN: It is difficult for Government members to justify the Government's actions and those of the Premier. The people concerned acted in such a deplorable and disgraceful way that they should be thoroughly ashamed of themselves. It was one of the most disgraceful exhibitions by people in a responsible position. The people of this State were indeed fortunate that they had a responsible Commissioner, although they had an irresponsible Premier and a gutless Government.

Mr. Keneally: Would you like to compare it with what happened in Melbourne?

Mr. GUNN: We are discussing what happened in South Australia.

The SPEAKER: I think the honourable member should discuss the Bill.

Mr. GUNN: I am linking my remarks to the Bill. The member for Mitchell delivered an oration on Dr. Jim Cairns, but he did not in any way refer to the Bill. The Bill is completely worthless, clause 4 rendering it unworkable, because it is an escape clause in respect of those people who are going to take part in a demonstration. Whereas it provides that a person may give notice, I believe it should provide that a person shall give notice. If people are going to take to the streets and impede traffic—

Mr. Keneally: Did you take part in the farmers' march?

Mr. GUNN: No, although I do not know whether the honourable member did.

Mr. Keneally: I did.

Mr. GUNN: He would do it through sheer political skulduggery. I support the second reading, although I think the people will realize that the Bill merely represents an attempt by the Government to get out of a predicament in which it found itself. The Government appointed a Royal Commission into the moratorium demonstration, and my friend the member for Alexandra tried to make the terms of reference of that Royal Commission more workable. However, on that occasion the Government acted once more in a high-handed manner. I believe that the Bill is nothing but a sham and that it will be regarded as such by the people. Although I really oppose the principle behind the measure, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Notice of assembly."

Mr. GUNN: Will the Attorney-General say whether this clause makes it obligatory for people to give notice that they intend on a specific day to take part in a demonstration, or is the giving of the notice left to their discretion?

The Hon. L. J. KING (Attorney-General): To answer that question, I think it is necessary to look at the general scheme and purpose of this provision. Under the present law it is virtually impossible in all cases to take part in a public march or demonstration without committing a number of offences, the most important of which is obstructing the highway. When any gathering of people takes place, inevitably it results in some obstruction of the highway, and it follows that at the moment it is almost impossible to participate lawfully in a march or demonstration. Certainly, it is impossible for the ordinary citizen to know how he may participate in a demonstration without making himself a lawbreaker.

This was the problem with which the Royal Commissioner grappled. I will refer to his report. The member for Mitcham has already referred to that part of it which relates to the importance of people about to take part in a demonstration giving notification to the proper authorities. He also referred to the statement of the Royal Commissioner that the authorities had a right to receive adequate notice. The crux of what the Royal Commissioner said on this point is to be found in his third recommendation under the heading "System of Acquainting Authorities with Intention to March", and after referring to the right of the authorities to be notified he said:

I see no need for the creation of a new offence of marching without prior notification, or in the face of a sustained objection, but

persons so marching would be less likely to receive adequate police protection and more likely to be arrested for obstruction. I refer to the submissions by the Council for Civil Liberties on this topic. I think that there are already enough street offences and that any new offence created should be in lieu of and not in addition to some existing offence. Nevertheless there is merit in the view that persons who march in defiance of a court ruling and after a fair hearing ought to be liable to a greater penalty than those who merely obstruct by marching.

Reference was made to the evidence of Dr. Cairns before the Royal Commission. The member for Mitcham read this, and I draw attention to the point Dr. Cairns was making. He was not saying, "I favour a system of compulsory notification", but he was saying, in effect, "If I am forced to choose between the permit system which presently exists and a system of compulsory notification, then I would prefer a system of compulsory notification". The initial question by the counsel assisting the commission, Mr. Xavier Connor, Q.C., as he then was (now Mr. Justice Connor of the Supreme Court of the Australian Capital Territory) was to this effect: "Do you favour a system of compulsory notification?" In effect, the reply was, "If I had to choose between a compulsory system and the existing permit system, then I prefer the system of compulsory notification".

Reference to Dr. Cairns leads me to say one thing on the observations that have been made. His statement of his position at the relevant time is the statement of a man who had thought through his position, reached a conviction, and acted on it very courageously. At the same time he felt what so many great men who have had to accept great responsibility have felt, namely, the occasional arising of doubt: "Am I doing the right thing?" He has never said or suggested that he did not know where he stood in the matter or that he did not have beliefs or opinions. What he has said is the sort of thing President Truman said in authorizing the dropping of atomic bombs on Japan in 1945.

The CHAIRMAN: Order! The honourable member for Eyre.

Mr. GUNN: Can the Attorney-General say whether it is necessary for people intending to engage in marches or demonstrations to notify the authorities?

The Hon. L. J. KING: Many great men with sensitive consciences, when acting in accordance with their deeply-felt convictions, have nevertheless felt doubts from time to time about whether they have been doing the right thing. The fact that the gentleman referred to has felt those doubts and has had to wrestle with them indicates that he has a sensitive conscience and a deep sense of responsibility.

The CHAIRMAN: Order! The debate cannot continue along that line. We are dealing with clause 4, which relates to notice of assembly. The debate must be confined to that clause.

Mr. MATHWIN: Can the Attorney-General say why the clause does not provide for compulsory notification? The Attorney-General said that Dr. Cairns, for whom he seems to have a high regard, stated that notification should be compulsory.

The Hon. L. J. KING: I have explained what Dr. Cairns said to the Royal Commission.

Mr. Millhouse: And you put a wrong gloss on it.

The Hon. L. J. KING: No; the member for Mitcham distorted it. The honourable member is one member who knows the true meaning of what Dr. Cairns said; he knows what happened, and he knows the question that Dr. Cairns was asked. The honourable member knows that Dr. Cairns said that, if he had to choose between the permit system and a system of compulsory notification, he would prefer the notification system. I refer particularly to the member for Mitcham because he knows how evidence is elicited, he read the question, and he knows the context of the answer. I remind the Committee that this clause arises from the recommendations of the Royal Commissioner, who pointed out that nothing would be gained from creating a fresh offence of failing to notify. The purpose of notification is to enable citizens to demonstrate lawfully in circumstances that would normally give rise to the offence of obstructing a highway. If notice is not given, either because the organizers are not willing to comply with the legislation or because the demonstration is spontaneous, they do not get the protection afforded by the Bill. They then expose themselves to the criminal liability involved in the offence of obstructing the highway and like offences, which is what the Royal Commissioner recommended. I have read the recommendation once; it is unnecessary for me to read it again. He says that authorities have a right to due notice being given but there is no point in creating a fresh offence. If people do not give a notification, he says that the existing offences are sufficient to deal with that. Indeed they are.

The problem involving the giving of notice is insuperable, because what happens if a demonstration arises spontaneously and it is impossible to give four days notice? All we can do in those circumstances is to say, "If you demonstrate notwithstanding your failure to avail yourself of the machinery, you cannot expect to be excused from the ordinary offences committed in those circumstances." This provision follows exactly the Royal Commissioner's recommendations in this regard and is the only sensible way of dealing with the situation. The teeth provided in the Bill are that, if the notification provisions are not complied with, the people who take part in the demonstration will be prosecuted for the ordinary offences or, as the Royal Commissioner puts it, render themselves liable to be arrested for obstructing the highway.

Mr. MILLHOUSE: I cannot allow the Attorney-General to misrepresent the evidence of Dr. Cairns as he has done in an effort to justify his own position. I quoted the evidence in full previously, and the Attorney-General is now trying to put a wrong gloss on it. Therefore, I propose to quote part of it again to show that what the Attorney says is inaccurate.

Mr. Clark: Don't just read a small part.

Mr. MILLHOUSE: On the last occasion, I read over half a page so that there would be no question of my misquoting. If necessary, I will read it all again and comment on the particular passage to which I drew the Committee's attention. Mr. Connor asked:

> From the point of view of compulsory notification to emergency services such as fire brigade, ambulance, etc., do you see any objection to a compulsory notification system as part of the legislation?

The answer was—and this is the only part on which the Attorney pins his interpretation:

> I do much prefer that to the present situation where an authority can—where one has to apply to an authority to do something and the authority may withhold or grant that.

If Dr. Cairns had stopped at that point, there would have been some merit in the Attorney-General's remarks, but Dr. Cairns went on, after a full stop, to say:

> I think myself it is desirable to have notification, to have communication between those responsible for regulation in the area and the people who are going to act. I think it is desirable for communication, for notification, to exist between them, and I would much prefer a system where this notification is necessary compared to one where an application has to be made for permission and it can be withheld for any reason.

The Hon. J. D. Corcoran: That is exactly what justifies his argument.

Mr. MILLHOUSE: I am afraid that sometimes the Minister of Works takes on more than he is capable of dealing with. On this matter the Minister of Works is simply not capable, apparently, of working out the true and obvious meaning of the words. When a man says, "I think it is desirable to have notification and communication between those responsible in the area and those who are going to act", that is a plain and unequivocal statement that is not put as a preference for one alternative rather than other.

The Hon. J. D. Corcoran: Read the lot again.

Mr. MILLHOUSE: I will not read the lot again because the Minister is obviously not worth reading it out to. As the Attorney knows, there is no doubt at all on those words that Dr. Cairns is saying there must be notification; he said that. I am not committed to relying on Dr. Cairns; honourable members opposite are obviously far more attracted to him than I am. He is, according to the Attorney-General, a great man. I used Dr. Cairns as an example, because I thought he would appeal to honourable members opposite and because it would be something to show that this Bill, as it stands, is practically worthless and that their own man, who was brought here to give evidence to the Royal Commission, obviously favoured compulsory notification. I am beginning to think that the report is a little like the Bible, and that one can read anything into it, because there is no doubt the Commissioner says that in his opinion notification should be an obligation. At page 209 of his report, the Commissioner said:

> In my opinion, therefore, it is reasonable to require that a group proposing to demonstrate by means of a demonstration involving the use of the public streets should co-operate with some authority and sufficiently communicate its plans.

What "should require a group to communicate its plans" means if it is not an obligation to do so, I do not know. That is written in black and white in that part of the report, and whatever the Commissioner may have said in another part of that report perhaps neither the Minister nor I may rely on. The plain fact of the matter is that, unless there is some sanction for notification, the whole of this Bill is useless.

The Hon. L. J. KING: I simply make the point that in the passage quoted Dr. Cairns

said, as the honourable member has pointed out, that it is desirable that there should be notification to the appropriate authorities. I could not agree more that that is a correct statement and, indeed, a statement witn which the Royal Commissioner agreed and which I support. However, when we speak of the desirability of notification, we are not speaking of a system of compulsory notification. Dr. Cairns made it perfectly clear throughout the passage to which the honourable member has referred that he was being confronted with two systems: first, the existing permit system and, secondly, notification. He said that, if he had to make a choice between the two, he would consider notification preferable to the permit system. I think the words read out by the member for Mitcham were too plain to admit of any misunderstanding and, similarly, that the statements of the Royal Commissioner, to which the honourable member referred, are also too plain to admit of any misunderstanding. I have already pointed out the meaning of what the Royal Commissioner said.

I am a little surprised that the member for Mitcham should suggest that the Royal Commissioner is incapable of expressing his views clearly and that, perhaps, no-one can rely on those views, because there are few judges with whom I have had experience who are more capable than Mr. Justice Bright, who expressed himself clearly and said that the organizers of demonstrations should be required (and that is the precise word he used) to give notice. In the latter part of his recommendation, he made clear what he thought the consequences on non-notification should be: not the creation of a new offence that would serve no purpose but the exposure of the non-notifiers to the penalties prescribed by the provisions relating to the obstruction of the highway and related offences.

Mr. MATHWIN: I thank the Attorney for his explanation for which I asked previously, because I now understand the position clearly. I now understand the reason why the demonstrators, if they do not give notice, do not get protection. But it is the public who would need the protection. It is the public that should come first in this matter and it would be imperative that the demonstrators give notice, not for the protection of the demonstrators but for the protection of the public. The main idea behind some of these demonstrations (and we all know about which ones we are talking) is to cause as much trouble as possible. If it is a case of protecting the demonstrators or the public, I should imagine that the Attorney-General would protect the public.

Clause passed.

Clause 5 passed.

Clause 6—"Exemption for participants acting in accordance with approved proposals."

Dr. TONKIN: Clause 6 (1) provides:

Where the conduct of an assembly conforms with approved proposals . . .

I understand that if the demonstration is proceeding according to plan the people involved do not incur any civil or criminal liability. I ask the Attorney-General, who decides whether the demonstration is no longer in conformity with "approved proposals"? I presume it is a member of the Police Force, but on what basis is it decided and what action is taken in these circumstances?

The Hon. L. J. KING: The position is that a member of the Police Force will have to make a decision on the spot as to whether there has been a departure from the plans or proposals that have been approved in terms of the expression "approved proposal", as defined in clause 3. That is a matter of practical application. In the case of a larger demonstration the senior police officer in charge would have a copy of the proposal and the notice originally given if no objection has been made or an alternative proposal put forward that has been approved by the judge. If a demonstration departed from the proposal and the police officer in charge on the spot considered that it was expedient and proper to do so, he would simply arrest those committing an offence in departing from the proposals by obstructing the highway.

Mr. RODDA: The Attorney-General has just used the words "practical application". This casts a wide net. What is a practical application? People have given notice and have gone thus far. On September 18 the demonstrators, according to this interpretation, obstructing North Terrace would have been within the limits of the law and could have thumbed their noses at the police. I think they were sincere in what they were doing, notwithstanding that they held up the movement of people. What does the Attorney mean by "practical application"?

The Hon. L. J. KING: I was trying to explain to the member for Bragg how I imagined this would work out in practice. I pointed out that, if the demonstrators departed from an approved plan, it would be the

responsibility of the police officers at the scene, if they considered it proper to do so, to enforce the law and make any necessary arrests. I do not understand the suggestion that what was done on September 16 would necessarily be done with impunity. It would depend on the situation.

If prior notification can be given of a plan to occupy an intersection for a period of time and that plan was objected to, the organizers of the demonstration would be entitled to refer the matter to a judge. If the judge approved the plan, the organizers would be within the law. If the judge did not approve the plan and upheld the objection to that extent, in departing from whatever he did approve (that is, occupying an intersection) the demonstrators would be open to arrest for obstructing the highway.

Dr. TONKIN: I understand that a group of demonstrators intent on making a nuisance of themselves, proceeding up King William Road to the North Terrace intersection, then sitting down and occupying it, would be liable for the offence they were committing and would lose the protection of clause 6 if they had given notice of an intention to move up King William Street and proceed over North Terrace without stopping at the intersection. However, if the demonstrators did not give notice and moved up to the intersection and occupied it, they would still be liable for the same offence. I ask the Attorney what difference this clause makes.

The Hon. L. J. KING: It enables people who are organizing a demonstration or proposing to participate in one to lay their plans before the authorities so that the authorities will have the opportunity to object if they so desire. If there is an objection and the organizers of the demonstration still wish to persist with their plans, they have a right to go to a judge, who makes the decision. The difference that the clause makes depends on what plans the judge approves. In the hypothetical case we are discussing, if the judge approved the occupation of the intersection for a limited period, no offence would be committed by that occupation for that time. If the judge disapproved of it, the demonstrators would be in the same position as if they had not given the notification at all.

Dr. Tonkin: What if it never gets to a judge?

The Hon. L. J. KING: The law would prevail. If the Chief Secretary or the local authority objected to the plan, the plan would have no effect, and the only way the demonstrators can get over that is by getting to a judge.

Dr. Tonkin: What if they file a false plan?

The Hon. L. J. KING: They get no protection. If they do something other than what is in the plan, they get no protection.

Dr. Tonkin: That's exactly the point we are making.

The Hon. L. J. KING: I do not follow the point. I am completely baffled. The honourable member may have some point, but he has not disclosed it yet. The purpose of the notification is to enable demonstrations to go ahead lawfully, if there is no objection to the demonstration or if the objection is overruled by a judge.

Mr. BECKER: What happens in the case of a group of members of the Salvation Army when 50 or 60 people may be present?

The Hon. L. J. KING: A gathering of that sort would not ordinarily be likely to commit an offence but certainly, if it is committing an offence, it is not a new offence created by this Bill. This Bill creates no new offence, despite the earnest endeavours of the honourable member's colleagues to show that it does. No-one is in a worse position in that regard than he is at present. The Salvation Army would certainly not be guilty under any of the provisions of this Bill; it is left in exactly the same position as if this Bill were not passed.

Clause passed.

New clause 7—"Offences."

Mr. MILLHOUSE: I move to insert the following new clause:

7. (1) A person shall not organize, or take part in the organization of, an assembly to be held in, or to proceed through, a public street or road unless notice of the assembly is duly given in accordance with this Act. Penalty: Two hundred dollars.

(2) A person shall not participate in an assembly of more than 50 persons in a public street or road unless notice of the assembly has been duly given in accordance with this Act. Penalty: Fifty dollars.

(3) It shall be a defence to a prosecution under subsection (1) or subsection (2) of this section that the assembly convened by reason of circumstances occurring less than six days before the date of the assembly and that—

(a) it was not practicable to give the notice in accordance with the time limits prescribed by this Act but that a notice containing the proposals and information stipulated by this Act was given

to the Chief Secretary, the Commissioner of Police or the clerk of the appropriate council as soon as was reasonably practicable in the circumstances;
or

(b) that it was not reasonably practicable in the circumstances to give any such notice to the Chief Secretary, the Commissioner of Police, or the clerk of the appropriate council.

(4) It shall be a defence to a prosecution under subsection (2) of this section that the defendant did not know, and could not by the exercise of reasonable diligence have discovered, that notice of the assembly had not been duly given in accordance with this Act.

This new clause provides, in effect, for compulsory notification and for a procedure that has been cunningly worked out in the case of what I called earlier in the debate "spontaneous demonstrations". Subclause (1) is the prohibition against organizing an assembly "to be held in, or to proceed through, a public street or road" (not in private premises, of course), unless notice has been given. Subclause (2) prohibits a person from participating in an assembly of more than 50 persons, although it seems that up to 50 persons would not constitute such an obstruction or nuisance of that nature that it should be prohibited. Subclause (3) provides a defence to a prosecution if there has not been time to give the notification, either if it is not practicable to give any notification or if notification has been given informally to the Chief Secretary, the Commissioner of Police or the Clerk of the appropriate council.

Subclause (4) creates a defence to a prosecution that the defendant did not know that notification had not been given, and it was unreasonable that he should have known. Our view on this side of the Chamber (and it has been put trenchantly by the member for Glenelg and by others of us) is that the Bill will be useless unless it has some teeth, and this is an attempt to give it some teeth by creating offences (in other words, by making it an obligation to notify). We have that view, and I hope the Attorney-General will bend sufficiently to accept it. He has not yet given much promise of that, but one lives in hopes.

The Hon. L. J. KING: The first subclause in clause 7 as moved by the honourable member for Mitcham simply prohibits the organization of or participation in an assembly unless notice is duly given. I have already given my reasons for objecting to that, and of course they were given by the Royal Commissioner. The effect of this would be to prohibit any demonstration which had not been organized for at least four days, because a spontaneous demonstration simply would not meet the provisions of subclause (1) at all.

Subclause (2) is one I cannot follow. Under subclause (1) it would be already prohibited, but subclause (2) mentions an assembly of more than 50 persons in a public street or road.

Mr. Coumbe: One is organization and the other participation.

The Hon. L. J. KING: Subclause (1) covers both. Under both subclauses it is an offence to take part in such organization unless notice is given. I do not see how subclause (2) stands with subclause (1), and I do not see that it adds anything. It involves the inclusion of the number of 50 persons, but there is nothing to say subclause (1) does not apply in any case.

As to subclause (3), I do not see how one would ever decide what circumstances had occurred that led to the demonstration. Most demonstrations result from an accumulation of factors—that at some stage a war broke out in Vietnam, at some stage American ground troops were sent there, and at some stage Australian troops were committed to Vietnam. All of those events occurred more than four days before a demonstration, but a demonstration might be sparked off by some specific circumstance. What are the circumstances that have led to the demonstration? Is it the immediate cause, the ultimate cause, or the more remote causes? I do not think the new clause is practicable and I do not think it is necessary to complicate the situation. The scheme recommended by the Royal Commissioner is admirably effective and does not give rise to complications: if you do not give notice you have to run the risks involved in coming into conflict with the ordinary law of the land in relation to marshals and at demonstrations. I do not think subclause (4) adds anything, and for the reasons I have given I oppose the amendment.

Mr. MILLHOUSE: The Attorney-General was obviously looking for every reason to refuse the amendment, and why he did not say he would not be prepared to accept an element of compulsory obligation 1 do not know; it would have saved a good deal of time. The Attorney-General has made up his mind.

The Hon. L. J. King: Quite a long time ago, when I was considering what was going into the Bill.

Mr. MILLHOUSE: It is quite useless arguing with him, but I very much regret his interjection that he made up his mind when he was preparing the Bill. If that is so, he treats Parliament with scant courtesy and shows himself in his true colours.

Mr. GUNN: I support the amendment of my colleague, the member for Mitcham. I believe the clause he proposes to insert would put some teeth into the Bill and make it workable. As it stands, it is nothing but a complete farce, and I have much pleasure in supporting my colleague.

The Committee divided on the new clause:

Ayes (19)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (22)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Groth, Harrison, Hopgood, Jennings, Keneally, King (teller), Langley, McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Majority of 3 for the Noes.

New clause thus negatived.

Title passed.

The Hon. L. J. KING (Attorney-General) moved:

That this Bill be now read a third time.

Mr. MILLHOUSE (Mitcham): I have been criticized by some members on my side for not attacking this Bill more strongly on second reading. I hoped we might be able to improve it sufficiently to make it worth while. However, all I can say is that in its present form, as it leaves this place, because of the intransigence of the Attorney-General and his supporters, we may well have wasted the $80,000 that the Royal Commission cost the Government, not to mention the cost to others involved in this, if we are not to get any better legislation out of it than a Bill like this.

The Hon. D. N. BROOKMAN (Alexandra): I commend the member for Mitcham for saying that the $80,000 was largely wasted, because the people who knew the answers to some of the questions asked in the terms of reference got away without giving evidence at all.

Mr. Millhouse: Medlin and people like that—friends of the other side.

The Hon. D. N. BROOKMAN: Two of the key witnesses (if ever the word "key" meant anything) simply refused to give evidence and they got away with it. Therefore, the Commissioner's report could not be accurate, in the circumstances.

Mr. GOLDSWORTHY (Kavel) : I indicated some tentative support on second reading to see what the Attorney-General would say in Committee. When we sum up the philosophy behind the Bill, we appreciate it is really a hand-washing and buck-passing exercise. It hands over to a judge a responsibility which should be that of the Chief Secretary or the Government. I thought the Bill could be improved by amendment, but the Government seems to think this Bill is the answer to all its problems. I oppose it at the third reading stage.

Dr. TONKIN (Bragg): I support the remarks of the previous speakers. This Bill should not be entitled a "public assembly Bill"; it should be entitled "the protection of demonstrators Bill".

Mr. McANANEY (Heysen): I was not here for the earlier debate but I am mindful of what other members on this side have said.

Members interjecting:

The SPEAKER: Order! I want to hear what the honourable member has to say.

Mr. McANANEY: I know members like to hear words of wisdom at times. I agree with the remarks of the member for Bragg that this is a Bill to protect the protesters. It gives them far to much protection. A certain gentleman from the Flinders University came out of the Premier's office.

Mr. Goldsworthy: Who?

Mr. McANANEY: Professor Medlin. With the consent of the Premier, he took part in an illegal march. Because this legislation is far too loose, I oppose the third reading.

Bill read a third time and passed.

POLICE REGULATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 14. Page 3830.)

Dr. EASTICK (Leader of the Opposition): This Bill is unacceptable to Opposition members, who have the greatest regard for the South Australian Police Force. I should at this stage say how pleased we are that our excellent Police Force has been able to apprehend the two persons who today held people to ransom and endangered their lives during the course of events in the Novar Gardens area. The South Australian Police Force is

indeed a useful and worthwhile one, and its great reputation is in no small measure due to the long list of Commissioners who have been responsible for modelling a Police Force of which all members can be justly proud. Opposition members believe that practically every member of the Police Association and of the force wholeheartedly supports the principle of management that prevails today, and we see no reason at ail for altering that situation, as this Bill intends to do.

Explaining the Bill, the Minister quoted several extracts from the report of the Royal Commission that was held after the 1970 moratorium. I do not intend to read all the extracts which have already been read and which are available for members to see at pages 3828-9 of *Hansard* of March 14. However, I should like briefly to refer to certain extracts so that they will become part of the debate. In his second reading explanation, the Attorney-General referred to the following statement made by the Commissioner of Police:

> The Police Force has some independence of operation under the Police Regulation Act (4) but it is still a part of executive operation.

The Opposition believes that that executive operation and independence should be maintained. The Commissioner later continued:

> The main way in which a Minister and an officer of State become identified with an important decision is by a process of discussion and communication.

There is nothing of which the Opposition is aware that prevents discussion and communication from taking place as it does today. Indeed, we cannot see that any advantage is likely to accrue from this amending Bill. The Commissioner (Mr. Justice Bright) said that the officer would be the "field commander" and that the discussions which take place between the Minister and the officer (in this case the Police Commissioner) would be on the basis of knowledge of the subject and of all the other features that go with it. Unfortunately we see the words "political purpose" introduced into the discussions, which is the matter that is foreign to the views of members on this side.

We believe that the Commissioner is a field commander and is a person who, along with his senior executive officers, understands the job in hand. Even if the Minister of the day had had legal training or had been a policeman, we believe that the Police Commissioner in the field commander situation can accept and appreciate the circumstances that unfold before him on any issue. The suggestion has been made today that professionalism in this field is more important than other factors, but I look at that statement as a slight on the present Police Commissioner and those who have gone before him. That a senior member of the Police Force saw fit to come out in the press today and speak on behalf of officers further indicates the misgivings of members of the community who are in a position to know.

As a realist, I know that the Minister can marshal the numbers that count, but we will look seriously at the second provision that the Minister intends to incorporate in the Bill. It is impossible for members of this House to have to wait to answer questions that will undoubtedly be directed to them if they have to wait until a six-day period has expired after the sittings of the House commence. I do not deny the provision introduced by the Minister that, if the House is sitting, members would be made conversant with the details of the direction when the document was laid on the table of the House. However, I suggest to the Minister that it is untenable for the people of this State to have a situation where members of this House are unable to obtain a copy until this time has elapsed. We expect to finish this session at the end of next week and not sit again until mid-Iuly. If in the interim a situation developed, members could not get information until late in July. Opportunity will be given later to test the real desires of the Attorney-General by asking him to accept an amendment to correct this situation. I oppose the Bill.

Mr. McRAE (Playford): It is ironic that reference is made to the appointment of a person from an oversea country to the position of Police Commissioner, when every person with any knowledge of Australian Police Forces knows that there are no fewer than four proteges of Brigadier McKinna occupying the post of Commissioner in Australian Police Forces. It is unusual for Governments in this country to, as it were, brave the roar of their policemen and officers by appointing Commissioners from other Police Forces, but the ironical thing is that where that has been done recently most of these men have been protogés of Brigadier McKinna. I cite as an example Mr. Whitrod, the Commissioner for Police in Queensland. Before his appointment to that position, he was Commissioner of the Royal Papuan and New Guinea Constabulary, a member of the Commonwealth Police Force, and a

member of the South Australian Police Force. The influence that Brigadier McKinna has had on Australian Police Forces is quite enormous and has not been fully documented yet.

I want to make clear that, whilst in some respects I disagree with the stand that Brigadier McKinna has taken in some matters, there can be no question that he has produced Australia's best Police Force and that the experts in the field acknowledge this. That is my first point. Of 10 Australian Police Commissioners, no fewer than four have come from Brigadier McKinna's ranks. They are the Commissioners for the Australian Capital Territory, the Northern Territory, Queensland, and the Commonwealth Police Force.

Not enough can be said of the reputation of the South Australian Police Force. In terms of recruitment and standards, it is the most excellent in the country and without equal in the world, and one reason for that is that it has practicability in its promotion policies and has much public respect. Other Police Forces in Australia lag a long way behind it. I believe that the New Commissioner of Police will follow the policy that Brigadier McKinna has laid down, and I do not think any Government member has ever suggested that Brigadier McKinna has been anything but an excellent leader of an excellent group of police officers, of whom this State has every right to be proud, and of a Police Force that has shown the way to other parts of Australia.

The area that we are dealing with, namely, the question of the relationship between the police and the public, has concerned people throughout the world. There is no question that in our society we are going through a time of turbulence. We must expect protest and dissatisfaction, particularly on the part of young people and people who are disadvantaged in relation to the rest of the community. In making their protest to the community, they are denied access to the newspapers and the normal media.

The only way they have of making their point is by public demonstration, which the Bill that we passed earlier this evening dealt with, and in doing that they must inevitably run into the police. When they do that, many of them adopt the attitude that the police are, to use the unpleasant word that some of these people use, pigs, or are part of a Gestapo force. I do not believe that for one moment. In my dealings with members of the Police Force in my professional capacity, I have rarely had reason to believe that any policeman in South Australia is anything but a most efficient and honest man. Nevertheless, in the emotion and stress of confrontation by people who believe that they have a genuine grievance, the first thing they do is resent the intrusion of the Police Force.

In the world generally, the structure of the Police Force has been under tremendous review. It has been under review in Britain and also on the Continent. We are lucky in Australia, because we have a centralized Police Force. Many members may not be aware that even in Great Britain today there is no concept of a centralized Police Force; there is a multitude of local law enforcement agencies, and the same applies in the United States of America. We at least have the advantage of a centralized Police Force. Two of the experts in the field of police investigation in Australia (Messrs. Chappell and Wilson) make this most important observation in one of their publications:

> The fact that our basic liberties in Australia are not affected by the current police structure may, in part, be accounted for by the type of political control exercised over the various Police Forces. In Australia, the various elected Governments of the day bear overall responsibility for controlling police. In immediate terms, this control is exercised by the Ministers responsible for police affairs in their respective Governments. The actual political portfolio held by these Ministers varies from Government to Government. In New South Wales, for instance, the Premier is political head of the police; in Victoria the Chief Secretary, and in Tasmania the Attorney-General. At the Federal level of Government, political responsibility for police is split between three departments, the Commonwealth Police being controlled by the Attorney-General; the A.C.T. and N.T. forces by the Minister for the Interior; and the police in the Territory of Papua and New Guinea by the Minister for Territories. While the formal lines of political authority over police in Australia can be accurately described, the way in which this authority is exercised in practice remains largely a subject of conjecture. For Australian political scientists and others concerned with the operation of Government have devoted remarkably little attention to the nature of the relationship between the police and their political superiors.

The authors there are indicating that in Australia we have achieved a remarkable thing that has not been achieved elsewhere: we have in certain States, as the Attorney-General pointed out, reached the stage where ultimate political responsibility rests with a Minister responsible to Parliament and ultimately to the people. But inside that context we have not limited the day-to-day administration of

the force by the Commissioners and other superior officers down the line under the supreme head of the Police Force. This is a situation that appealed to me and to the Royal Commissioner as being a democratic and sensible one. I would not by any means subscribe to that sort of political control over the Commissioner of Police that would enable a Minister to interfere in the day-to-day conduct of the Police Force; nor by any means would I subscribe to any sort of legislation that would allow any Minister to interfere with discretionary powers of the Commissioner, because either of those two means would be laying wide the avenue for introducing political and police corruption into Australia (something we have never had before).

But this Bill does not introduce either of those factors. Under our existing legislation the relationship between the Crown and the Police Commissioner is a most unusual one. It is not the relationship of employer and employee, because the Police Commissioner remains an independent servant of the Crown. He has an office of considerable antiquity and he and his superior officers have rights which the ordinary citizens do not have. In this State we must indeed have considerable confidence in our Police Force, because we have granted it, in other legislation, the widest powers of suit and confiscation given in any State of Australia or in any democratic country in the world. Members who care to read the Police Act may be somewhat startled to see what incredibly wide powers our Police Force has.

We have in South Australia an excellent Police Force which leads the rest of Australia. Brigadier McKinna has been congratulated on that, and he deserves to be congratulated. We want to see that pattern continued. I want to see it continued.

Mr. Mathwin: Then why don't you leave it alone?

Mr. McRAE: I think the honourable member has missed the point. I will try to clarify it. We want to see that pattern continued, together with the good relations now existing between the Police Force and the public in South Australia, and we hope that they will continue despite the confrontations that will inevitably occur in times of turbulence and protest. For the benefit of the member for Glenelg, this Bill does not interfere with those objectives; it actively promotes them. Without affecting the internal administration of the Police Force, the Bill ensures ultimate Ministerial responsibility in times of great crisis. I would regard the moratorium demonstration in September, 1970, as being a crisis, and potentially a very dangerous one. If it had got out of hand many people could have been killed or injured. In those circumstances it is neither right nor fair, in the words of the Royal Commissioner, and in that political context, that the ultimate responsibility, the ultimate decision, ought to be taken by the Police Commissioner.

Mr. Mathwin: He did not complain about it, though, did he?

Mr. McRAE: I do not follow the honourable member. The Royal Commissioner listened to the views of Brigadier McKinna and to those of many others who gave evidence before him. He found that, on the basis of other Australian legislation and also on the basis of common sense and democratic principle, the fair and right thing to do, the right balance to maintain, is that, where certain conditions prevail, then the Minister ultimately should have the right to direct the Police Commissioner. However, it is something that would be used only on rare occasions. The Bill will not impede the status and efficiency of our Police Force; it will improve them. That I sincerely believe.

I believe it is right and proper that, where the Minister gives a direction in one of these instances to the Police Commissioner, the notice ought to be given and made public as soon as possible. What that time might be, I am not sure. I have read the amendment filed by the Deputy Leader. In some sense I concede that there is a point to it. No doubt the Attorney-General has considered it, and we await his reply at the conclusion of the second reading debate. Having dealt with the matter in those general terms, and having expressed sympathy with the amendment moved—

The SPEAKER: The honourable member cannot discuss an amendment at this stage.

Mr. McRAE: I merely then rely on the points I put before the House and say this is another example of a good Bill based on accurate and fair research by the Royal Commissioner, and I wholeheartedly support it.

Mr. MILLHOUSE (Mitcham): I was delighted to hear the member for Playford praising the Commissioner of Police. I have noticed with some interest today the way Government members are endeavouring to

ingratiate themselves with the Commissioner, and the honourable member's effort was a good example of that. The member for Playford and other Government members may therefore be interested when I remind them of the views of the Commissioner of Police on this matter, and I hope I will not be accused of quoting the Commissioner out of context or putting a wrong gloss on his evidence. The following is the evidence on this point that the Commissioner gave to the Royal Commission (at page 718 of the transcript):

Q. All I am putting to you is, do you think it is fair to the Commissioner of Police and his senior police officers to have to, on each occasion where there is a political protest involving political factors, protests against Government policy, lay down the broad policy?

A. Yes, I do, I think it is his job, this is the task that is given him and this has been broadly set out, as you know, in the Royal Commission into the British Police Force in 1962. It lays down that the Commissioner shall run his processions, political demonstrations, or what have you, as he sees fit, without any interruption from any police authority, the Government, the Minister, or anybody else.

Q. Is this a fair way of putting it—and do stop me if I am mistaken here—that speaking for yourself, as far as you are personally concerned, as Commissioner of Police if these political protest situations keep on occurring you feel that you are the person who has got to lay down the broad policies?

A. As the law stands at the moment, yes.

Q. But I don't dispute that, but you would go further, wouldn't you, and say—you see I am asking you your personal opinion—that you wouldn't support any alteration to that law?

A. No, I wouldn't support an alteration to the law.

Q. You feel, however, the Commissioner of Police for the time being ought to have that responsibility?

A. I think so, otherwise as Governments change you would have or could have in sc far as political demonstrations are concerned one thing one year and something entirely different the next.

Q. That would be bad?

A. It certainly would be bad.

That is quite unequivocal, and I defy even the Attorney-General to try to twist the meaning of that into something else. There is no doubt at all where Mr. McKinna stands on this matter, the man who was praised by the member for Playford not five minutes ago and who was praised in this place in several different references today. Let Government members get over that, if they wish to. We all know the genesis of this move: it was the frustration and anger felt by the Premier in the days leading to September 18, 1970, the day of the moratorium demonstration, because the Commissioner of Police would not do what the Government thought he should do—avoid a confrontation with the demonstrators.

What the Government wanted done was that the Commissioner should arrange for the diversion of traffic so that the demonstrators would have their own way and be able to occupy an intersection undisturbed by the general citizenry. When the Commissioner said that he would not do that, because he thought it was his duty to prevent that sort of thing, the Government was very angry indeed. We had complaints in this House. We had a public disavowal, only two days before the demonstration, of the Commissioner and, by implication if not directly, of the whole Police Force. That was the most disgraceful action 1 have ever witnessed in this House. That is the reason why we have this Bill.

If honourable members like to go through the 4,000 or 5,000 pages of evidence given before the Royal Commissioner, they will not find (and I shall be corrected by the Attorney-General if I am wrong here) one line of evidence, except that of the Premier himself, supporting the recommendation that the Royal Commissioner made to bring the Commissioner of Police under Ministerial control. As far as I know, no-one who gave evidence, barring the Premier himself (and his evidence was hardly detached), expressed the opinion that the Commissioner of Police should be under control, yet the Royal Commissioner came up with the recommendation. What I say I say with respect to the Commissioner.

The Hon. J. D. Corcoran: You cannot have it both ways.

Mr. MILLHOUSE: I am not having it both ways. I do not deny his right to make any recommendation he likes but I point out to honourable members and to the Minister of Works (who seems to be particularly short tempered this evening) that that recommendation is not supported by the evidence that was given. The only direct evidence on the matter that I know of is the evidence, to which I have referred, of Mr. McKinna himself, which is directly to the contrary. Mr. McKinna is a man whom members opposite say they respect.

The Hon. L. J. King: We also respect the Premier and the Royal Commissioner.

Mr. MILLHOUSE: The Attorney may respect the Premier, but I have little respect for him as a rule, much as I try to. There is one other subsidiary matter if the Bill gets through the second reading stage, as inevitably

it will, and that is the system of notification laid down in it. The Bill provides for public notification of any direction given pursuant to the earlier provisions, and the way in which that publication or notification shall be given is by being laid on the table of the House within six sitting days. 1 point out that, even if the House was sitting at the time, that could mean up to a fortnight, because we have only three sitting days in every week; and, if the House was not sitting, it could be many months before the direction became public. In my view, that is an entirely unsatisfactory situation; it is tantamount to no publication of the direction given, because all the steam or interest could well have gone out of the whole proceeding by then. I hope at the appropriate time to be able to persuade the Committee to accept some alteration to that. If we are to have this system against our judgment on this side, at least let us have some real safeguard that is not simply empty and hollow.

Mr. HOPGOOD (Mawson): I guess that a lawyer really does not have to prove a point; he has only to put up a case, and that is what we have had from the member for Mitcham this evening. The honourable member commenced by suggesting that we on this side were being inconsistent in that, although we had expressed our praise and respect for the Commissioner of Police, we were going against the evidence he had given to the Commission. Really, this just will not do. Members on this side have said that they have much respect for the integrity and person of the Commissioner, and that they also respect the way in which he has handled the Police Force and maintained the confidence of its members. It could not be inferred from that that we agree with the Commissioner's point of view on the social questions of the day, including the one that is now before honourable members. It does not logically follow that, because of our respect for the Commissioner, we are bound to all of his social, pseudo-political and political opinions. Indeed, I imagine from the little I know of the Commissioner's general social opinions that it is far more likely on most of these matters that I would be closer to the member for Mitcham than I would be to the Commissioner. However, that is another matter.

I speak in this debate as one who has had considerable experience of public demonstrations. I began, as I recall, probably before my teenage years, in a march through the city that was part of the Mission to the Nation, which was put on by the Methodist Church and which was led by the Rev. Alan Walker, who is well known both in theological circles and beyond.

Mr. Venning: But—

Mr. HOPGOOD: I understand that the member for Rocky River, like me, is of the same denomination as the Rev. Walker and, therefore, I am just as able as he to speak about the Rev. Walker.

Mr. Venning: Don't you—

The DEPUTY SPEAKER: Order! If the honourable member continually disregards the authority of the Chair, I shall have no alternative but to warn him of the consequences.

Mr. McANANEY: On a point of order, Sir, how does the member for Mawson connect his comments regarding the Methodist Church with the Bill?

The DEPUTY SPEAKER: The honourable member must confine his remarks to the Bill.

Mr. HOPGOOD: I am making the point, Sir, that demonstrations are held for many different purposes, some of which relate to the political issues of the day while others have nothing to do with those issues. In that case, I suppose one could say that a whole set of theological issues was involved. I have been involved in small and large demonstrations. I was involved in a demonstration once where there were so few of us that everyone had to carry two placards, the number of placards having been prepared far out-numbering the demonstrators.

The Hon. L. J. King: How many were looking on?

Mr. HOPGOOD: There were so few of us that, although we intended to march along the street, we marched along the footpath because it would have been too embarrassing to do as we originally intended. I was involved in a gigantic march against the Vietnam war in July last year. It is fair to say that in all the demonstrations, particularly those that have arisen out of the widespread disquiet in the community concerning conscription and the Government's involvement in the Vietnam war, any violence that has occurred has, generally speaking, come not from the demonstrators but from those opposed to them. In any demonstration in which I have been involved, the concept of no violence has always been spread throughout those taking part, and the demonstrators have always believed that others, and not themselves, would be the ones to use

violence. On the Friday evening prior to the May, 1970, moratorium, there was a disgraceful incident of a peaceful demonstration being attacked by a group of men (and I call them men only for the want of a better word). This was perhaps the greatest contribution towards ill-feeling surrounding these demonstrations, and it came from outside the demonstration and not from the demonstrators themselves.

Mr. McAnaney: Are you sure of your facts?

Mr. HOPGOOD: I am sure of my facts in this case. I can also name the institution from which these men came, but I concede that to do so could be interpreted as though I was tarring all the members of this institution with the one brush, which I refuse to do. Blame can rest only on those few involved in this disgraceful act and not on their colleagues.

My main point is that in any Parliamentary democracy, for democracy to have any meaning at all, Parliament must be sovereign. What is the point in giving to the people the status to elect a Government of their choosing if the Government is hamstrung and totally unable to put into effect those things on which it has been elected. If democracy is to have any meaning and is to be expressed through Parliamentary institutions, those institutions must have the power whereby the wishes of the *demos,* the people, can be given effect to. I have spoken about the Bill in relation to Parliament. On the other hand, reference is made to the Governor-in-Council and to Executive Council which, with the exception of the Governor, is elected by Parliament and retains its position only with the confidence of Parliament. We are giving to Parliament in this Bill a sovereignty that it has hitherto lacked.

When we refer to the Police Force on this matter, we are motivated not from a lack of respect for or confidence in the force but by an entirely opposite reason: our confidence in the Police Force and our respect for the efficiency with which it carries out its duties. However, the normal operation of the Police Force is to maintain the right of way in the streets, maintain law and order, and maintain peace for all citizens. There are definitely times and situations in which these considerations must for a time be set aside, and there are times when it is appropriate that the letter of the law should be hurled aside. I do not refer to violent situations, because there are many situations in which a breakdown of law and order involves no disturbance and no violence. However, in this day and age when increasingly people are taking to the streets to demonstrate, these things must be set aside for a time.

It would be inconsistent to expect a Commissioner of Police to exercise jurisdiction in this regard. If only by his nature and training he is called on to exercise law and order; but when a higher consideration is involved to whom should we go for the decision? It is inconsistent that we should go to the Commissioner. We go to him for efficiency in maintaining law and order, but when we concern ourselves with civil libertarian considerations, with humanitarian considerations, and with the rights of assembly over and above those that have normally been practised in the past in democratic States, I believe that we must go to the highest authority in the land: we must go to the Governor-in-Council. We must do this because that body, unlike the Commissioner, is directly responsible to the electorate. Executive Council makes the decisions and takes responsibility, and, if the electorate does not like those decisions, the Ministers in Executive Council take the consequences. The Commissioner, by the very nature of his office, is insulated from the democratic effects of the popular vote at elections and, therefore, is not in a position to take the consequences.

This Bill tries to extend the sovereignty of Parliament in a way in which it should be extended, first because it gives meaning to the concept of democracy and, secondly, because it places the administration of a very sensitive area in the hands of those who are best fitted to administer, not because they may have greater ability but because they are accountable to the electorate at large.

I show this by simply referring back to the September moratorium. For a time, in the streets of Melbourne law and order completely broke down. Throughout the same time, on the streets of Adelaide law and order was upheld, but what were the consequences of the breakdown of law and order in Melbourne on the one hand and of the maintenance of law and order in Adelaide on the other? Surely all reasonable people would concede that the outcome of the breakdown of law and order in Melbourne was far more desirable than were the consequences of the upholding of law and order in the streets of Adelaide.

It was from the upholding of law and order in Adelaide that violence occurred and more than 100 arrests were made. So far as I know,

no more than one or two arrests were made in Melbourne, and there was no violence there.

Mr. Goldsworthy: You may as well hand the place over to the anarchists, if that's your argument. I have never heard anything so stupid in all my life.

Mr. HOPGOOD: The member for Kavel revels in this sort of situation, when he brings out the old jackboot sort of argument. I do not really believe that the member for Kavel is one of the jackboot brigade, but he likes to act tough on occasions like this and give that impression. The object of this Bill is not to hand the whole show over to anarchists as the honourable member suggests: it is to hand the whole show over to the representatives of the people, where the whole show should be.

Mr. GOLDSWORTHY (Kavel): I cannot let the last point advanced by the member for Mawson pass unchallenged. The proposition that he is putting is that we should allow people to break the law and that no action should be taken against them, because in trying to uphold the law we may cause some disturbance. If ever I have heard an untenable and reprehensible proposition put to this House, it was that.

Mr. Hopgood: You should read the Bill.

Mr. GOLDSWORTHY: I approach this Bill in the light of the moratorium demonstration and the events that immediately preceded it. The conflict that led to the introduction of this measure arose when the Commissioner of Police sought to uphold the law regarding the obstruction of the free flow of traffic and the use of the intersection of North Terrace and King William Street. The Premier, doubtless with the approval of his Cabinet and his Government, sought to overrule the instructions given by the Commissioner of Police. This is the background from which we approach this measure.

I agree with the statement by some Government members that this Royal Commission report is an interesting document, because it helps to refresh our memories about what happened at that time. As I pointed out earlier this evening, on September 15, 1970, the Premier said:

> The position of the Labor Party on public demonstrations has always been that it believes in the right of people in this community publicly to demonstrate their beliefs, and, as long as those demonstrations are peaceful and orderly and do not interfere with the rights of other people to go about their normal business, those demonstrations are proper.

Mr. Keneally: Do you agree with that?

Mr. GOLDSWORTHY: Yes, although I underline "do not interfere with the rights of other people to go about their normal business". However, on the next day the Premier, referring to the moratorium demonstration, saw fit to say that he understood that "there were a lot of young 'hotheads' who were determined to bring about a confrontation to the police during the demonstration". The Royal Commission report stated that the Premier "desired that the police should take no action to interfere with the march if the participants took over a city intersection". The report also states that the Premier "suggested that the demonstrators be ignored, no effort made to move them, and that traffic be diverted". How do we line that up with the Premier's statement that we should not interfere with the rights of other people to go about their normal business?

As part of their normal day-to-day business, people may wish to go along Rundle Street in order to do their shopping, and students may wish to go along North Terrace in order to get to the university. The Police Commissioner (I believe rightly) sought to uphold the law in this situation. The report, after referring to a general discussion, states:

> The Commissioner agreed with all the suggestions made by the Premier except that relating to the occupation of an intersection for an unspecified time.

I submit that the occupation of the intersection for an unspecified time grossly interfered with the rights of other people to go about their normal business. Therefore, it seems to me that the situation outlined by the Premier is quite untenable, and I consider that it would interfere with the rights of people to go about their normal business. Indeed, I believe this would be the view of all members of the public. According to the report, the Commissioner refused to agree to the suggestion regarding the intersection because, first, it would be a "flagrant breach of the law". That seems to me to be a strong point. Secondly (and this impinges on the first reason for refusal by the Commissioner to which I have just referred), many citizens would be denied the right to go about their lawful business without interference. Although there is a slight change in the wording, this is almost exactly the point that the Premier saw fit to make on September 15.

Therefore, we must consider this Bill in the light of this vacillation by the Government and its Leader. The Government seeks to put the Police Commissioner under the thumb.

In fact, at the time, the Premier went through a hand-washing process, got into a plane and went up and away, and in my view that was the best thing he could do. Had he left the Commissioner to do his job in the first place, we would not be considering this Bill now. What is the reason for this measure, which seeks to place some control over the Commissioner of Police? I have here a publication relating to an authoritative survey of the police in all of the States and in New Zealand. The authors of the publication are Chappell and Wilson, and the introduction states:

This book is largely the result of data generated by substantial surveys carried out among citizens and the police in Australia and New Zealand.

[Midnight]

Mr. GOLDSWORTHY: Here are just a few of the things they say in this book. At page 46:

In addition, it would appear that the public in South Australia and New Zealand have greater faith in the integrity of their policemen than do the citizens living in other areas surveyed.

At page 52:

Fewer respondents in South Australia than in other States thought something should be done to improve relations between the police and the public. This result was not unexpected, because, as has been seen, public respect for the police is higher in South Australia than in any other State.

At page 54:

However, within the latter country, the public in South Australia appeared to have considerably greater respect for their force than did the citizens in other States. This finding is an important one because, as later chapters will demonstrate, South Australia has, in the authors' opinion, the most progressive Police Department in Australia. In particular, the South Australian police policies, in dealing with the public, appeared to have gained considerable public respect for the force.

In the light of this document we come now to consider the Bill. Section 21 of the Act which this Bill proposes to amend provides that, subject to the Act, the Commissioner shall have control and management of the Police Force. So we have the situation where such a report can be made and such praise lavished on the Police Force in South Australia.

The only reason why this Bill has been brought before the House is that the Police Commissioner saw his duty, had the courage to do it, and overrode the political decision the Premier sought to impose upon him. There is in the second reading explanation by the Attorney-General some reference to these quasi political decisions. The report of the Royal Commissioner states:

I do not think the Commissioner of Police and his force ought to be placed in a situation where they have to take sole responsibility for making what many reputable citizens would regard as a political type of decision.

The Police Commissioner did not consider this a political decision. He was more than happy to accept his responsibility. The Government is trying to relieve the Police Commissioner of a responsibility which, in this situation, he was only too happy to accept. If anyone is trying to put political interpretations on this, it is the Government.

Mr. Payne: Tell us about Sir Henry Bolte and the Commissioner in Victoria.

Mr. GOLDSWORTHY: I have no particular knowledge of the situation in Melbourne, but I know that Dr. Cairns was prepared to lead 70,000 people into the streets though not convinced of his cause. Nevertheless, I have as intimate a knowledge of the events that occurred in South Australia (and this is the State for which we legislate) as has the member opposite who has just interjected.

In chapter 10 of his recommendations the Royal Commissioner refers to the status of the Commissioner and states:

I recommend that for the reasons stated in chapter 9 the Commissioner of Police should retain the independence of action appropriate to his high office—

I entirely agree with that—

but should be ultimately responsible, like his colleagues in many other parts of Australasia, to the executive Government.

I do not agree with the interpretation put on those words, but ultimately the Commissioner of Police in this State is responsible to the Government and the Parliament.

Mr. Payne: How can he be?

Mr. GOLDSWORTHY: I have been informed by the Parliamentary Counsel that, under the terms of the Acts Interpretation Act, the Commissioner can be dismissed or suspended.

The SPEAKER: Order! The honourable member is not permitted to refer to the Parliamentary Counsel in the course of a debate. It is an exceptionally bad practice for any honourable member to use the names of public servants.

Mr. GOLDSWORTHY: I have been informed authoritatively that the Commissioner of Police is subject to the control of the Government and the Parliament; it would be

ludicrous if he was not so subject. Under the terms of the Acts Interpretation Act the Commissioner of Police can be dismissed. The Royal Commissioner recommended that the Commissioner of Police should be ultimately responsible to the executive Government, but I do not believe that he should be placed in a position where political decisions can be imposed on him, yet that is what this Bill seeks to do. I believe that most South Australians are implacably opposed to this Bill. This was amply demonstrated at the time of the moratorium fiasco in September, 1970. I do not intend to support the Bill because I am completely opposed to the idea of imposing the will of the Government on the Commissioner of Police. Much of the success of the South Australian Police Force has been due to the Commissioner's being able to discharge his duties in the knowledge that he cannot have political decisions imposed on him. I therefore oppose the Bill.

Mr. PAYNE (Mitchell): I support the Bill. The member for Kavel has just given us another example of the application of the dogma that, if a law is broken or in danger of being broken, the police must hop in and act. The Royal Commissioner was in a far better position than the member for Kavel was to analyse the matters referred to; because of the Royal Commissioner's training, he was able to consider the matter dispassionately and objectively. Members opposite ought to read his report more carefully. Let us see what the Royal Commissioner has to say about the dogma associated with a gun in one hand and a Bible in the other; he says:

> It is a facile and highly dangerous oversimplification of these problems to say that persons breaking the law must be stopped from doing so, and that the Police Force is the weapon available and to be used for the purpose. That solution will sometimes be correct, but it will not necessarily always be the correct or the only correct one.

So already we see that the Royal Commissioner differs from the member for Kavel in his assessment of the situation. Why does the Royal Commissioner advance that principle in these matters? He goes on to say:

> I believe that one of the greatest disasters that can happen to a Police Force is to become strongly supported by one section and strongly disliked and distrusted by another section of the ordinary non-criminal public—

and those are the people we are talking about in demonstrations, the ordinary non-criminal public. He goes on to say:

> I suppose the force will never be wildly popular with the criminal public, although I doubt whether most non-violent criminals have a strong personal dislike for "the cops", at least as long as they think "the cops" are treating them carefully.

This is what needs to be kept uppermost in the minds of these non-criminal sections of the public that are usually involved in demonstrations. If ever there is implanted in the minds of these people the slightest suggestion of unfairness on the part of the police, then, as the member for Playford has already said, a dangerous and explosive situation will exist in no time. The Commissioner goes on in his calm and dispassionate way to point out the dangers of polarization occurring in these matters.

In this Bill, after looking at the Royal Commissioner's report, what has the Minister done to prevent the dangerous situation of polarization occurring? He has done something in accordance with the recommendations of the report. The Royal Commissioner continues:

> I therefore think—

and I do wish the member for Kavel could hear this but, since he is not in the Chamber, I hope he will take the trouble to read it in *Hansard* tomorrow—

> that those who advocate the regular breaking up of demonstrations by the police are in effect urging that a situation be created in which public opinion about the Police Force is polarized.

That is what the member for Kavel is really saying should happen every time one of these groups of people, the non-criminal public (the description given them by the Royal Commissioner), congregates in a public place to express an opinion about a matter. So the Commissioner shows clearly the dangers of this polarization.

Another section of this report gives the oath taken by the officers of the South Australian Police Force. That oath reads:

> I, A.B., do swear that I will well and truly serve Her Majesty Queen Elizabeth II and Her heirs and successors according to law . . .

In this Bill the Government proposes to make the Commissioner of Police subject on occasions to direction from the Governor in Council. Surely members will agree that this is perfectly in line and does not disturb or affect in any way the oath that the entire Police Force takes. So my point is that the Government is not really interfering greatly with the existing situation in the South Australian Police Force. The member for Kavel quoted, I think, from the

relevant Statute—"The Commissioner of Police shall have the control and management of the police officers." However, that will not in the slightest way be changed by this Bill. The Government is merely trying to implement the recommendations of the Royal Commissioner by making it clear that, in circumstances such as those of which we have been speaking tonight, at no time will either the public or those taking part in demonstrations think that the police are acting in a manner that could be described as polarized. As this Bill will eliminate that possibility in the future, I wholeheartedly support it.

The House divided on the second reading:

Ayes (23)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Groth, Harrison, Hopgood, Jennings, Keneally, King (teller), Langley, McRae, Payne, Ryan, Simmons, Slater, Virgo, Wells, and Wright.

Noes (19)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick (teller), Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Majority of 4 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Control and management of Police Force."

Mr. MILLHOUSE: I move:

In subclause (a) to strike out "subsection" second occurring and insert "subsections"; and to insert the following new subsection:

(3) The Chief Secretary shall cause a copy of any direction under subsection (1) of this section to be included in an edition of the *Gazette* published not more than three days after the date of the direction.

I said in my second reading speech that I thought this clause, which inserts the provision for notification, was quite an unreal safeguard, because it might be many months before the notification came to members and was laid on the table. The amendment provides, in lieu of the procedures set out in the Bill, a procedure for gazettal of the direction within three days of the direction being made. This means that the direction will be published in either the next weekly *Gazette* or a special *Gazette.* I think it most desirable that, when a direction has been given, it should be made public as soon as possible.

The Hon. L. J. KING (Attorney-General): The provision in the Bill is based on the recommendation of the Royal Commissioner set out in the last paragraph of chapter 9. The Royal Commissioner states:

In any such case—

that is, the case of a direction to the Commissioner of Police—

there should be no doubt whatever as to the advice or direction tendered. It should therefore be in writing and should, at the appropriate time, be tabled in Parliament. I say "at the appropriate time" because I can envisage circumstances in which it would not be appropriate to publicize a proposed course of action before the event had occurred.

The Royal Commissioner, therefore, recommended that the publication of the direction should be by way of tabling in Parliament. I agree that this is the appropriate course to follow, and that is provided for in the Bill. I see the point that the member for Mitcham makes about a direction given when Parliament is not sitting, and the Leader of the Opposition made the same point. I would not be averse, if the member for Mitcham desired it, to accepting an amendment that made the period of time eight days. The effect of that would be that the notice must be inserted in the next normal weekly *Gazette* after the direction is given. I think this would adequately meet any point arising from the fact that Parliament was not sitting. The amendment that the honourable member has moved involves publishing a special *Gazette* when there is insufficient time for its publication in the normal weekly *Gazette.* I think this is quite unreal and unreasonable. However, as I say, if the honourable member wishes, I am willing to meet his point and that of the Leader of the Opposition about direction given to the Commissioner of Police when Parliament is not sitting. I do not intend to do anything about it myself, because I think the tabling provision is adequate.

Mr. MILLHOUSE: Perhaps three days is a bit short, and I think eight days is a little long, but it is certainly better than the period provided by the Attorney-General in the Bill. That being so, I am willing to change the three days to eight days, and I ask leave to do so.

Leave granted; amendment as amended carried.

Clause as amended passed.

Title passed.

Bill read a third time and passed.

LOTTERY AND GAMING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 14. Page 3830.)

Dr. EASTICK (Leader of the Opposition): The provision to which this Bill mainly refers has been the subject of much discussion for a long time, during which varying views have been expressed whether the provision itself should be taken out of the principal Act and inserted in other legislation. We support the removal of this provision from the principal Act knowing that it will be inserted in other legislation, but we should like an assurance that the proclamation of this measure will not occur in advance of the proclamation of a subsequent measure including this provision.

The Hon. L. J. King: I give that assurance.

Dr. EASTICK: With that assurance, we on this side support the Bill.

The Hon. L. J. KING (Attorney-General): There is no doubt about it. I interjected during the speech of the Leader of the Opposition and gave an assurance that this Bill and a Bill which is to follow would be proclaimed on the same date so that there would be no interval of time in which neither provision applies. I make that clear.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Repeal of section 63 of the principal Act."

Dr. EASTICK (Leader of the Opposition): I welcome the assurance from the Attorney-General that this Bill will be proclaimed at the same time as the other measure is proclaimed, so that the provision will operate throughout. Will the Attorney assure members that this is subject to the other Bill passing in the form in which it has been presented?

The Hon. L. J. KING (Attorney-General): I wish, and the Government would wish, that the subsequent Bill be passed in the form in which it is presented. We will do all in our power to ensure that that is so.

Clause passed.

Title passed.

Bill read a third time and passed.

POLICE OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 14. Page 3832).

Mr. MILLHOUSE (Mitcham): I support the second reading. Amongst other things, it inserts in the Police Offences Act a provision to replace the provision we have just taken out of the Lottery and Gaming Act. It will provide that in future the police must act reasonably and are accountable and cannot act, as in theory they can now under the Lottery and Gaming Act, quite arbitrarily. That I support. However, several other matters in the Bill I do not support. I cannot support the striking out or the alteration of section 59 of the Act or the striking out of section 60 of the Act. I have no quarrel with clause 4, which repeals section 58 of the principal Act and provides that it is an offence if a person wilfully obstructs the free passage of a public place; nor do I quarrel with clause 7, which deals with the right of an arrested person to apply for bail. Those amendments conform to the Royal Commissioner's recommendations and, with respect, I believe they are proper.

However, I believe that the alterations to section 59 of the principal Act will seriously weaken the power of the police to deal with demonstrations, and I believe that the same result will follow through repealing section 60. These provisions are not recommended by the Royal Commissioner. The following is what the Commissioner says about sections 59 and 60 (at page 247 of his report):

> I doubt the need to retain in their present form sections 59 and 60 for the dispersal of obstructing crowds, but these sections ought to be carefully examined so as to ensure on the one hand that there is a reasonable freedom to assemble and on the other hand that groups causing obstruction, which is in all the circumstances unreasonable, can be dispersed. There cannot be precise rigid rules. In any event, if section 59 is retained for the last-named purpose some better means of communicating a direction must be found.

The Commissioner does not suggest that section 60 should be repealed, although he implies that section 59 could be amended. Under the Bill, section 59 is rendered, in effect, quite useless, because it requires the prior notification of a direction by the police and, if the police do not know where and when a demonstration or occupation of the streets is to take place, it will not be possible for them to give a prior direction, much less to communicate it. New section 59 (6) provides:

> A direction under this section must be given—
>
> (*a*) by publication of the direction in a newspaper circulating generally throughout the State;
>
> or
>
> (*b*) in such other manner as to ensure as far as practicable that prior to the special occasion, the direction

will come to the attention of those who, by their actions or presence, are likely to cause or contribute to, the crowding of the street, road or public place.

It was section 59 that the police used in the moratorium demonstration, and I do not believe that the power should be so reduced as it is by this amendment. Section 58 will not always be available for use by the police, because it contains the word "wilfully", and it may not always be possible to prove that a person is wilfully obstructing free passage in any public place. Because I do not believe that the powers of the police should be weakened in this way, I will oppose clauses 5 and 6. However, the other clauses concerning loitering, obstruction of highways and public places, and bail are acceptable.

The Hon. L. J. KING (Attorney-General): The provisions to which the member for Mitcham objects are the one amending section 59 of the principal Act and the one repealing section 60. The amendment to section 59 simply makes clear that the direction to be given in the case of the exercise of the special occasion power must be given before the special occasion arises. That is the intention behind the section as it now stands. In fact, although it does not make it clear it is plain, I think, that what the section is intended to do it to enable the police to give directions when it is known that there is to be a special occasion—perhaps a march at Christmas time or on Anzac Day or any other special occasion involving a disturbance of the traffic and the freedom of movement in the city.

The section was designed to enable the police to divert traffic on such occasions and for any other incidental direction they might give. The whole idea behind the provision is to enable the police to give these directions prior to the special occasion occurring. The Royal Commissioner observes that, once the people are gathered and the occasion has arisen, this section is no longer appropriate and the situation is then dealt with under the ordinary provisions about obstruction of the highway, and so on. So the use of this provision during the moratorium demonstration was, I think, the use of a provision not really appropriate to the occasion. It adds nothing to give people directions when they are already gathered. For that reason, this amendment is designed to make clear that that is the position. People can be dispersed under the provision for moving on. Clause 3 provides that where a person is loitering and a member of the Police Force believes—

(a) that an offence has been or is about to be committed by that person or by others in the vicinity;

(*b*) that a breach of the peace has occurred, is occurring or is about to occur in the vicinity of that person;

(*c*) that the movement of pedestrians or vehicular traffic is obstructed, or is about to be obstructed, by the presence of that person or of others in the vicinity;
or

(*d*) that the safety of that person or of others in the vicinity is in danger,

the member of the Police force may request that person to cease loitering.

So what the police do is what they did during the moratorium demonstration: they direct the people gathered to move on because of an apprehended breach of the peace, a disturbance or an obstruction to the movement of pedestrians or vehicular traffic, or perhaps danger to people in the vicinity. That is the appropriate power to use. That section is designed to deal with special occasions; it is made clear in the section that that is its purpose.

Section 60 was also criticized by the Royal Commissioner because of its suppression of riots and public disorder. There are specific offences to be dealt with. There is the moving-on offence, the offence of obstructing the highway, and so on. A special provision dealing with the suppression of riots and public disorder as set out in section 60 is no longer appropriate or necessary. For that reason it is sought to repeal that section.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Loitering in public place."

The Hon. D. N. BROOKMAN: Will the Attorney say whether, if a group of young men standing on a street near, say, a milk bar make certain comments to women as they pass, the police will have sufficient power under this provision to move them on?

The Hon. L. J. KING (Attorney-General): I have no doubt at all that the police will have sufficient power. Indeed, this is one of the situations that this new section is designed to cover. There is another provision in the Police Offences Act that deals with loitering, where the police officer may, if a person is loitering, ask him to give a satisfactory reason for loitering and, if the person involved does not do so, that constitutes an offence.

This provision is effective when dealing with a single loiterer or with two or three loiterers, but it is not effective where a group of people is involved (in, say, the situation to which the honourable member refers), because the police officer would have to approach 20 or 30 people and obtain a satisfactory explanation from each of them. That is why this new section has been inserted. In future, it will depend not on a police officer's having to ask for a satisfactory reason but on his forming a reasonable belief that an obstruction of pedestrian traffic has occurred, that a breach of the peace has been committed, or that the safety of people in the street is in danger. In the circumstances to which the honourable member has referred the police officer would undoubtedly have the power to request the person involved to move on.

Clause passed.

Clause 4 passed.

Clause 5—"Regulation of crowds."

Mr. MILLHOUSE: I have previously stated my objections to this clause, which amends section 59 of the principal Act. I do not believe we should weaken the powers of the police in the way in which it is intended to do so. I do not oppose the insertion of the word "reasonable" in section 59(2). That is perfectly acceptable and, indeed, is in line with what has been done regarding the loitering provision and the repeal of section 63 of the Lottery and Gaming Act. I point out again, as I did in the second reading debate that, if the police do not know what is going to happen, they cannot give a prior direction.

Let us remember what happened on September 18, 1970. On that admittedly special occasion, no-one knew what was going to happen when any street, road or public place could be unusually crowded. No-one, including the police, knew exactly what would happen, and it would have been impossible for them to have given a prior direction. I do not believe this amendment should be carried, as it will render the section useless. The terms of this amendment were certainly not spelt out by the Royal Commissioner, and for those reasons I vigorously oppose the clause.

The Committee divided on the clause:

Ayes (22)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Groth, Harrison, Hopgood, Jennings, Keneally, King (teller), Langley, McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (19)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Majority of 3 for the Ayes.

Clause thus passed.

Clause 6—"Repeal of section 60 of principal Act."

Mr. MILLHOUSE: I also oppose this clause. Section 60 provides:

(1) On any occasion of riot or public disorder, the Commissioner may close and keep closed to the public any public place during such time as the Commissioner thinks proper.

(2) Any person who is in or upon any public place which is closed to the public as aforesaid and who does not forthwith leave that public place upon being requested so to do by a member of the police force, may be removed therefrom by any member of the police force, and shall, in addition, be guilty of an offence.

It obviously is a useful power at a time when the police need that power, that is, a time of riot or public disorder. I am against any reduction in the powers of the police on occasions of this nature, for the reasons I have given and, incidentally, for the reasons given by the Police Federation in the circular letter we all received a few weeks ago. I therefore cannot accept the deletion of the section effected by this clause.

The Hon. L. J. KING: The Royal Commissioner doubted the need to retain section 60 in its present form for the dispersal of obstructing crowds. He stated:

Section 60 primarily relates to closing public places. It does not seem very appropriate as an aid to the removal of a group of demonstrators actually occupying a public place before the section is invoked.

It seems to me that the section is not appropriate as an aid to the removal of a group of demonstrators who are actually occupying a public place before the section is invoked, but I think the wording of the section would permit it to be used for such a purpose. It seems to me, too, that if section 59 is to be amended in the way in which it now stands in the Bill to apply only to future special occasions, section 60 should be deleted, because it would not be consistent with the amendment made to section 59. I have been unable to find any equivalent section in any other State and, while I suppose this is no reason for retaining the section, it raises the question that, if other States can get by without it, what purpose

does it legitimately serve in South Australia. From the debate in the House of Assembly when the section was introduced in 1929, it appears that the section had no legitimate antecedents but was the brain-child of the Commissioner of Police who thought the power would be useful. No indication is given in the debate by the Government of the day as to what prompted the Commissioner of Police to feel he would need such power. The Labor Opposition at the time, however, seemed to regard the Bill as being directed at the trade union movement. Mr. Jonas *(Parliamentary Debates,* 1929, p. 1497) considered that the Bill should be called a "Bill to annihilate the waterside workers and the trade movement". He explained how this would happen and said:

The shipowners are not in sympathy with the Waterside Workers Federation or any trade union movement, and they would easily trump up a frivolous riot in the Port Adelaide area. The free labourers, who are the tool of the shipowners, could easily incite the waterside workers to create a riot at the federation's Port Adelaide property, and then the police could close the adjoining streets and prevent the unionists from gaining access to their own property. The same thing might apply to Dale Street, where the Trades and Labor Council and their organizations meet.

Several members referred to previous disturbances at Port Adelaide, one member of the Government regarding the power as being urgently required in view of what happened on the wharves, the Opposition members regarding those events as not justifying the exercise of such power by the Commissioner of Police. While it cannot be said with any certainty what prompted the introduction of section 60, that it was probably the riots at Port Adelaide in September, 1928, is strengthened by the fact that section 60 (3) extends the definition of "public place" in section 4 to include any wharf, pier, or dock.

As I said in reply to the member for Mitcham, I have been unable to discover that section 60 has ever been used. We have dealt with section 59. If section 60 is to be used to clear streets already crowded with rioters, all it is doing is adding a further offence to those already being committed by rioters. It seems that, having regard to these facts, some very strong reason needs to be adduced to justify the retention of this section. I am unable to think of any such reason, the member for Mitcham has not supplied any, and I suppose the section could possibly be abused in the way suggested by Mr. Jonas in the debate of 1929. I cannot see any reason for the section, and none has been put forward. The matter is adequately covered by the existing laws, which would be invoked by the police in the case of riot or public disorder. We are better off without this section.

The Committee divided on the clause:

Ayes (22)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Groth, Harrison, Hopgood, Jennings, Keneally, King (teller). Langley, McRae, Payne, Simmons, Slater. Virgo, Wells, and Wright.

Noes (19)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Majority of 3 for the Ayes.

Clause thus passed.

Clause 7 and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 1.7 a.m. the House adjourned until Thursday, March 23, at 2 p.m.