HOUSE OF ASSEMBLY

Tuesday, October 8, 1974

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

FOOTBALL PARK (RATES AND TAXES EXEMPTION) 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.

GAS ACT AMENDMENT 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.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT 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.

STATE BANK ACT AMENDMENT 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.

PETITION: COUNCIL BOUNDARIES

The Hon. D. A. DUNSTAN presented a petition signed by 792 persons stating that they were dissatisfied with the first report of the Royal Commission into Local Government Areas, and praying that the House of Assembly would not bring about any change or alteration of boundaries.

Petition received.

PETITION: WATER RATES

Mr. EVANS presented a petition signed by 42 persons who expressed concern at the present inequitable system of estimating and charging water and sewerage rates, particularly in the present period of high inflation. This practice had resulted in water and sewerage rates being increased, in many instances, by more than 100 per cent, which was an unfair, discriminatory and grossly excessive impost on them and which would cause hardship to many residents on fixed incomes. The petitioners prayed that the House of Assembly would take action to correct the present inequitable and discriminatory situation.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard.*

TEXTILE INDUSTRIES

In reply to Mr. GOLDSWORTHY (September 26).

The Hon. D. A. DUNSTAN: At a meeting in Canberra on August 28, between Commonwealth Ministers and State Ministers of Decentralisation and Development, the Minister of Development and Mines discussed the subject of South Australian textile firms affected by tariff policy with the Commonwealth Minister for Manufacturing Industry. Because of the interest of all State Governments in this matter, a subsequent meeting of officers from Commonwealth and State departments was held in Melbourne on September 5. Representations were made on behalf of South Australian companies contacted during a survey of industry by the Development Division. Negotiations are continuing with the Australian Government.

AGED CARE

In reply to Mr. MILLHOUSE (September 24).

The Hon. D. A. DUNSTAN: The Government has known for some considerable time of the financial problems besetting nursing homes, as representations have been made by these organisations to both Commonwealth and State Governments. It is also known that the Minister for Social Security was about to announce assistance in this area when the double dissolution occurred. The State Government acknowledged the plight of nursing home proprietors when it granted additional assistance to all nursing homes by providing up to $2 a day for each full pensioner accommodated. This assistance was effective from July 1, and carried through until July 31. It ceased because the Australian Government has announced additional assistance effective from August 1. The State Government thought that the Commonwealth supplementary assistance amounting to about an additional $27 a week would be sufficient for some time hence. However, several recent approaches from nursing homes have indicated that further losses are being incurred and will continue between now and January 1, 1975. The Australian Government has intimated that it will introduce a system of deficit financing for nursing homes as from January 1, 1975.

The State Government has moved to meet these requests for additional assistance by asking the organisations to provide specific information as to their financial position. Following receipt of such information, the Illoura Baptist Nursing Home was granted $10 000 by the State on September 5, to assist over a difficult financial period. This home has since submitted additional information and the second submission, which was dated September 24, will be considered with others. On September 3, representatives of the South Australian Council on the Ageing, and the Residential Care Association of South Australia met with the Minister of Health and stated that the additional assistance from the Australian Government was not going to be sufficient to cover their needs. These people were told:

1. To await the outcome of the Commonwealth Budget to see whether the Australian Government was extending aid to nursing homes, and

2. To submit something specific as to their needs.

The initial approach was in general terms. The specific submission was received by the Minister of Health on September 23, and also a further specific submission was received from Elderly Citizens Homes on September 25. These submissions will be considered by Treasury in the light of the Government's financial position, and subsequently by Cabinet. The replies to the specific questions asked by the honourable member are as follows:

1. The State Government has already given supplementary assistance to nursing homes by reason of the aforementioned $2 a day and the grant of $10 000 to Illoura.

2. The matter of additional financial assistance is now being considered.

ABORIGINAL HOUSING

In reply to Mr. EVANS (September 18).

The Hon. L. J. KING: On September 18, 1974, during the debate on the Appropriation Bill, the honourable member for Fisher queried the provision of $200 000 towards the administration and maintenance of Commonwealth funded houses rented to Aborigines. The number

of funded houses managed by the South Australian Housing Trust, and to which the above provision applies, is as follows:

1973-74—336 houses, for which a total of $80 000 was provided. This represents an average of $243 a house.

1974-75—It is estimated that an additional 135 houses will be acquired during the year, making an estimated total of 464 houses for which an amount of $120 000 was provided. This represents an average of $258 a house during the year.

The provision of $200 000 therefore covers the cost for both years.

BEACH PROTECTION

In reply to Mr. BECKER (September 18).

The Hon. G. R. BROOMHILL: I have been told that the Coast Protection Board is confident that the sand level of the metropolitan beaches will improve as the summer approaches, this being a natural phenomenon that involves the return of the storm-driven sand from the offshore bars back onto the beach by calmer summer seas. However, the board (and for that matter, I) is far from satisfied with the general condition of the metropolitan beaches, particularly the southern metropolitan beaches, and for this reason the board will be continuing its programme of beach replenishment this year with further work at Brighton. This work is being done at no cost to the council.

Mr. BECKER (on notice):

1. What beach replenishment programme will be undertaken this financial year?

2. Will further sand be deposited on beaches at Glenelg North and West Beach, and, if so, how much, what is the cost, and when will work commence?

3. Whence will the sand come?

The Hon. G. R. BROOMHILL: The replies are as follows:

1. The Coast Protection Board has approved a programme of beach replenishment, estimated to cost $70 000, to be undertaken this financial year in the metropolitan coast protection district.

2. No sand from this programme is intended to be deposited on to the beaches at Glenelg North or West Beach. This the board has decided to do to prevent sand moving in a southerly direction from being deposited into the Patawalonga lock entrance.

3. The sand will be reclaimed from the beaches on the southern side of the Patawalonga entrance and from the southern side of the Torrens outlet.

HOSPITAL FUNDS

Dr. TONKIN (on notice):

1. What funds are now available for the rebuilding of the Northfield wards of the Royal Adelaide Hospital?

2. Is it intended that the existing wards for geriatric patients will continue to be occupied and, if so, for how long?

3. Because of the extreme shortage of beds for geriatric patients in both nursing homes and Government hospitals, does the State Government intend to provide financial subsidies for nursing home patients?

The Hon. L. J. KING: The replies are as follows:

1. Stage 1 of building redevelopment of the Northfield wards of Royal Adelaide Hospital has been documented, but funds are now not available to permit the calling of tenders for work which is estimated to cost $7 000 000. Stage 1 would provide 200 nursing home beds.

2. Existing nursing home wards will be evacuated and demolished progressively as additional beds become available in new buildings.

3. Information has been received to the effect that from January 1, 1975, the Australian Government will introduce a system of deficit financing of religious and charitable nursing homes conducted by non-profit organisations. The State Government does not intend to provide the financial assistance to such organisations in the interim.

PENOLA SEWERAGE

Mr. RODDA (on notice):

1. What progress has been made with planning for a common effluent drainage scheme for the town of Penola and when will work commence on the scheme

2. Is the Minister aware that extreme pollution is taking place in the groundwater from septic tanks at Penola?

The Hon. G. T. VIRGO: The replies are as follows:

1. Approvals of both the Engineer-in-Chief and the Central Board of Health have now been given to variations to the original proposals for the construction of the common effluent drainage scheme for the township of Penola. The authorisation of the Minister of Transport for the amended scheme will shortly be published in the *Government Gazette,* when the council may then proceed to execute that scheme?

2. The Engineering and Water Supply Department town water supply for Penola is drawn from the groundwater. This supply is monitored regularly and is quite safe for use. Several private bores also tap groundwater, but from quite shallow depths. It is known that some of these have been contaminated at times by septic tank effluent.

PETRO-CHEMICAL PLANT

Mr. MILLHOUSE (on notice): What persons or organisations are now members of the consortium for the Redcliff project, and in what proportion is each contributing financially?

The Hon. G. R. BROOMHILL: Alcoa of Australia Limited, Imperial Chemical Industries Australia Limited, Mitsubishi Corporation. In accordance with the Australian Government's requirements additional Australian equity will be found to raise the Australian level of ownership to at least 51 per cent. The consortium is at present negotiating with institutional lenders towards this end. The proportion which each consortium member will contribute financially to the project has not been finally agreed on.

Mr. MILLHOUSE (on notice):

1. Has a report been prepared by officers of the Fisheries Department on salinity and temperature variations at the head of Spencer Gulf and, if so, is the report to be made public and when?

2. If a report has not been prepared, is it in the course of preparation and, if it is, will it be made public and when?

The Hon. G. R. BROOMHILL: Yes. Limited data was taken during the preliminary surveys undertaken by officers of the Fisheries Department and, while this report has not been made public, the data has been freely available to any scientific groups or other members of the public who have wished to see it. It should be noted that a considerable amount of other temperature and salinity data has been collected over the years by such bodies as Flinders University, Commonwealth Scientific and Industrial Research Organization, and various consultants engaged to investigate the Redcliff and other projects in the area, and a substantial part of this data has been published. That data, which has not been published, is that which was collected specifically for the petro-chemical consortium, and that is expected to be made available when it publishes a draft impact statement.

Mr. MILLHOUSE (on notice):

1. Is the Government satisfied that sufficient time is being allowed for the inquiry and report into the Redcliff project?

2. What is now the time table for the project?

The Hon. G. R. BROOMHILL: The replies are as follows:

1. Yes.

2. The plant is planned to become operative in the middle of 1978.

Mr. MILLHOUSE (on notice): What qualifications have Messrs. Watson and Hookey to undertake the inquiry into the Redcliff project, and is the Government satisfied with their conducting it?

The Hon. G. R. BROOMHILL: The Commissioners were appointed specifically as public hearing commissioners for this type of work by the Australian Department of Environment and Conservation. Mr. W. R. Watson is a systems analyst, formerly with the Weapons Research Establishment, and Dr. J. Hookey is a former senior lecturer in law and a specialist in environmental law from the Australian National University. The South Australian Government is satisfied with their qualifications.

Mr. MILLHOUSE (on notice): What are the terms of reference of the public inquiry into the Redcliff project?

The Hon. G. R. BROOMHILL: The terms of reference are as follows:

Inquire into and report to the Australian Government and the South Australian Government on the environmental implications of the proposed Redcliff petro-chemical complex using as a basis the Environmental Status Report prepared by the Redcliff Petro-chemical Consortium of South Australia.

Mr. MILLHOUSE (on notice):

1. Has the State Government any final commitment to the Redcliff project and, if so, what is it and when was it given?

2. If a commitment has been given, to whom was it given?

3. Has the Commonwealth Government any such commitment?

The Hon. G. R. BROOMHILL: The replies are as follows:

1. The State Government has made a commitment to the consortium that certain infrastructure will be provided.

2. See 1. above.

3. The Australian Government is considering the matter at present.

Mr. MILLHOUSE (on notice): Is the Redcliff petro-chemical project now in jeopardy and, if so, why?

The Hon. G. R. BROOMHILL: No, but until a final decision to proceed is made by the consortium, the project must always be considered as a proposal and not a certainty.

Mr. MILLHOUSE (on notice):

1. When is it now expected that the indenture Bill concerning the Redcliff petro-chemical project will be introduced into Parliament?

2. Has there been any delay in introducing the Bill and, if so, what has the delay been and who has been responsible for it?

The Hon. G. R. BROOMHILL: The replies are as follows:

1. November 12.

2. There have been very involved drafting problems, and it was inappropriate for the Bill to be introduced before the public hearing is completed.

Mr. MILLHOUSE (on notice):

1. Will the Government make public any written material relating to the decision to locate the petro-chemical project at Redcliffs and, if so, when?

2. If this information is not to be made public, why not?

The Hon. D. A. DUNSTAN: Questions relating to the site selection for the complex were put on notice by Dr. Eastick for Tuesday, August 27, 1974, and replied to fully by me on that date.

Mr. MILLHOUSE (on notice):

1. Is it intended that the commission inquiring into the Redcliff petro-chemical project be a Royal Commission and, if so, is it to be appointed by the Governor?

2. If it is not to be appointed by the Governor, is it to be appointed by the Governor-General and, if not, pursuant to what authority, statutory or otherwise, is the commission constituted and what powers has it?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. The authority under which the commission will act is still under discussion; however, it is expected that the commission will be appointed under the Commonwealth Royal Commission Act.

2. See 1. above.

Mr. MILLHOUSE (on notice):

1. Is it intended to allow counsel to appear before the commission inquiring into the Redcliff petro-chemical project and, if so, in what circumstances?

2. If counsel will not be permitted to appear, why not?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. It is understood that the commission would prefer to have direct communication with the public involved, and may therefore discourage representation by counsel.

2. See 1. above.

Mr. DEAN BROWN (on notice): Is it expected that any ethylene dichloride will be discharged from the petro-chemical plant at Redcliff and, if so, how much will be discharged annually and where will it be discharged?

The Hon. D. A. DUNSTAN: Yes. It is expected that trace quantities of ethylene dichloride will form a component of the effluents to be discharged from the petro-chemical plant. As such it will be subject to the control and procedures to be adopted under the provisions of the indenture.

LAW REFORM COMMITTEE

Mr. MILLHOUSE (on notice):

1. How many interim reports have been made by the law reform committee and on what topics?

2. Is it expected that final reports will be made on any of them and, if so, which ones and when?

3. How many final reports have been made by the law reform committee and on what topics?

4. How many such reports have resulted in legislation being introduced into Parliament?

5. Are there any such reports on which the Government does not intend to act and, if so, which are they?

6. If the Government does not intend to act on any such reports, why not?

The Hon. L. J. KING: The replies are as follows:

1. One. The report regarding the law of privacy.

2. The reasons for the committee describing its report as an interim report are set out in the final paragraph of the report, and may or may not lead to a further or final report.

3. Thirty-two. They are as follows:

1. Evidence Act, 1929-1968, and the Children's Protection Act, 1936-1961.

2. Oaths Act, 1936.
3. Testator's Family Maintenance Act, 1918-1943.
4. Section 118 of the Motor Vehicles Act, 1939-1968.
5. Arbitration Act, 1891-1935.
6. Section 17 of the Wills Act, 1936-1966.
7. Law relating to animals.
8. Foreign Judgments Bill.
9. Law relating to construction of Statutes.
10. Evidence Act—New Part Via Computer Evidence.
11. Law relating to women and women's rights.
12. Law relating to limitation of time for bringing actions.
13. Relating to a proposed uniform anatomical gifts Act.
14. Suggested amendments to the law regarding attempted suicide.
15. Relating to the reform of the law of libel and slander.
16. Relating to the law on sealing of documents.
17. Concerning the law relating to mortgages and the rights of mortgagees.
18. Relating to illegitimate children.
19. Relating to the adoption of section 14 of the Trade Descriptions Act, 1968, of the Parliament of the United Kingdom.
20. Relating to section 124 of the Motor Vehicles Act, 1969-1970.
21. Relating to evidence taken out of the jurisdiction.
22. Relating to administration bonds and to the rights of retainer and preference of personal representatives of deceased persons.
23. Regarding civil actions against witnesses who have committed perjury.
24. Relating to the reform of the law of occupier's liability.
25. Misfeasance and non-feasance.
26. Concerning the amendment of the law relating to fences and fencing.
27. Relating to the factor of the remarriage of a widow in assessing damages in fatal accidents under the Wrongs Act.
28. Intestacy and wills.
29. Relating to the award of costs to a litigant appearing in person.
30. Relating to the reform of the law on execution of civil judgments.
31. Relating to the enactment of an Appeal Costs Fund Act.
32. Relating to the past records of offenders and other persons.

4. (*a*) Legislation implementing recommendations of committee in whole or in part has been passed by Parliament in respect of 14 reports.
(b) Instructions to prepare legislation have been given in respect of eight reports.
(*c*) No decision has yet been taken on legislative action in five matters.

5. In respect of five reports, it has been decided to take no action.

6. In general terms the reasons for deciding against legislative action were the difficulties inherent in the legislation and/or development of case law after submission of reports.

FIRES AND BURGLARIES

Mr. COUMBE (on notice):

1. How many fires and burglaries have occurred at the Thebarton Boys High School in the past five years?
2. What has been the cost of these occurrences?
3. What action has the Government taken to have burglar alarms or fire alarms installed at schools?
4. If action has not been taken, is it the policy of the Government to have alarms fitted to protect valuable equipment and buildings?

The Hon. HUGH HUDSON: The replies are as follows:

1. Four fires and 10 burglaries.
2. Cost of equipment and material stolen, $246. Cost of damage from fires, $169 000.
3. The Education Department has made a submission to the Public Service Board to create a position of Security Officer in the Education Department. When appointed, this officer will have duties that will include advice on preventive measures to be undertaken at schools (having regard to cost/benefit factors), and monitoring trials of various alarm devices.
4. *Vide* 3.

POLICE BOAT

Mr. MILLHOUSE (on notice):

1. Is there now a police boat on the Torrens River and, if not, why not?
2. Is it intended to use such a boat on the Torrens River in future and when?
3. What use is now being made of the police boat formerly on the Torrens River and what is its state of repair?

The Hon. L. J. KING: The replies are as follows:

1. It is not considered necessary to have a boat moored full time on the Torrens River.
2. When a launch is considered necessary, one of the fleet of trailer boats, capable of high speeds, is used.
3. It had deteriorated to such an extent since first being used in 1960 that further mechanical and structural repair was impossible.

A. B. FISHING CLUB

Mr. MILLHOUSE (on notice):

1. How much of the land owned by the Municipal Tramways Trust in the area bounded by Pulteney Street, Wakefield Street, Chancery Lane, and Angas Street, Adelaide, does A. B. Fishing Club use for car parking?
2. How much does it pay for the use of this land and to whom?
3. Why has this club been given the use of this land?
4. Is the arrangement between the trust and A. B. Fishing Club in writing and, if so, what is the nature of the document?
5. For how long has A. B. Fishing Club been using the land?
6. What is A. B. Fishing Club, what are the qualifications for membership, and how many members does it have?

The Hon. G. T. VIRGO: The replies are as follows:

1. The A. B. Fishing Club leases from the trust 33 000 square feet or .31 hectares. It is understood that this area is used for car parking.
2. $4 800 a year to the trust.
3. The area was leased to the A. B. Fishing Club as a normal business transaction.
4. Yes; a written agreement.
5. Since September 1, 1961.
6. This information is not known to the trust.

MUNICIPAL TRAMWAYS TRUST

Mr. BECKER (on notice):

1. What are the terms and conditions of employment of Municipal Tramways Trust bus drivers who were previously employed by bus companies that sold their interests to the trust?

2, Will continuity of employment be preserved for long service leave and holiday and sick leave benefits?

3. Will these drivers be employed on driving duties only?

The Hon. G. T. VIRGO: The replies are as follows:

1. The terms and conditions are set out in the Commonwealth Conciliation and Arbitration award known as the South Australian Tramway and Omnibus Award, 1973, Appendix A.

2. Yes.

3. No.

PATAWALONGA LAKE

Mr. BECKER (on notice):

1.Has a report been prepared and received concerning the problem of maintaining a suitable entrance to the Patawalonga Lake entrance at the western end of the groyne at Glenelg?

2. What action is intended to keep the channel safe for boats negotiating the entrance?

3. What is the cost and when will work commence?

4. If no action is intended, why not?

The Hon. G. R. BROOMHILL: The replies are as follows:

1. An off-shore survey near the Patawalonga lock has recently been completed. It has been done to compare the sea bottom contour change over the past seven years. The survey information is under study.

2. The entrance to the lock is to be deepened by the removal of a large quantity of sand off the beach on the southern side of the Patawalonga breakwater.

3. This work, at an estimated cost of $60 000 to be met by the Coast Protection Board, is scheduled to start in early summer.

4. See 2.

MINES DEPARTMENT

Dr. EASTICK (on notice):

1. What were the reasons for, and the full circumstances surrounding, Mr. Walter Jones leaving the employment of the Mines Department on November 1, 1972?

2. What connection existed between Mr. Jones making the allegations to the then Minister Assisting the Premier (Hon. G. R. Broomhill) referred to in the reply to my question on October 1, 1974, and cessation of his employment with the department?

The Hon. D. J. HOPGOOD: The replies are as follows:

1. The reasons for and the full circumstances surrounding Mr. Walter Jones leaving the employment of the Mines Department are as follows:

On Wednesday, October 25, a routine (monthly) safety film was scheduled for 9.30 a.m. at the Thebarton depot, and fitting shop members were expected to attend. These 10-minute meetings are conducted by the Labour and Industry Department. Mr. Jones elected not to attend.

The Workshop Superintendent spoke to Jones and was told that he (Jones) considered the films and associated safety instruction a waste of time. The Superintendent then instructed Jones, in the presence of a senior engineering assistant, to attend the repeat session the following day. The compulsory nature of such attendance was pointed out to Jones and the threat of disciplinary action was specifically mentioned. Mr. Jones again refused to attend the 9.30 meeting on Thursday,. October 26, and as a result was given one weeks notice of dismissal.

Subsequently, a transfer to the Engineering and Water Supply Department was arranged, which resulted in the continuance of Mr. Jones' Government service.

2. There was no connection between Mr. Jones's allegations and cessation of his employment with the Mines Department.

PUBLIC SERVICE

Mr. DEAN BROWN (on notice):

1. What has been the annual growth rate of the South Australian Public Service, both in terms of numbers of employees and annual expenditure, for each of the last four financial years?

2. What has been the annual growth rate for each department of the South Australian Public Service, both in terms of numbers of employees and annual expenditure, during each of the last four financial years?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. The annual growth rate of the South Australian Public Service over the last four years has been as follows:

	1970-71	1971-72	1972-73	1973-74
Number	10 976	11 640	12 580	14 169
Percentage increase	7.1	60	8.1	12.6
Consolidated Revenue Expenditure Fund	$240 632 368	$286 958 091	$327 017 778	$402 692 696
Percentage increase		19.25	13.96	23.14

2. Since 1970, there have been significant changes in the Public Service not only by the creation and abolition of departments but also in the composition of existing departments, so that any figures produced would not be strictly comparable. The preparation of details set out in Part 1 in relation to each department separately, would entail a considerable amount of work, and the cost of this could not be justified in the circumstances.

COMPANIES

Mr. DEAN BROWN (on notice): What manufacturing companies with a turnover of more than about $1 000 000 a year have, since January, 1971—

(*a*) spent more than $1000 000 on establishing or expanding facilities within South Australia?

(*b*) have closed significant (more than 10 per cent of production capacity) parts of their facilities within South Australia, and for what reasons were these facilities closed?

The Hon. D. A. DUNSTAN: Replies to the precise questions asked cannot be supplied from information now available to the Government. Consequently, preparation of these replies could involve quite extensive work, including approaches to manufacturers. With the present pressures on manufacturing industry, and on my staff, it is not possible to provide a detailed reply to the question. However, I would draw the honourable member's attention to the Government's publication *Major Development Projects* (formerly *Major Manufacturing Projects),* which sets out in some detail the results of an annual survey undertaken by the Development Division. These booklets include details of expenditure on such development by individual companies where the companies concerned have agreed to public disclosure of this information. The 1973-1974 survey is still in progress, and it is unlikely that the results will be available before December.

FILM CORPORATION

Mr. DEAN BROWN (on notice):

1. In relation to the films which have been produced, or are in various stages of production by the South Australian Film Corporation:—

(a) what is the title of each film;

(b) what is the total cost of production of each film;

(*c*) which films were commissioned and financed by business organisations or Government departments; and

(*d*) which films and television series have been sold?

2. What revenue has been received from sales of the films *Who Killed Jenny Langby?, Sunday Too Far Away,* and *Stacey's Gym,* respectively?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. (*a*) * *A Taste of Adelaide*
Bulk Link
* *What Went Wrong at Currajong*
* *Shed Tears for the River*
* *Barossa*
* *Kangaroo Island*
* *Play Safe*
** *Safety in Your Hands*
* *Not a Job for Everyone*
The Other Opera House
* *Good Buy*
A Motion and a Spirit
** Gas *Welding*
** *Somewhere To Go*
* *A Long Walk Home*
Stacey's Gym
* *Who Killed Jenny Langby?*
* *Wool*
* *Water Treatment*
* *A Road in Time*
* *Parent/Teacher Interviews*
* *What Did You Do At School Today?*
* *Teaching Reading in the Upper Primary School*
* *Openly in the City*
* *Flexible Space*
* *Garment Construction*
* *Farm Business Management*
* *Burns*
* *Border Country*
** *Explosives*
* *The Last Coastline*
* *Public Service Board (Training Film)*
* *The Waters Below*
* *Yorke Peninsula*
* *The Riverlands*
** *Motor Bike Safety*
* *Western King Prawn*
* *Save our State*
Towards a Better Future
Monarto Development—Historical
Monarto Development—Historical
Ian Chappell on Cricket
** *Quality of Life*
Redcliffs—Historical
Fireball Championship
Young Adult Mood
Forbo Krommenie (Aust.) Pty. Ltd.—Manufacturing Process
Save the Coast
* *Hansen-Rubensohn-McCann-Erickson*
Stacey's Gym—The Glory Box
Stacey's Gym—Episodes 1-13
City of Adelaide—Good News Day
Stratford Ontario Company—Stratford Players
Lutheran Settlement
Starring Jack Thompson
Feasibility and Study on Childrens' Television Programme
Experimental film—Ashwood Winter
Writers' Workshop' 74
Actors' Workshop
Technical Workshop
To the Islands
Sunday Too Far Away
Trespassers

(b) The total cost of production of each film is confidential information which would, if released, influence prices submitted by contractors and thus be detrimental to future subcontracting of all work carried out by the corporation.

(*c*) Those films marked with an asterisk in the answer to part (*a*) of this question were financed by Government departments, the remainder financed by business organisations or South Australian Film Corporation Loan funds. Those with two asterisks are films financed partly by Government departments and partly by business organisations.

(*d*) The following films and television series have been sold:

A Taste of Adelaide
Bulk Link
What Went Wrong at Currajong
Shed Tears for the River
Barossa
Kangaroo Island
Safety In Your Hands
Not A Job For Everyone
The Other Opera House
A Motion and a Spirit
Gas Welding
Somewhere to Go
A Long Walk Home
Who Killed Jenny Langby?
Wool

2. *Who Killed Jenny Langby?* Has now been sold to a national television network. Three networks competed to purchase the film and the highest bid was accepted. The figure accepted is one of the highest ever paid for an Australian documentary for Australian television. (Once again, it would be extremely unwise to reveal the figure paid by the Australian Broadcasting Commission, which would regard such revelation as a breach of business confidence. It should be noted that the television networks strongly disapprove of film companies revealing the sums paid for any television programme as they believe that this tends to lead to price fixing.)

Sunday Too Far Away: This is a feature film which will take at least another three months to complete. It is normal for a feature film of this size to take 12 months, although this particular film was filmed in seven weeks. Negotiations are already in hand with one distributor who has an option on the project. Music composition commenced two weeks ago, and we hope to receive the answer print by the end of November.

Stacey's Gym: A television channel is still negotiating regarding the production of this series.

NORTHFIELD RESEARCH CENTRE

Mr. DEAN BROWN (on notice):

1. During the past 10 years what individual costs have been incurred through the Public Buildings Department, or private architects, for designs, drawings, and models for any intended buildings at the Northfield Research Centre and the Northfield Research Laboratories?

2. Who did this work, and which of those intended buildings have been built?

The Hon. J. D. CORCORAN: The replies are as follows:

1. The following projects have been designed for the Agriculture Department at Northfield during the past 10 years.

2. Principal project: Northfield office complex—designed by Cheesman, Doley, Neighbour and Raffen, subconsultants, and Public Buildings Department at a cost of $224 044. This project has not proceeded.

Projects designed by Public Buildings Department:

Project	Design Cost	If built
Northfield Horticultural Research Unit potting shed	5 870	No
Fruit storage research laboratory Potting shed	916	No
	916	No
Glasshouse, potting shed	5 910	Yes
Multi-purpose cool store	7 866	(in progress) not yet but approved
Pig research unit	331	No
Portable glasshouse complex ..	87	No
Dairy feed shed	2 232	Yes
Cattle yards	1 570	Yes
Soils branch cold room	603	No
Volatile liquid store, soils and agronomy shed	1 574	No
Labs—Dry fire alarm system ..	428	No
Insectary facilities	641	No
Northfield Research Laboratories	10 000	Yes
Dairy house and facilities	3 320	Yes
Group of glasshouses	3 159	Yes
Lucerne glasshouse	1 530	Yes

Projects designed by consultant architects:

Project	Design Cost	If built
Plant pathology glasshouse	1 399	No
Pine drive dairy sewer connection	2 533	Yes
Research centre outbuilding . ..	1 730	Yes
Piggery	2 712	Yes

COUNCILS' FINANCE

Mr. DEAN BROWN (on notice):

1. What was the total sum of rate revenue collected by councils within South Australia during the financial year 1973-74?

2. What was the total sum spent by councils on roadworks, and how much of this money came from rate revenue, debit orders, and highways grants, respectively?

The Hon. G. T. VIRGO: The replies are as follows:

1. As many councils have not yet submitted their financial statements for 1973-74, it is not possible to give the rate revenue collected for that year.

2. For the same reason mentioned in 1. it is not possible to give the amount spent by councils from rate revenue on roadworks.

RIVER FLOODING

Dr. EASTICK: Can the Minister of Education, as Acting Minister of Works, state the present position regarding water storage along the South Para River and say whether last night's rain has had any effect on problems that arose last Friday? First, I express my appreciation for the consideration shown by the Minister of Works from his sick bed in ensuring that one of his officers informed me by telephone last Friday that a potential danger existed as regards flooding in the Gawler area, and that I was to be kept informed of any changed circumstances. However, the position last Friday was different from that which prevailed in 1971, because on this occasion the North Para River was running full very early on Friday morning and there was little or no water in the South Para River as it flowed through Gawler. Subsequently, I understand, some water was released from the South Para, but it at no stage caused any flooding in the Gawler township area. However, we had the spectacle of about 60 police officers being present in the Gawler area on Friday evening, and they very courteously told many residents of the Gawler area, particularly those in Gawler South, that it was possible that they would need to be evacuated from their houses. In the 1971 floods eight houses were affected by the flooding associated with the overflow from the South Para system, but on this occasion, residents of about 250 to 300 houses were told that there was a distinct possibility that they would need to be evacuated. The presence of this large number of police officers in the Gawler area has led to fairly widespread speculation about what the dangers were last Friday, and it is being suggested locally at present that there is a move to reduce the height of the spillway of Warren reservoir by about 1 m, thus reducing the capacity of the reservoir, the overflow from which goes into South Para reservoir. I seek information about why it was necessary to tell so many people of a potential danger on Friday. I am in full accord with people who may have been in danger being so told, but I believe that, in the interests of the people at large, some detail should be provided about the exact position in that area on Friday.

The Hon. HUGH HUDSON: I think that the position with respect to the events on Friday last must be understood in terms of the progressive knowledge that was available to us throughout Friday morning. I am sure from the nature of the Leader's explanation that he appreciates the efforts that were made to ensure that any releases from the South Para did not complicate the situation, as occurred in 1971. However, the estimate that we now have is that about 8 700 cusecs was flowing down the North Para system at the peak. The river was known to be well and truly in flood, and at one stage on Friday morning it was not clear whether we would be able to hold the rate of release from the South Para system to a level that would have avoided any significant contribution to the flooding that occurred subsequently in the Virginia area, so precautions were taken. I had discussions with Mr. Lewis on Friday and directed that we had to take necessary precautions with respect to warnings being issued to people in the Gawler area, assuming that the worst possible situation might occur, that the rain would continue, and that the flow not only from the Warren but also from the tributaries of the South Para below Warren reservoir would be of such magnitude that substantial additional flows of water would converge on Gawler. It is near Gawler that North Para River and the South Para River meet. The maximum flow from the Warren reservoir into the South Para system was about 2 285 cusecs, and the maximum release on Friday from the South Para reservoir was 2 300 cusecs. So, we were able to use the South Para reservoir to contain all the flow into the South Para River from its tributaries: that is, from the catchment area below the Warren reservoir. The overall effect of the management of the South Para was that the flow from that reservoir matches only more or less the overflow from the Warren reservoir. The net consequence of all this was that the maximum flow (and I believe the flow in the South Para River was about 2 300 cusecs at the peak of that flow) probably reached the confluence with the North Para River at the time the peak from the North Para River had already passed.

At midday on Friday, with the overflow from the Warren reservoir still rising, with the South Para reservoir still rising, and with the overflow from the South Para reservoir increasing at that time, it was not clear, by any stretch of the imagination, how far the situation would develop.

I instructed Mr. Lewis at that time to ask the police to organise warnings to local residents that it might be necessary for them to leave their houses. In addition, a general flood warning was issued at about 1 o'clock on Friday over radio stations. As a result of the experience gained in this matter, I further discussed the matter with Mr. Lewis to try to see whether we could develop a generalised flood warning system because, if we had such a system, we would be much better able to cope with the kind of situation that existed last Friday than we are now where so many of our decisions have to be taken on the spur of the moment with an imprecise knowledge of the situation as to how it is developing and with considerable uncertainty as to what the future might hold. It seemed to us, after discussions, that we should err on the side of excessive caution or on the side of giving warnings even though we believed at the time they were given that they might not be absolutely necessary. We are considering the development of policy in this area to enable us to adopt the sort of approach just referred to.

Dr. Eastick: What about the spillway?

The Hon. HUGH HUDSON: As far as the Warren reservoir spillway is concerned, we believe we should act to ensure that the dam does not overflow. The overflow of the spillway reached, I believe, 96.52 cm earlier this year: on Friday it reached 86.36 cm; in fact, it could have reached such a level that the dam itself could overflow. It is considered that that situation should be avoided and that, in order to so avoid that situation, action should be taken as soon as possible to lower the spillway at the Warren reservoir by 91.44 cm, which, it is true, would reduce the capacity of the Warren reservoir. On the other hand, we would be in a position where the overflow would occur earlier and could probably be more effectively managed as a consequence, thereby minimising any possible risk of the dam's overflowing. Action is proceeding on that matter, with an on-site inspection to take place tomorrow at Warren reservoir.

The Leader also asked about the effect of rain last evening, but I have not had a direct report about that. All I can say is that I presume that no serious situation or threat of danger developed as a consequence of rain last evening. We have kept the level of the South Para River below its full level; I think it is about 45.72 cm below its peak capacity. There has been a margin there since the weekend. Presumably, if there had been any danger, information about it would have been reported to me by the Director and Engineer-in-Chief. As far as I know, no problem has been caused by last evening's rain. Yesterday evening, the Director reported to me that meteorological reports were favourable. The bureau had informed us about an upper level high, so that the likelihood of any adverse consequence as a result of extended rain was not great.

Mr. Mathwin: We could have got an extension of time for you, had you wanted it.

The Hon. Hugh Hudson: I gave the reply to—

The SPEAKER: Order! I believe that the honourable Minister has given his reply.

Mr. COUMBE: Bearing in mind the flood damage caused in the Virginia area over the weekend, can the Minister say whether equipment belonging to any Government department was used to raise the levy banks on the Gawler River to assist local residents who used private equipment to set about raising the levies? Moreover, does the Government intend to examine claims made, or to be made, by local market gardeners with a view to providing for losses incurred as a result of the flooding?

The Hon. HUGH HUDSON: To my knowledge, no Government equipment was used in any attempt to raise the levy banks on the Gawler River. I point out that the capacity flow of the Gawler River was 3 000 cusecs, that the maximum flow coming down the North Para River reached a peak of 8 700 cusecs, and that there was some contribution as well from the South Para River. The maximum flow coming down the Gawler River would be about 10 000 cusecs. It should be obvious that the expenditure of millions of dollars on an overall scheme of great magnitude would be required before the Gawler River could cope with a flow of 10 000 cusecs. It has been asked what such a scheme would cost and whether it is feasible, and those matters will be considered as will be the suggestion made by the Leader of the Opposition about possible construction of a flood control dam on the North Para River. I think that has to be considered along with the traditional fact that over the years flooding of the flood plain in the Virginia area has been one of the main sources of supplementing and recharging the underground water reserves. Those matters will be investigated. Any claims made for compensation will be examined, but I do not think at this stage that there could be any valid claim for compensation. The action taken by the officers of the Engineering and Water Supply Department on the management of the South Para reservoir was at all times designed to minimise any effect releases from the South Para would have on the flood situation, and at least 80 per cent of the flooding was a consequence of the flow from the North Para River, which is outside Government control: it is purely an act of God.

FUNERAL BENEFITS

Mr. SLATER: Can the Acting Minister of Works obtain information about the sick and accident society benefits operating at the Kent Town depot of the Engineering and Water Supply Department? Retired members of the fund have recently received from the E. & W.S. Department Sick and Accident Society at Kent Town the following circular, dated September 10 this year:

As from the above date, the Kent Town yard will gradually transfer its operation to Ottoway until its final closure during 1980. It is intended, at this point, to amalgamate the fund with the Ottoway sick and accident society, but the new society will not cover funeral benefits for current and retired members . . . The committee will continue, however, to provide the funeral benefit cover for retired members for as long as possible. It is therefore your decision as an individual to continue with contributions until such time, or resign from the fund and lose all claims on the society.

One of my constituents, who has been a member of the fund for about 17 years, is concerned that, if he withdraws, he will lose his entitlement to funeral benefits. I ask the Minister whether he can obtain more information than is contained in the circular in order to make clear that contributors are not unduly disadvantaged.

The Hon. HUGH HUDSON: I shall be pleased to obtain a report for the honourable member.

RACING CIRCULAR

Mrs. BYRNE: Can the Attorney-General comment on an unsolicited brochure being received through the post from Sydney, concerning the sale of racing information for Sydney Saturday race meetings? The front cover of the brochure is marked "Private and Confidential Information" and the message starts with the following:

I will not waste my time and yours with any further letter, if you do not respond to this opportunity. I believe that when people are offered a solid business investment proposition and do not grasp it, they do not deserve a second chance.

The brochure further states:

My business has stood the test of time for 23 years.

It then explains how the system operates and an attached list of results is headed as follows:

$20 bank using only 10 per cent of the bank for each bet gave a profit of $54 076 from January 16-July.

I am sure that most members will be interested in obtaining a copy of this brochure.

The Hon. L. J. KING: The honourable member was good enough to show me the brochure to which she refers, and it follows a pattern that we have all seen previously with this type of brochure. I am rather taken with the candour of the author when he says, "Because I want money" in answer to the question he asked himself, "Why do I make this information available to other people?" He could have said, "I need the money", but that might have destroyed his case because the question always arising with any of these things is why, if the information is as good as all that, does the author choose to share ft with other people. I do not know whether anything can be done about this type of publication. Such brochures are always about, and I suppose all that can be done is to give the brochure the sort of publicity the honourable member has given it by her question today. It is simply a variation of the racecourse touting type of activity; it is an appeal to the cupidity of people and to the optimism that springs eternal in the human breast. However, there is nothing in the brochure to distinguish it from a variety of others we have all seen: it is merely an attempt to relieve people of their money without giving them anything in return.

TYRES

Mr. McANANEY: Can the Premier say whether South Australia's tyre manufacturers are working to capacity at present, and will he explain the need for the importing of 386 000 duty-free tyres from overseas? I understand that only recently we were exporting tyres to the United States of America for a time, and it seems strange that we must now import such a large quantity of tyres from overseas.

The Hon. D. A. DUNSTAN: I will obtain a report.

COUNCIL BOUNDARIES

Mr. GOLDSWORTHY: Can the Minister of Local Government say why it has been decided to accede to the request of some councils to leave their boundaries unchanged and not to accommodate other councils whose opposition to the proposed changes has been equally somewhat vehement? In a report in today's *News,* the Minister goes to some pains to explain why he considers that the original recommendations of the Royal Commission are correct. The following is a report of his statement:

He strongly believed that the recommendations contained in the Commission's reports were the correct ones. However, it became increasingly clear that the bitter opposition whipped up by some sections of the community could have had the effect of destroying the whole of the Commission's report. The Bill being introduced into Parliament is the most practical form it could take in the circumstances.

So, it is fairly clear from the Minister's comments that he has imposed a political decision on what he believes to be the desirable form of the Bill. Why has the Minister chosen to accede to the requests of some councils? The conclusion the *News* draws in its editorial is as follows:

Perhaps it is just coincidence that the scale shows definite sensitivity to protest in council areas that also embrace marginal State electorates.

The councils of the Barossa region in my district (the District Councils of Angaston and Tanunda) have been vehement in their opposition to any change of boundaries in general. In view of the Minister's passing admission that the original submission was the correct one, why has he arbitrarily decided to exempt certain councils from the proposed changes?

The Hon. G. T. VIRGO: I can understand the confusion in the minds of Opposition members because, hitherto, they obviously have not had the opportunity the Government has had to weigh up carefully the pros and cons of this matter. Probably because of this attitude hitherto, I have heard the voices of three separate Opposition members expressing three different points of view. However, I am sure that, when they have had the opportunity of carefully considering all of the factors associated with this matter and of reading the Commission's two reports (the first and second), they will have a better appreciation and that they might express the same views as the Leader, whom I commend and thank for the views he has expressed on radio. To suggest, as the member for Kavel has suggested, that we have altered the boundaries of council districts that are in marginal State electoral districts—

Mr. Gunn: That's true, and you know it.

Mr. Goldsworthy: I was quoting the *News.*

The SPEAKER: Order! Honourable members know what Standing Orders provide for during Question Time. There will be no interjections and no replies to interjections. The honourable Minister of Local Government.

Mr. Goldsworthy: Now answer me.

The Hon. G. T. VIRGO: No sound-thinking person would describe the areas of the Hindmarsh corporation, the Thebarton corporation, the Franklin Harbor corporation or the Port Elliot and Goolwa corporation (and I could continue with others) as marginal Australian Labor Party districts.

Mr. Mathwin: Talk about metropolitan districts.

The SPEAKER: Order! If the honourable member for Glenelg totally disregards Standing Orders, he will be dealt with in accordance with Standing Order 169. The honourable Minister of Local Government.

The Hon. G. T. VIRGO: Alterations in the Commission's report are scattered over a very wide area of the State.

Mr. Goldsworthy: Do you think that's undesirable?

The Hon. G. T. VIRGO: Any implication made by the member for Kavel in referring to the *News* editorial or the stupid statement made by the member for Davenport on radio this morning to the contrary is childish.

Mr. Mathwin: Yes, but—

The SPEAKER: Order! In accordance with Standing Order 169, I warn the honourable member for Glenelg.

The Hon. G. T. VIRGO: The Royal Commission, which undertook an intensive task and took much evidence, provided the opportunity for anyone and everyone interested in local government to submit evidence to it. The Commission compiled its report. I remind members that, in its second report, it expressed the view that, if its recommendations were not adopted, local government could be little more than a shell within 10 years, and I subscribe to that view. I also make the point, as I have done before, that this Government has always been accustomed to listening to the voice of the people.

Mr. Gunn: Ha, ha!

The Hon. G. T. VIRGO: That might amuse the member for Eyre but, if Opposition members did likewise, we might not have so many foolish statements being made.

Mr. Goldsworthy: Wouldn't you—

The SPEAKER: Order! In accordance with Standing Order 169, I warn the honourable member for Kavel because of his persistent disregard of my authority. The honourable Minister of Local Government.

The Hon. G. T. VIRGO: In this regard, we have studied the points of view put forward and we are not unmoved by the fact that many people have urged us, as a matter of urgency, to give effect to the Commission's recommendations. We are not naive enough to believe that it would be possible to put forward the Commission's recommendations for approval by Parliament because, unfortunately, democracy does not rule. Accordingly, we have brought forward a recommendation which, as far as we can see, gives effect to those parts of the report on which there can be no dispute.

Mr. Gunn: What's the matter—

The SPEAKER: Order! I warn the honourable member for Eyre, in accordance with Standing Order 169. The honourable Minister of Local Government.

The Hon. G. T. VIRGO: The Bill, which will be placed before Parliament soon, will be referred to a Select Committee and ample opportunity will be given to people to express any reactions that the Government's announcement today might produce. I believe it essential, in the interests of local government, that the Bill be passed. Indeed, anyone who opposed it would be showing scant respect for local government.

Mr. DEAN BROWN: Can the Minister say whether the Government used any principles at all, except the obvious principle of political survival—

The SPEAKER: Order! That part of the question is not permissible.

Mr. DEAN BROWN: What principles did the Government use when deciding which councils should be retained and which should be abolished? This morning, the Minister announced that certain councils would be retained, despite the recommendations of the Royal Commission. The Commission clearly had laid down certain criteria within which it had to make its recommendations. The Minister's statement this morning implies that ratepayers who have not protested will have their councils abolished. Clearly, certain councils are not in this category. Although the East Torrens council in my district lodged strong objections with the Government and the Royal Commission, the objections were completely ignored and the council is now to be abolished. The list of councils not to be abolished includes, in the metropolitan area, Kensington and Norwood, Brighton, Walkerville, Payneham, and St. Peters, and, in country areas, Barmera, Robe, Lacepede, and Beachport. Obviously, all these councils are in marginal House of Assembly districts. I believe this is blatant hypocrisy on the part of the Minister.

The SPEAKER: Order! The honourable member has made comments on many occasions, and I have told him many times that comment is not permissible in explaining a question. Leave to explain his question is withdrawn.

Mr. Dean Brown: It's blatant political hypocrisy.

The SPEAKER: Order!

The Hon. G. T. VIRGO: I know the honourable member is very petulant because his whipping-horse has been taken away from him. I know he is so terribly disappointed; he thought he would have a ball forever. Unfortunately, he will learn one day when he grows up to be a big boy that he just cannot—

Mr. Dean Brown: It was political—

The SPEAKER: Order!

The Hon. G. T. VIRGO: If the honourable member believes it was politically expedient for the Government to act as it has in the areas of East Torrens and Burnside in the honourable member's district, he is entitled to that childish view. If he also thinks that the Government has acted with political expediency in the areas of Hindmarsh, Thebarton, Walkerville, Goolwa, and Port Elliot, he is equally entitled to that view. I want to ask him whether—

Mr. Venning: Just answer the question!

The SPEAKER: Order!

The Hon. G. T. VIRGO: I want to ask him to do just one thing—

Mr. EVANS: On a point of order, Mr. Speaker, I do not believe it is the right of a Minister, in answering a question, to ask a question. He is asking a question that the member for Davenport will not be permitted to answer.

The SPEAKER: Order! It has always been the practice in this Parliament and, I believe, in other Parliaments (according to Erskine May) that an honourable Minister may reply to a question in his own words; he does not have his words decided by the Chair. The honourable Minister of Local Government.

The Hon. G. T. VIRGO: Perhaps one day the member for Davenport will grow up, like other members. I hope that, even before this day is over, he may care to discuss this matter with his Leader and just listen to a little bit of free advice from him. I congratulate the Leader again for his comments, which were in direct conflict with those of the member for Davenport not only on the radio but also in this House. Again, I ask the member for Davenport to read the report of the Royal Commission.

Mr. Dean Brown: I've read it.

The Hon. G. T. VIRGO: He will then learn that the East Torrens council is not being abolished; in fact, what is happening is that new councils are being established. I know it is difficult for the honourable member to understand these things, for he is so intent on doing his little bit of stirring that he never stops to listen.

The SPEAKER: Order!

The Hon. G. T. VIRGO: I am referring to the recommendations brought down by the Royal Commission. If the honourable member wants to continue to denigrate the Royal Commission for what it has done, let him do so: that is exactly what he is now doing by saying—

Mr. Dean Brown: Your actions are those of a dastard.

The SPEAKER: Order! The honourable member for Davenport having asked a question, he will abide by Standing Orders in receiving the reply.

The Hon. G. T. VIRGO: The Royal Commission, for which I have the highest respect and regard, recommended that the area currently known as East Torrens should become part of new council areas in the surrounding districts. That was the recommendation, and I agree with it; if the member for Davenport disagrees, his quarrel is with the Royal Commission. Today, we have brought in a recommendation, which will be put before the House. If the honourable member wants to vote against it, as he has said publicly that he will do, that is his decision. I heard his comments today. If, when the Bill is introduced, the honourable member votes against it and does local government the greatest disservice of all time, the decision will be his and he will have to live with it.

NEWS

Mr. WELLS: Mr. Speaker, will you arrange to have copies of the *News* delivered to Opposition members earlier in the afternoon, as it seems that they are entirely bereft of material with which to formulate intelligent questions?

Mr. COUMBE: I draw attention to the comments made by the honourable member, and I suggest that he is reflecting on other members.

The SPEAKER: I uphold the point of order. The honourable member for Florey has asked me a question, and the reply is that I have already ruled during this session that the newspapers that are available to honourable members will be issued to them at the expiration of Question Time. However, if honourable members want to avail themselves of the opportunity to obtain such newspapers, they may do so, because they are placed at the entrance to the House of Assembly Chamber. I do not intend to alter my previous decision that they be not delivered before the expiration of Question Time.

PETRO CHEMICAL PLANT

Mr. MILLHOUSE: My question is supplementary to several replies I have received from the Minister of Environment and Conservation to Questions on Notice about the Redcliff proposal. Will the Premier say whether the Government now expects Parliament to deal with any indenture Bill concerning the Redcliff proposal before Christmas? If the Government does not intend that, will the Premier say what now is the time table for passage of the Bill? The Minister of Environment and Conservation has told me that it is now intended to introduce a Bill (if there is to be a Bill, and that comes from some of the other replies to questions: the whole project is now only a proposal, apparently) on November 12. If we are to stick—

The SPEAKER: Order! My attention has been drawn to Question on Notice No. 10 today. The first part of that question is as follows: "When is it now expected that the indenture Bill concerning the Redcliff petro-chemical project will be introduced into Parliament?" The oral question now asked by the honourable member for Mitcham is similar in substance to that Question on Notice.

Mr. MILLHOUSE: Well, it—

The SPEAKER: Order!

Mr. MILLHOUSE: I take the point of order that the question I asked was as follows: "When will the Bill be introduced?"

The Hon. D. A. Dunstan: No, it wasn't.

Mr. MILLHOUSE: Wasn't it?

The SPEAKER: Order! The honourable member for Mitcham has raised a point of order, and I do not uphold that point of order.

Mr. MILLHOUSE: Well, I must—

The SPEAKER: Order!

Mr. MILLHOUSE: I take another point of order.

The SPEAKER: I warn the honourable member for Mitcham in accordance with Standing Order 169.

Mr. MILLHOUSE: I desire to take a further point of order. I was in the middle of taking a point of order a second ago, when the Premier interrupted me.

The SPEAKER: Order! The honourable Premier does not rule on points of order: the Speaker does.

Mr. MILLHOUSE: I was trying to take a point of order and I had said that the question I had asked concerned the introduction of the Bill. The Premier interrupted me and said that it did not. I have now looked at my question and the words used are as follows: "When will it be introduced into Parliament?" The reply that I got was "November 12." The introduction of the Bill was to take place on November 12. The question that I have now asked is about the time tabling for it.

The SPEAKER: Order! The honourable member has been in this House long enough to know that he cannot debate a point of order. I cannot uphold the point of order and I have ruled that the question is similar in substance to the Question on Notice.

Mr. MILLHOUSE: In that case, I must move:

That the Speaker's ruling be disagreed to.

The SPEAKER: Bring the motion up in writing.

Mr. MILLHOUSE: Yes.

The SPEAKER: I have received from the honourable member for Mitcham the following:

I move to disagree to the Speaker's ruling that my question ("Does the Government now expect Parliament to deal with any indenture Bill concerning the Redcliff proposal before Christmas? If not, what now is the time table for passage of the Bill?") is out of order, on the grounds that the question is not the same in substance as Question on Notice No. 10.

Is the motion seconded?

Mr. Boundy: Yes.

Mr. MILLHOUSE: The Question on Notice that I asked was as follows:

1. When is it now expected that the indenture Bill concerning the Redcliff petro-chemical project will be introduced into Parliament?

The second part of the question does not matter. The reply that I got from the Minister of Environment and Conservation was that the Bill would be introduced on November 12. That date is now about five weeks away and, incidentally, this shows a further delay in the time table that has been announced to the House from time to time. The purport of my question (indeed, the very terms of my supplementary question to the Premier) is as follows: "Does the Government expect the Bill to get right through Parliament before Christmas? Having been introduced on November 12, is it expected to get it through before Christmas?" I was going on in my explanation to remind the House that this Bill must go to a Select Committee, whatever—

The SPEAKER: Order! The honourable member for Mitcham has moved to disagree to the Speaker's ruling. That does not give him the right or authority to discuss any other subject matter. The honourable member having moved a motion, I have accepted it as such. He must speak to the motion to disagree to the Speaker's ruling, not to other subject matter.

Mr. MILLHOUSE: I was trying to show my disagreement to your ruling by pointing out that the question I asked concerns the passage of the Bill subsequent to its introduction. The only Question on Notice that I asked was as to when the Bill would be introduced, and I have been told it will be on November 12. My supplementary question was as to what would happen after that. I asked whether the Government expected, because it would be some time between November 12 and the date we expected Parliament to rise, to get the Bill through both Houses, remembering that the Bill must go to a Select Committee of one of the Houses of Parliament—probably this House. How can that possibly be regarded as a question, the same in substance, as my Question on Notice?

If my Question on Notice was "When will the Bill be introduced?" or "When does the Government expect to get it through?", or words to that effect, it would obviously be the same in substance; however, my question was restricted to the date of the introduction of the Bill. Surely this is a

proper supplementary question to ask: "What is the Government's time table on the Bill?" After all, the second part of my question was as follows: "If it is not expected to get the Bill right through before Christmas, what is the time table for the Bill?" Now, Sir, I suggest it is a perfectly proper question on a matter that has had a tremendous amount of public airing, as well as airing in this House and, therefore, it is a question we are entitled to have answered.

I point out (and this perhaps is my decisive argument to you, Sir) that the reply I sought from the Premier is certainly not given in his reply to my Question on Notice. We do not know from his reply what is the Government's time table or whether the Government intends to get the Bill through before Christmas. Surely all matters show that my supplementary question is not the same in substance as the one I asked on notice. I do not wish to take up more time than is necessary during Question Time, but I am not going to be trampled on in this place by any honourable member, no matter who he be. I believe that, if I ask a proper question and that question is disallowed, I have a right, the same right every honourable member in this place has. I hope that, having heard my explanation, Sir, you will accept my submission on this occasion (although I know you have never accepted my submission before) because the question is not the same in substance but takes up the question from the point where the Question on Notice left off.

The House divided on the motion:

Ayes (3)—Messrs. Blacker, Boundy, and Millhouse (teller).

Noes (39)—Messrs. Allen, Becker, Broomhill, Dean Brown, Max Brown, and Burdon, Mrs. Byrne, Messrs. Chapman, Coumbe, Crimes, Duncan, Dunstan (teller), Eastick, Evans, Goldsworthy, Groth, Gunn, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, Mathwin, McAnaney, McKee, McRae, Olson, Payne, Rodda, Russack, Simmons, Slater, Tonkin, Venning, Virgo, Wells, and Wright.

Majority of 36 for the Noes.

Motion thus negatived.

UNEMPLOYMENT RELIEF

Mr. RUSSACK: Following my question of August 14 last concerning unemployment in the northern Yorke Peninsula area, can the Premier say whether some money, for the relief of employment problems in regional areas that has been announced in the last month by the Commonwealth Government, will be directed to northern Yorke Peninsula towns, particularly Wallaroo and Moonta? The *Advertiser* of September 14 contained a report, part of which states:

The Commonwealth Government is prepared to spend up to $20 000 000 a month to relieve employment problems in regional areas. Two South Australian cities, Port Augusta and Port Pirie, have been included in 41 centres to get immediate priority under the Commonwealth regional employment development plan.

Will funds be received by the area of Yorke Peninsula, to be administered by the employment office located in Port Pirie, or will only the city of Port Pirie receive funds?

The Hon. D. H. McKEE: As I have been in consultation with the relevant Commonwealth Minister, perhaps I shall be able to answer the honourable member's question. It will be in the hands of councils, as well as service organisations in a district, to apply for assistance, outlining projects they may have in an area. These applications must be submitted to the local agent of the Social Security Department (such an agent will be in Port Pirie) which will consider them. This assistance will be spread over the whole State, wherever it is required.

At 3.10 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

SOUTH AUSTRALIAN MUSEUM BILL

Notice of Motion, Government Business: The Hon. G. R. Broomhill to move:

That the South Australian Museum Bill, 1973, be restored to the Notice Paper as a lapsed Bill, pursuant to section 57 of the Constitution Act, 1934-1974.

The Hon. G. R. BROOMHILL (Minister of Environment and Conservation): Having already given notice of motion today to introduce the South Australian Museum Bill again, I do not wish to proceed further with this notice of motion.

OCCUPATIONAL THERAPISTS BILL

Second reading.

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

That this Bill be now read a second time.

It provides for the registration of occupational therapists and for the supervision and control of their professional activities. In form and substance it is not dissimilar to a measure introduced by Mrs. Joyce Steele, a former member of Parliament. In the event the measure introduced by Mrs. Steele did not become law, but the Government acknowledges its debt to her for her activity in this matter. I seek leave to have the explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Perhaps the best method of determining the scope and application of this measure is to consider it in some detail. Clauses 1 and 2 are formal. Clause 3 sets out the definitions required for the purposes of the measure, and I draw members' particular attention to the definition of "occupational therapist". Clause 4 establishes a board entitled the Occupational Therapists Registration Board of South Australia, and provides that it shall be a body corporate with the usual powers and functions appertaining to a body of this nature. Clause 5 sets out the composition of the board and is, in general, quite self-explanatory. Clause 6 sets out the terms and conditions of office of the members of the board, and subclause (3) provides the grounds on which members may be removed from the board. Clause 7 provides for a quorum of three members of the board and, in general, sets out the manner in which the business of the board is to be conducted.

Clause 8 is a provision in the usual form validating acts of the board where there is a vacancy in the membership of the board. Subclause (2) again gives the usual protection against legal proceedings to members of the board for acts done in good faith and in the exercise or purported exercise of their powers and functions. Clause 9 provides for the appointment of a Registrar, and it should be pointed out that this clause has been drafted in such a way as to enable the administration of the Medical and Paramedical Registration Boards to be centralised in the interests of economy. Clause 10 provides for the funds of the board, and subclause (2) provides for the application of the funds. Clause 11, being a clause to which members' attention is particularly directed, provides for the requirements for registration.

Clause 12 provides for a registration period of up to one year, and for the renewal of such registration. Clause 13 gives the Registrar certain powers of investigation, and is generally self-explanatory. Clause 14 sets out in some detail the power of the board to make inquiries into the conduct of any registered occupational therapist. Clause 15 sets out the procedure in relation to such an inquiry. Clause 16 sets out the powers of the board in relation to such an inquiry. These three clauses are generally self-explanatory. Clause 17 provides for the fixation of costs in circumstances when the board thinks it is just and reasonable that costs should be provided for.

Clause 18 provides a right of appeal to the Supreme Court. Subclause (2) sets out the procedures to be followed in relation to such an appeal, and subclause (3) sets out the powers of the Supreme Court in determining an appeal under this Act. Clause 19 provides for the suspension of any order of the board until an appeal has been determined. Clause 20 makes it an offence for any person to take the name of occupational therapist unless he or she is a registered occupational therapist under this Act. Clause 21 is formal. Clause 22 provides for the making of regulations under the Act. In the nature of things, these regulations will of course be laid before this House.

Dr. TONKIN secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, line 17 (clause 4)—Leave out "This Part" and insert "Subject to subsection (3) of this section, this Part".

No. 2. Page 2 (clause 4)—After line 18 insert new subsection (3) as follows:

(3) No deposition or document shall be tendered in pursuance of this Part in proceedings that are being tried in this State before a jury unless all parties to the proceedings agree.

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

That the Legislative Council's amendments be agreed to.

The point of these amendments was referred to by the member for Kavel during the debate in this Chamber, and I said that I did not agree with it, and I still do not agree with it. However, I said that I could not conceive of any circumstances in which these procedures would be used in a court during a jury trial, and certainly not without the consent of both parties. As a result, whilst I think it is a pity to depart from the uniform provisions that will be introduced in other States, I do not think it is a point worth making an issue between the two Chambers. For that reason I recommend that the amendments be accepted.

Mr. GOLDSWORTHY: I support the amendments, although they are not as broad as my original amendments moved in this Chamber. Although I agree with the Attorney's conclusions in accepting the amendments, I do not agree with his reasons. The Attorney does not want to be bothered with a conference, and is accepting the amendments against his better judgment. It is desirable in criminal proceedings before a jury for the witness to be present so that the jury can observe the way in which he gives his evidence.

Motion carried.

LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 3. Page 1172.)

Mr. GOLDSWORTHY (Kavel): I support the Bill in general, as the only controversial matter in it relates to the extended hours of trading on Friday and Saturday evenings. Representations have been made to me covering both sides of this argument, but it seems to me that, because a licence can be obtained to extend trading hours on Friday and Saturday evenings, the argument in favour of the provisions of the Bill outweighs that against them. The question of clubs obtaining supplies through retail outlets has been provided for, and this is a wise provision for hoteliers who provide a continuous service to the public and deserve some protection, which is incorporated in the Bill. A minor provision in the Bill concerning wine auctions is significant in my district, and in other wine-producing areas. The relevant part of the second reading explanation states:

The problem which has particularly arisen relates to wine auctions. Vignerons favour a system under which they can pool their resources for a wine auction and in which a licensed auctioneer can conduct an auction, usually in a town in the centre of a wine district, such as Nuriootpa, and can auction wines that are the produce of several vignerons. That is not possible under the existing legislation but it will become possible under this amendment.

The section of the Bill dealing with wine auctions commends itself to me, because wine auctions are conducted from time to time, for example, during the Vintage Festival and on other significant occasions. Although I am not sure how they have been conducted under existing legislation, it is perfectly clear that vignerons will now be able to hold wine auctions, pooling their resources and calling in a professional auctioneer to sell the wines. The new arrangement will benefit not only vignerons but the general public as well. I believe that generally the Bill should receive support.

Dr. TONKIN (Bragg): I find myself in much the same sense of agreement as that expressed by the member for Kavel. Clause 3 concerns me, but by and large I agree with the idea of extending the time of trading, not the total time but the time of closing, which will come more into line with clubs that are likely to be operating for about the same time on Friday and Saturday evenings. The member for Torrens suggested that after 10 o'clock liquor should be served in licensed premises only in the lounge or certainly under conditions where the patrons are sitting down and perhaps eating supper, and I agree with him. I believe that the bar trade itself should cease at 10 o'clock and that between 10 o'clock and midnight conditions should be similar to those applying in clubs. I can see no reason at all why licensees should not be obliged to provide waitress service from 10 p.m. until midnight.

Mr. Duncan: What about the cost of the service?

Dr. TONKIN: I hope this can be overcome. I recognise it as a problem but, as we are trying to overcome the competition provided by clubs with respect to a standard public house, licensees may be willing to pay the extra cost because of the extra trade involved. More than anything else, I am concerned with trying to minimise the effect of extended hotel trading hours on the road toll. We may find that the effect of alcohol on people drinking, and at the same time consuming food, will not be as marked as it may otherwise be on people drinking at a bar and trying to beat the 10 o'clock deadline.

I believe it will now be much more difficult to transfer a retail storekeeper's licence. If this legislation is passed it is likely that very few retail storekeepers' licences will be transferred, particularly from country areas to city areas. I visualise difficulties regarding applications to transfer retail storekeepers' licences that are presently before the Licensing Court or about to go before the court, because people will have investigated the matter thoroughly before applying, in the belief that by doing

so their application will be heard and granted. What will be the situation of those people currently applying for such a transfer? I shall be grateful if the Attorney-General can tell us what consideration, if any, will be given to those people.

On balance, I support the Bill, but I am concerned about the effect increased trading hours and the consumption of alcohol will have on the road toll. I believe that drinking between 10 o'clock and midnight in a lounge and possibly with the consumption of food will significantly reduce the incidence of people driving with a blood alcohol content exceeding .08, because there will not be any hurry to finish drinks. Patrons will be encouraged to have food, and I believe this will have a significant effect on reducing the road toll.

Mr. VENNING (Rocky River): I support the legislation, for I believe it can do nothing but good for the industry. I have looked at the matter closely and, whilst there has been much concern amongst licensees that perhaps this legislation, by way of amendment, may allow Sunday trading, I am pleased to learn that this will not be the case. I know this was worrying many hoteliers in my area. I believe hoteliers have had a rough deal for many years because they have had to supply accommodation while, in the meantime, sporting bodies have developed to such a degree that they have taken much business away from hotels. Although I will ask for one or two matters to be clarified in Committee, I believe this legislation will assist the industry and the people in our community, and I support it.

Mr. RUSSACK (Gouger): I realise that the Bill has been designed to amend the Licensing Act so as to bring about a more equitable situation for the general licensee. As I understand the position, it is possible for a licensee to apply for an extension of trading hours beyond 10 p.m. in certain circumstances. I also understand that the licensee is faced with many anomalies and placed at a disadvantage compared to licensed clubs. There does not seem to be the reaction to this Bill that there was about seven years ago when the Licensing Act was extensively amended; perhaps the general public has come to accept the amending of our licensing laws. I understand that South Australia has the most liberal and flexible licensing laws of any Australian State, and I suppose it can be accepted that many facets of our pattern of life have been improved. On the other hand, certain facets are perhaps undesirable.

The main reason I speak to the Bill is the concern I felt on reading an article appearing in last Saturday's *Advertiser* about young people in our society. As most social legislation results in a step-by-step progression toward the relaxation of certain laws and conditions, I believe that such a progression applies to this Bill. However, I hope that the effects of such relaxation and the extension of trading hours will not be registered mainly on the young. I was concerned at the article, assuming that those responsible for it were conversant with the facts and possessed the background detail it revealed. I certainly do not like the word "drunks" applied to these young people. The article states:

> South Australia's young drunks have never been counted . . . their presence is unmistakable . . . they drink without much fear of legal retribution in the big suburban hotels, discos and at home.

What worries me is that the Licensing Act prescribes a certain minimum age for drinking; yet we find in this article that a journalist interviewed young drinkers and states:

> Four were sitting in the saloon bar of a suburban hotel named by one social organisation. The bar was busy and, although three were 16 and one 17, they didn't look out of place. All were drinking schooners of beer and, when I talked to them, all thought they were doing no real wrong. "Jim", 17, an apprentice fitter, said he started drinking at home at about 14, and now drank on Thursdays and Fridays and on Saturdays after he had played football. Often he got "well and truly" drunk on Saturdays, but that was only part of growing up, he said. His three mates agreed all along the line, and their message to me was to come back and ask them again when they turned 18. Three other pubs and a disco visited at night yielded similar results. The attitude of young people I spoke to didn't extend past their health the following morning, or the amount of money it cost them in the disco these days. They said they went there to socialise, to meet the opposite sex.

It would be remiss of me and of any other member not to state that members of the public should behave within the confines of the Licensing Act. The driving of motor vehicles should be borne in mind especially where young people are concerned. I live in a country town, which is a good town and which has been well laid out, but early on Saturday and Sunday mornings its streets are turned into speedways. I suggest that, if the Bill is passed in its present form, it will mean that the town's streets will be turned into speedways until even later on Saturday and Sunday mornings. I hope that, if trading hours are extended, the necessary oversight will be provided so that people, particularly the young, will behave within the confines of the Act and will act responsibly where alcohol is involved.

Another matter which concerns me is that, in past years, possibly the greatest social event in country towns has been the local dance or ball. However, it has been noticeable that, as a result of 10 o'clock closing, people do not arrive at the dance or ball until after the hotels have closed. Because of extended hours, we might see this type of entertainment go out of fashion and that attendances will diminish at these wholesome entertainments which genuine people arrange for the young. I will follow the Committee debate with keen interest. Although I am a teetotaller, I know that prohibition is not acceptable, as was displayed in the United States of America, but I believe that laws relating to the licensing of hotels, taverns and clubs should be based on common sense, discretion, and consideration of all members of the community.

Mr. EVANS (Fisher): Although I support the Bill to the second reading stage, I am not enamoured of some of its provisions, bearing in mind recent comments made by people who have had more professional experience in community welfare problems than I have had. Before touching on accidents and fatalities on our roads, I will read a submission made by the Licensed Clubs Association of South Australia. It expresses the clubs' concern at some aspects of this legislation and states:

For information:

The Licensed Clubs Association of South Australia is vitally interested in the following questions relating to the Licensing Act and amendments at present before the House. The first item deals with an amendment to section 27 of the principal Act by the insertion of a subsection (3a). This subsection seeks to surreptitiously insert in the Act compulsion upon the Licensing Court to force all clubs after the introduction of the amendment to purchase their liquor from a licensed hotel. It takes away from the Licensing Court the right to exercise its present discretion.

Apart from the fact that this amendment has been brought forward without being publicised to an extent whereby people became aware of its inclusion in the amendments, it is pointed out that it is in direct contravention to the spirit of the Restrictive Trade Practices Act at present being enforced by the Australian Government. At this juncture it would be proper to highlight some of the effects of the Restrictive Trade Practices Act in regard to

the hotel industry. It is patently clear that the practice in the past of fixing prices for liquor in the hotel and club industry in South Australia will have to be abandoned, and the Attorney-General has already advised the Liquor Industry Council that the State Government does not intend to interfere in any way with the Commonwealth legislation even if this is possible by the introduction of some State legislation.

Having declared himself in regard to the general principles, it is, to say the least, amazing that he would support the inclusion in the Licensing Act of a section such as that envisaged by subsection (3a). Before leaving this area of discussion, I would point out that price control cannot exist in the future in the liquor industry in South Australia, and this will undoubtedly lead to competition between hotels some of which is already evidenced by the activities of Mr. Warming, who has defied the decisions of the Liquor Industry Council in two areas of South Australia at this time.

Should a price war commence in the hotel industry in South Australia, it would necessarily follow that there would be a reluctance on behalf of hotels to provide liquor to permit clubs on the present basis of 10 per cent discount, and it does not take much imagination to see that before very long permit clubs will be seeking a 10 per cent discount of nothing. This anticipated situation is not imaginative, because a similar situation has arisen in Queensland under similar circumstances. It does not involve clubs as such but it does involve a number of hotels where price cutting has reached the stage where some hotels are considering whether or not they may have to close their doors. A situation of chaos exists in the area of Mackay.

The licensed clubs seek first of all to eliminate amendment (3a) to section 27. The next proposition that we would like to bring forward is the right of fully licensed clubs wherever they may be to sell bottled liquor. Some fully licensed clubs have the privilege, others do not. We have the laughable situation of clubs who have a licence under the Lottery and Gaming Act to conduct lotteries within the premises and the winner of the Lottery does not have the right to carry the liquor off the premises, because it is bottled liquor and such an action is contrary to the tenor of the licence.

I suppose the association is implying that sometimes bottles of liquor are offered as a prize in lotteries. The statement continues:

In any case, it seems a ridiculous situation that a person cannot purchase a bottle of liquor from his own club to take to his home. On the question of fully licensed clubs, there would be no objection by the Licensed Clubs Association to the raising of the limit of the turnover of a permit club before they become eligible for the right to become a fully licensed club. This should take away at least some of the objection of extending to fully licensed clubs the right to have bottle sales.

Returning to permit clubs and the compulsion to purchase from licensed premises, it has already been pointed out that this may be difficult in the future where competition exists between hotels in a price-cutting war. In addition to that, there has been some experience by clubs where hotels have been reluctant to supply them with liquor. It is requested that, in the event of any refusal by a convenient hotel to a permit club in respect to the supply of liquor, the clubs be allowed to purchase their liquor from a fully licensed club or any other distributor prepared to supply them with liquor.

Permit clubs also seek a review of the right to introduce visitors and an increase is sought above the present figure of one visitor at any one time. The ideal situation would be to allow permit clubs the same right to introduce five visitors at any one time as is the case with a fully licensed club. However, should Parliament in its wisdom disagree with this aspect of the application then it might consider the introduction of perhaps two, three or four visitors.

I do not need to explain the document: the clubs have stated their case, and it will be interesting to hear the Attorney-General when he replies to the debate.

The Hon. L. J. King: What about your comment? Do you support that statement?

Mr. EVANS: I will make my comments now. First, I speak as the President of a club that holds a permit, so no-one can say that I am a wowser and am opposed to the consumption of alcohol.

The Hon. L. J. King: But do you support the clubs' point of view?

Mr. EVANS: I will deal with that later. I am not thrilled about increasing at random the hours right through to 12 midnight. Hotels in my district now open until midnight or later, and they have permits to do that. I have no objection to that arrangement being changed, but at least the hotels must have the express wish to remain open, and perhaps they realise that they face an obligation different from what they would have under a general licensing system. I do not think the hotels are disadvantaged to any large extent and, although personally I have no real enthusiasm for the change, I do not oppose it.

The member for Hanson has said that some of these changes may help promote tourism. I disagree with that. I think that most people who visit our State can get a drink until the early hours of the morning, in most parts of the metropolitan area anyway. I am not sure that people who live near some of the smaller hotels appreciate the noise which continues until the early hours of the morning and which adversely affects their rest. I do not expect any large increase in tourism because we tell publicans that they can have a general licence instead of obtaining permits if they wish to remain open after 10.30 p.m.

It was argued that the extension of hours from 6 p.m. to 10 p.m. helped tourism. Although I did not oppose that change, I do not think we have gained tourism from it. In fact, the figures for Australia show that we are lagging behind regarding tourists. The Minister has tried to show from the figures that we have had a massive increase in tourism, but those figures cannot stand up to the real test when compared to figures in other States. South Australia's tourist industry is suffering: it may receive a greater monetary turnover than previously, but inflation reduces the purchasing power of the money spent; so there has not been much of an increase since 1968-70. It has been said that, by extending trading hours from 6 p.m. to 10 p.m. we developed in the community a commonsense approach to drinking. I do not know how we arrive at that conclusion; I do not oppose it, but I do not say that the community has used common sense in all areas. Recent newspaper articles and statements made on radio and television indicate that the community has an alcohol problem and that many alcoholics are being allowed to develop within our community.

It is sad to see young people, who in many cases have had a good education, suddenly falling by the wayside and society really not being able to find the solution to the problem of getting them back on the right path. We can supply young people with liquor and make it readily available to them, thereby taking them on a downward trend health-wise, mentally and physically. Alcohol is readily available but the solution to the problem is not. We do not appear to be finding the solution to the problem. Last weekend, at a seminar held at Ceduna, people concerned with this matter met to discuss the problem. One person said that it is a problem among not only people who have their origins in this country but also immigrants to this country and their descendants.

There is only a minority in this category, because the rest of society handles the situation with common sense. The term "commonsense drinking" is used often these days. The current fatal road accident figure is at least 50 more

than it was last year. It has been proved beyond doubt that most accidents that occur involve liquor as a major contributing factor, regardless of whether the accidents involve pedestrians being hit by motor vehicles or two motor vehicles colliding. Is it common sense for Australian society to have more than 4 000 people killed on its roads this year? A conservative estimate would be that at least 25 per cent of those accidents could be directly attributed to liquor.

If we had a disease in our community that was killing a thousand people a year and was caused by a lack of Government interest or concern, there would be a public outcry that would dispose of any Government. Yet, we stand idly by and say, "Here is a problem that we talk about and yet we cannot find a solution." Some of us may have close friends or relatives that are on a downward track because of drinking alcohol. We may have all the expertise available to us through the services of community welfare officers, etc., yet we cannot say to our friends and relatives that we can get them out of the position they are in and re-establish themselves by using a commonsense approach. We are at present discussing a change to the Licensing Act that will make it a little easier for people to obtain alcohol and hotel keepers to obtain permits. We are not setting out with the necessary determination to solve the problem of alcohol in our community.

I believe, and I have spoken about this matter many times, that one thing that came out of the meeting at Ceduna was the need for education in the strongest possible terms to be introduced into our schools, but not to frighten young people away from liquor or to say, "Don't touch it; it is prohibited", because that approach may turn them to alcohol. I believe they should be shown the way by using films and by conducting trips, whether to metropolitan or country areas, to show young people what happens to people who are in hospital and other places and on whom excessive alcohol has taken its toll. We should ask the young people to look around their own community to see the family problems that are caused by the effects of alcohol, and set out on an educational programme not just for dark people, such as those involved at Ceduna, but for all people.

I believe that, if the Ceduna seminar achieved nothing else last weekend, it should have proved to society that there is a teal need for people to go out and to educate others on the dangers, problems, effects and heartbreaks caused to the individual by the excessive consumption of alcohol. The Attorney-General asked me about my views on the number of people to be admitted to a club. I told him that I was President of a small club that had a permit. At times it would suit my personal whim or wish to introduce three or four friends to the club, but I cannot see the benefit to a club which has a restricted membership of 200 and to which suddenly each member can bring five guests. I do not support that proposal.

The Hon. L. J. King: What about the other one?

Mr. EVANS: I believe there is some merit in keeping it at one; however, two could be considered. I have no dissatisfaction about going to a hotel, on behalf of the club in which I have an interest, to obtain its liquor. I have no qualms about that matter, and I cannot see what the clubs are driving at. I am concerned about the other aspect that was raised involving price cutting. I believe in fair competition but, if a monopoly or a large business enterprise sets out to dispose of competitors by price cutting. I am sorry, but I cannot support it and would do anything I could to stop it, even to the extent of introducing legislation. With the philosophy of free enterprise and the freedom of the individual to obtain goods where he wishes, I do not come down strongly on the side of the submission made, although I should hope that the courts would give clubs a choice of hotels close to club premises because, if there were discontent or a conflict of management, the Licensing Court would not have to be approached to vary the arrangement whereby the liquor is obtained. My main purpose in reading out the submission was to have it included in *Hansard* so that its point could be made and anyone who wanted to do so could study it closely. Actually, it was handed to me only about four minutes before I was to speak.

I am not altogether happy about the provision in the Bill dealing with wine auctions; I should like a broader provision. Once or twice recently I have written to the Attorney-General about certain problems connected with wine auctioning. In the Bill, an opportunity exists for a wine auction to be held at a centre where wine is produced or where there is an interest in wine; at such places, auctions may take place in unlicensed premises. I have referred to the Attorney the case of a man who may have been a wine connoisseur and who has died and left as part of his estate bottles of wine. The only way the wine can be sold is for it to be taken to licensed premises or a centre, as provided for in this Bill. Perhaps it is possible to provide for such wine to be auctioned in the normal way along with other household effects at the house of the deceased. I think this is a fair request, as some messing around is involved in taking wine to licensed premises or to a specified centre to be auctioned.

The Hon. L. J. King: Section 72 (1) provides:

The court may grant a permit to a licensed auctioneer authorising him, in the *bona fide* exercise of his business, to sell or offer for sale by auction, any liquor—

(*b*) on account of the estate of a deceased or bankrupt person.

Mr. EVANS: I thank the Attorney for that information; I do not think I have been told this by him before. Indeed, I did not know that this was possible. Apparently, the Attorney is saying that the auctioneer must apply to extend his licence so that he can auction wines; an ordinary licence will not enable an auctioneer to conduct such a sale. Why should the auctioneer not be able to sell wine under his ordinary licence? Wine as part of household effects should be able to be sold at a normal auction of a deceased person's property. I see no reason why an auctioneer should have to apply to the court to enable him to auction wine in this way.

The member for Hanson expressed concern about taverns, which are provided for in the Bill, opening in country areas and having an adverse effect on hotels. He referred to the long, narrow bars that could be expected in such taverns. Undoubtedly, the permit licensing system in this State has adversely affected hotel trade. As I believe the courts will follow the procedure they have adopted in the past, I do not think many taverns will be opened in the country. However, each tavern opened, whether in the city or in the country, will affect neighbouring establishments, unless population increases have occurred in an area, with a corresponding increase in the consumption of liquor. This provision does not concern me greatly. I am not worried that the obligation will be removed from the hotel keeper to provide bed accommodation. There has been something of a move away from accommodation in hotels. Costs of running hotels are high, and apparently motels have taken over the field of sleeping accommodation. It seems ludicrous that smaller hotels in the city, for example, should be forced to maintain bed accommodation, often at a loss, in buildings that are old and need modernising. To provide

better accommodation facilities would be too costly; it would be better for such places to develop space previously used for accommodation as dining space, so that people could enjoy liquor with a meal. This provision will take away a burden that has previously been placed on hotels.

I accept that the community wants liquor available at hours as wide as possible. As Parliamentarians, we have a real responsibility to consider the problem of alcoholics in our society. I hope that the Attorney-General, as Minister of Community Welfare, and the Minister of Education will seriously consider trying to get the message across to young people that alcohol consumed in small quantities is not harmful, but that consumed in excess it may be harmful to them and society, causing heartbreak to many. If people can be educated in that way, we may reach the commonsense approach spoken about in relation to drinking alcohol, whether at clubs, hotels, taverns, houses, foreshores, park lands, or in the bush. I hope we are all willing to support an education programme, having it introduced in primary and secondary schools at the first opportunity. I support the second reading.

Mrs. BYRNE (Tea Tree Gully): The provisions of the Bill are reasonable. In the past, when Bills affecting the liquor laws of the State have come before Parliament, they have always been the subject of petitions (most of which have been organised), correspondence, telephone calls, and private interviews. However, on this occasion, I have received no representation whatever. I wish to speak today about the provision enabling publicans to have the option of extending hotel hours on Friday and Saturday evenings, if that is approved by the court. The member for Bragg suggested that this situation might increase the road toll because people would consume more liquor, and I should not like to see this happen. I do not think it will, because we know of many organisations that obtain a special permit for a function to raise funds, and the function is held in a hotel on Friday or Saturday evening. I have attended at some of them.

Mr. Mathwin: Some are quite good, aren't they?

Mrs. BYRNE: Usually, they are conducted extremely well, and I do not think I have seen anyone consume more liquor than he should consume at functions at which I have attended. I have found that people who seem to consume more liquor than they should consume have already consumed it by 10 p.m., but I do not think there will be an increased consumption following the passing of this legislation. Noise could prove a problem, especially that created by bands playing at hotels on Friday and Saturday evenings, but functions are already held during these evenings at which bands are present. However, I understand that residents living near hotels where discotheques are held are disturbed because the noise keeps them awake.

This problem affects elderly people and shift workers, but I believe the Licensing Court now considers this aspect when granting a licence. Mistakes have been made by which some hotels in dormitory areas are built too close to houses. Satisfactory conditions apply when hotels are built near shopping centres or recreational areas, but, as this does not always happen, I hope that when a licence is issued in future this aspect will be considered. At present most hotels in the metropolitan area seem to conduct functions on Friday and Saturday evenings, and probably little change will occur from the existing practice. As it seems to me that the Bill has general support, I support it, too.

Mr. MATHWIN (Glenelg): I refer, first, to clause 3, which amends section 19 of the principal Act by inserting new paragraphs. New paragraph (*a*) provides, in part:

. . . commencing not earlier than five o'clock in the morning and ending not later than ten o'clock in the evening;

In his second reading explanation the Attorney-General said:

However, on Friday or Saturday a publican is permitted by the amendments to trade for a continuous period of not less than 10 hours approved by the court, commencing not earlier than 5 a.m. and ending not later than 12 midnight.

Some hotels would benefit if they could open earlier than the time referred to in this Bill, especially those situated near the East End Market. Producers in the area at 3 a.m. or 4 a.m. have to wait until the market opens. It would probably be convenient for them and for publicans if hotels in that area could open earlier, and perhaps those hotels could be allowed to close earlier. I believe a publican should be able to nominate the time at which he wishes to open for trading, rather than be directed to open at a certain hour. Many hotels in the outer metropolitan area, such as those at Glenelg and Brighton, would do no business before 10 a.m., and hoteliers would prefer to open at 10 a.m. rather than 9 a.m. If a hotel is situated in a location in which the work force goes to work earlier, there would be little business for it before 10 a.m. The difference between opening at 9 a.m. and opening at 10 a.m. would probably be an advantage to the trade. I agree with the provision for trading hours on Christmas Day, as this would allow people to return home at a reasonable hour.

I understand that in some countries hotels are allowed to remain open until 3 p.m., and in the United Kingdom, instead of people returning home at this hour, they probably attend at the local football game and do not arrive home until after 5 p.m., thus spoiling their Christmas dinner. I believe that some larger hotels, such as the Hotel Australia and St. Leonards Inn, should be able to continue service in the dining-room, in which they serve meals, without a special permit. In some areas in Europe, especially in Switzerland, if people are still present in a restaurant when the permit expires, the hotelier applies to the local police station, usually situated a few metres down the road, for the permit to be extended. If there is still some trade about at 2 a.m. and people wish to stay and enjoy themselves, an application can be made on the spot for an extension and it will be granted. They can close when they wish. This aspect is important when attracting tourists to this State. The Minister tries to pull red herrings across the path, but I believe that tourism in this State is not going well and that the Government has done very little to attract tourists. If licensing hours are to be extended and permits granted to carry on open-air trading as is done in some parts of Europe, we shall be able to take advantage of our marvellous Mediterranean climate, about which the Premier boasts so much, although I should like to see some of it at present.

The Hon. L. J. King: Are you blaming the climate on the Socialist Government?

Mr. MATHWIN: I am not blaming the Socialists for this. There are some things the Government cannot help, although it is surprising to see how powerful the Government is sometimes, possibly with help from the people upstairs!

The SPEAKER: Order! The honourable member had better get back to the point.

Mr. MATHWIN: I apologise, but I was led on by the Attorney-General. Reference was made in the Minister's second reading explanation to tourism. If the Government wishes to increase tourism it must encourage hoteliers to upgrade their premises, but they find it difficult to spend as much as $6 000 a year to redecorate and recarpet, let alone extend their premises. I believe we can do more to encourage these people to attract tourists, if that is what the Government really wishes, although sometimes I doubt it. I believe it is important that, if publicans are to sell liquor after 10 o'clock on Fridays and Saturdays, all liquor sold should be sold at saloon bar prices, unless the liquor is served at meals, and that no extras should be added to the cost of the liquor.

Clause 4 relates to the transfer of a retail storekeeper's licence. I understand the business with a retail storekeeper's licence at Cooltong, about 20 kilometres north-east of Renmark, has been purchased recently so that it can be transferred to a shopping centre at Pasadena. I have been told that the people of Cooltong have objected strongly to the transfer because this would leave the town with no liquor supply. I believe this is wrong. If the situation is allowed to continue, problems can arise if large combines procure licences and get a stranglehold on the trade: this would not be in the best interests of the public.

I support the member for Hanson when he refers to the need for members of bowling clubs to be allowed to introduce more than one member into a club for a drink. Friendship and fellowship are part and parcel of the fraternity of bowlers and I believe a club member should be allowed to sign in more than one visitor at a time. The mayor of Glenelg said recently that there are 63 clubs in the small council area of Glenelg.

The Hon. D. J. Hopgood: Are you a member of all of them?

Mr. MATHWIN: No, not quite, but the one or two to which I do not belong may be attracted to me. Clause 3 releates to taverns. Those of us who have been fortunate enough to see the *Vagabond King* know what can happen in a tavern. Certain restrictions must be placed on the issuing of tavern licences so that taverns are not just drinking houses built on the outskirts of the metropolitan area. Taverns could be established in very old drinking houses, but hoteliers have the responsibility of keeping their premises in order so that they do not lose their clientele. Hotels could have fierce competition from taverns built in the metropolitan area. One would not need great imagination to visualise what might happen if a proliferation of taverns was to occur. It would introduce a different type of drinker and, whereas in bygone days tavern patrons rode horses to the tavern, patrons today might well ride motor cycles, thus adding to the problems of road safety if many taverns were established outside township areas. Clause 6 relates to club licences. In his second reading explanation, the Attorney-General said:

> At present the court has a discretion to require the holder of such a licence to purchase liquor from a retail source . . . The Government believes that, in the interest of a balanced industry, this kind of condition should be imposed as a matter of course unless there are good reasons for not imposing it.

I should like the Attorney to tell me whether he has received any complaints about drinking in licensed clubs and, if he has, how many and what kind. If the situation is serious, and if there is a fly in the ointment under present conditions, will he let me know? I should be the last person to interject in the way a certain member interjected earlier in the debate, regarding Socialism and compulsion, and I do not believe that that is why the Attorney has included this provision in the Bill. If his reason is not that of Party politics or of compulsion, will he say how many complaints he has received and how serious they have been to necessitate this provision being included in the Bill?

A letter read to the House earlier in the debate by the member for Fisher refers to people who run raffles at clubs, and all members are aware of the system whereby licensed clubs make money from the sale of beer tickets. Although I have given the letter only a cursory reading, I notice that it states that prize-winners cannot take their prizes home. If that is the current position, the Attorney should have it investigated. In Committee, I will study carefully any amendments that may be moved.

The licensing of hotels, clubs, restaurants, etc., is a great revenue-raising source for the Government. I note from the Auditor-General's Report that the 601 full publican's licences in this State raised annual revenue of $3 277 811 for the Government last financial year; storekeepers' licences raised $285 394; wholesale storekeepers' licences raised $101 914; the maze of licensed clubs raised $173 882; distillers' and storekeepers' licences raised $166 882; licensed restaurants raised $90 660; and limited publicans' licences raised $26 345. The more licensing legislation the Government introduces, the more money it raises in revenue. In his second reading explanation, the Attorney-General said:

> Clause 12 expands the provisions of section 118 requiring the exhibition of certain information by the holder of a full publican's licence. The licensee is required to exhibit the hours during which his premises are open for the supply of liquor to the public, and any restrictions to which his licence may be subject.

Apparently, the licensee must display the notice outside his premises and must remain open during the time specified in it. I will have more to say in Committee, particularly as to the provision allowing for the transfer of licences from one district to another, especially from the country to the city.

The Hon. D. J. HOPGOOD (Minister of Development and Mines): My object in speaking is that I do not wish to cast a silent vote on the legislation, particularly in view of what I have placed on record in *Hansard* and what I have said outside on the subject of alcohol, but I will not canvass the legislation as broadly as some other members have done in the debate. It is all very well to raise questions regarding the dangers that alcohol presents to the community. From time to time I have seen fit to endorse such arguments, but they would be relevant to the Bill only if it could be demonstrated that the result of the passing of the Bill would lead to a significant increase in the consumption of alcohol in the community. This was partly the basis on which the debate that surrounded the extension of trading hours to 10 p.m. took place some years ago. The viewpoint taken by those who opposed the Bill (and I was numbered among them) outside the House was that the legislation would lead to large-scale increases in the consumption of alcohol.

However, in retrospect, the more important aspect of that reform was that what consumption of alcohol has since taken place has occurred over a greater span of hours, during which the human organism has had a better chance to deal with alcohol taken into the bloodstream and, therefore, to reduce its effect on the central nervous system. What I am saying, in effect, is that the opposition to that reform was probably not soundly based, as has been proven. I say that, even though I opposed the legislation at the time. That was how the argument proceeded then. I merely make the point in relation to this Bill that it seems to me that it will have only a marginal effect, if any, on the amount

of alcohol consumed in society. Therefore, a canvassing of the general liquor question, however important that may be, does not seem relevant to this Bill.

For that reason, and because it seems that at present it is not difficult for a person to obtain a drink through liquor outlets other than hotels during the hours for which hotels in future will be able to operate if they so wish, it seems inconsistent to oppose the Bill. I support the second reading, but I thought it worth while, in view of my earlier history of opposition to such amendments to the Licensing Act, to explain carefully my reasons for supporting this measure.

Mr. BLACKER (Flinders): I support the second reading. However, I should like to mention some matters that have not been mentioned previously. They mainly concern young people and the experience that I have had specifically with the Rural Youth Movement. During my association with that movement, I organised, or helped organise, probably about 50 social functions for young people. Those functions were designed for the entertainment of persons in the age group between 16 years and 25 years, and thus the group included many persons between 18 years and 25 years of age, who were eligible to consume liquor on licensed premises.

Many organisers and members of the Rural Youth Movement associated with organising functions have expressed concern that they have too much competition from hotels in providing, to use a term that has been used previously today, wholesome entertainment, such as a straight-out ball or dance, where alcoholic beverages are not available. When 10 o'clock closing was introduced, functions did not commence until about 10.15 p.m., when there was a general movement to the ball from the hotel down the street. Concern has been expressed that, if hotels are open until 12 midnight on Friday and Saturday, many people who otherwise would be involved in the community dance or ball would stay at the hotel and, to use an expression that is not really Parliamentary, would continue to grog on.

This occurs now in some areas. I do not think there is any secret about the fact that people obtain liquor after 10 o'clock at present and, if some people now can drink until midnight, I ask whether the extension until 12 midnight will mean that those people will drink until 2 a.m. If that is the case, will this Biil help the situation? Assuming that the Attorney-General will reply to the second reading debate, I ask him to tell the House why the extension of hours has been sought.

I think anyone would admit freely that, with cabaret-style entertainment, where a meal is provided and discussion may take place afterwards, there is no opposition to this arrangement, because the consumption of alcohol usually takes place in mixed company, over a long period, and with entertainment. I have not heard one member today express opposition to that form of entertainment. However, difficulty arises if people sit drinking in a bar for the same period. I should like the Attorney to say which section of the community, if any, asked him to extend the hours, because I consider that the extension will be of no real advantage to the community.

If we are altering the hours because drinking is going on during those hours now in any case, our legalising the position will not necessarily make it right. The member for Tea Tree Gully and other members say there is no need to oppose clause 3, because people may drink until midnight anyway. However, I think that a wrong comparison has been made between functions of a cabaret kind, where dancing and other forms of entertainment are provided, and the straight-out consumption of alcohol at a bar. For that reason, I doubt the need for the latter part of that clause.

Mr. LANGLEY (Unley): I support the Bill. I have contacted hotel keepers in my district and not one of them is in any way opposed to this legislation. Further, I have not heard any statement from the general public that this legislation is not reasonable. Since the licensing laws were changed, the people of this State have taken the change in their stride, and we have had few complaints. Since the days of the old swill hour, when people were walking out of hotels under the influence of liquor, the position has changed dramatically, and people are pleased to know that they can get a drink when they desire it.

In some countries, liquor is available for the 24 hours of the day. I do not know whether that will be introduced in Australia, but a person who acts sensibly can receive what he desires. There are many places to which people can go after 10 p.m. at present, and the hotels must have lost through that. With the establishment of motels, the operation of motel restaurants until late hours has shown that people favour that.

Hotels have had to decide the hours during which they will sell liquor, but the position in certain areas has changed and some hotel keepers desire altered hours. The amendment being made in this regard will help the publican and his clients. In my district (and no doubt it happens in other honourable members' districts, too) to be granted a permit on Friday or Saturday night one has to nominate a charity A charity often nominated in my area was Meals on Wheels, but now it is usually one of the organisations associated with mentally retarded people, so that people could obtain a permit to drink after 10 p.m. It used to cost 5 shillings for each person who stayed on at a function associated with the charity, but, if a person left before 10 p.m., he would receive back his 5s. or it would go to the charity. This practice may cease under the proposed changes, because the publican will obtain the permit and the charitable organisation may lose on that basis. However, we all know that most hotel keepers are charitable types and what happened in the past may continue in the future.

Because of the changing lives that people lead these days, I am sure that the Attorney-General is doing the right thing. No-one has really come forward with a case against this legislation, so I am sure it will benefit the public and hotel keepers. In addition, I believe that publicans will now be recompensed in some way for the inroads made into the liquor trade during the past three years.

The Hon. L. J. KING (Attorney-General): In commencing my reply to this debate, I acknowledge the care and thought that members have devoted to the subject, and I also acknowledge the contributions that have been made. At the conclusion of the second reading stage, assuming the Bill passes that stage, I intend to report progress after the first two clauses have been considered in Committee. That will give me an opportunity to consider everything that has been said as well as to consider other representations that have been made to me by interested parties. I will do that with a view to considering whether amendments should be moved in Committee. I also acknowledge the sincerity with which several members have addressed themselves to the general social problems associated with the consumption of alcoholic liquor.

I do not believe I need to add very much to what was said by the Minister of Development and Mines on this topic: namely, that as important as these problems are they do not in my view arise out of the provisions of this

Bill, since there is no evidence to suggest that any of the provisions of this measure would have the effect of increasing the consumption of alcoholic liquor or of producing a situation in which it might be consumed in circumstances which would be more likely to produce more undesirable social consequences than at present. Nevertheless, I acknowledge that all the topics raised, particularly the problem of under-age drinking, canvassed by the member for Gouger, and the problem of alcoholism in the community, stressed by the member for Fisher, deserve our unremitting attention because they are important and serious social problems, difficult of solution but, nevertheless, problems that must occupy our attention constantly to ensure we are doing all that can be done in those areas.

Several matters have been canvassed during the debate, and I will comment on some of them because I have been asked to do so by the members who have made a contribution. First, much has been said about the nature of taverns, and it has been suggested that we may be introducing some sort of milk bar for dispensing alcoholic liquor or some sort of sleazy den to which people will resort to drinking under unsavoury and unsatisfactory conditions. However, I merely wish to point out that, although the term "tavern" is used as a convenient way of referring to the type of establishment that the amending Bill has in mind, it is in fact a full publican's licence, and the only provision in the Bill gives power to the court to excuse from compliance, to the extent deemed desirable by the court, with the obligations imposed on a publican's licence under section 168 of the Act.

Under this Bill, therefore, the court may excuse a publican from his obligation to provide lodgings or meals, but his licence remains a publican's licence. I cannot see why it is believed that a publican's premises is likely to be less desirable simply because it has no bedrooms attached to it. Much emotion has entered into the discussion on taverns, but the licence will remain a publican's licence and will be subject to the conditions with which the courts supervise a publican's licence. There is no reason to believe that it will in any respect be less desirable than existing hotel premises simply because there are no bedrooms attached to it or because the bedrooms that are attached are occupied by the licensee and his family.

A real question, raised during the debate (and I propose to consider it further), concerns whether we should limit the extent to which the court might dispense with the publican's obligations under section 168, so that the obligation to supply meals would remain. Something may be said for both sides of this question, so I intend to consider the matter further before the debate resumes in Committee.

The member for Flinders asked what demand there was for later drinking hours on Friday night, where the representations had come from, and whether we were seeking to legalise activities now taking place illegally. I am unaware of any significant amount of illegal drinking between 10 p.m. and 12 midnight on Friday and Saturday nights. It might occur, but I can only say that I have not encountered it personally. Perhaps I do not frequent the right places between 10 p.m. and 12 midnight on Friday and Saturday nights.

Dr. Tonkin: Where do you go? I hope you don't go to the wrong places.

The Hon. L. J. KING: I have not had any reports of this sort of activity; however, I know that illegal drinking will always take place and that there will never be a situation in which drinking will not take place illegally in certain circumstances. I am not aware, however, of a significant problem regarding illegal drinking between 10 p.m. and midnight on Friday and Saturday nights, so that is not the purpose for introducing this provision. Over the years, considerable comment has been made by people, members of the public and organisations, who have taken the view that Friday and Saturday nights are nights on which people should be permitted to drink lawfully in hotels to a later hour. People stay out later on Friday and Saturday nights than they do on week nights. We all know of the rather ludicrous situation that arises in many places where the patron is present at 10 p.m. and is told suddenly that he must leave because it is 10 p.m., but that, because there is a permit function elsewhere on the premises, he may buy a ticket for that function and then lawfully remain. That is an absurd situation whereby a function promoter is allowed to go around the hotel lounge selling tickets to people so they may stay on after 10 p.m.

Apart from that, representations have been made by the Australian Hotels Association, to which I referred in my second reading explanation. The association's point is that hotels are subjected to competition from clubs and restaurants, the clubs providing the more significant competition. The association states that during these hours its members should be allowed to trade, too. It seems to me that, if there is a significant public demand, if it is clearly indicated by the extent to which clubs and permit functions are patronised, during those hours, and if no social evil is created as a result of catering for the demand, we ought to provide the facilities and the law should permit such facilities to be provided. I know that this change could have an adverse effect on the sort of function to which the member for Flinders referred. Whatever personal view one may have about where young people would better spend their time, one cannot force them by means of the law to spend their time in one place rather than another. If the promoters of the sort of function to which the honourable member has referred want to attract young people, they have to provide attractions to get them there; they cannot rely on the law to close everything else so that young people have nowhere else to go.

The question of bar trade between 10 p.m. and 12 midnight has been raised by the member for Torrens and others. I know that there is a case for saying that it is undesirable that bars should simply remain open for a long period of time if people remain in them continuously during that time. Several considerations are involved. First, I cannot really see what is the harm in enabling the bar to remain open for a further two hours. After all, if people want to drink they now have from 9 a.m. (and often earlier) to 10 p.m. to spend time in a bar; I cannot really see that two hours extra on Friday and Saturday evenings will make a difference. Another important consideration is that I believe the tendency is away from a marked distinction between bars and lounges. Bars are becoming more and more suitable for mixed drinking. The general decor, appointments, and so on, of bars are improving; there is a great tendency to have mixed drinking in bars, whether main bars or saloon bars.

On the other hand, nowadays lounges nearly all have a bar of some sort in them. There is a blurring of the distinction between bars and lounges, and I think this is a desirable situation. I believe there is a movement away from this marked distinction between the public bar, in which the men drink, and the saloon or parlour, in which the women or the men and women drink. I believe that the distinction is disappearing; I rather suspect that in a few years it will have disappeared altogether, and this is a good thing. I do not think we should write into the law at

present provisions that intensify the distinctions between a bar and other parts of the premises. We should anticipate in this legislation that the distinctions will blur further, soon disappearing completely. I cannot see any harm in allowing bars to remain open. Difficulties are associated with trying to confine extended trading hours to one section of premises, because then it must be decided what must be in a room to make it a lounge as distinct from a bar. Practical administrative problems are involved in this distinction and, as I have said, not many years will elapse before such a distinction will not serve any purpose at all.

A point has been made about the transition situation of people who have applied to the court and who will be adversely affected by a change in the law. Although I have given much thought to this matter, I do not believe it would be right in principle to make an exemption in favour of people who have a current application before the court. Having checked as far as I can, I can say that it appears that, with regard to past changes in the licensing laws, this has never been done. People have always had to take the law as they find it at the time the court actually makes a decision. I think that is the only satisfactory approach to the matter. In the existing situation, the suggestion has been made that, if a person who has applied to remove a storekeeper's licence actually has an application in, he should not be bound by a proposed change in the law. There could be several cases involved. Why stop there? Immediately, there would then be an approach from people who had paid money for licences hoping to transfer them and had now found they could not do so. They would say that surely the relevant time was not when the application was put into the court but when they put up good hard cash in the expectation that they would be able to move.

In addition, there will be the case of permit clubs which are at some stage of the process of applying for a licence and which will say that they will be affected by the provision relating to the circumstances in which the court imposes a condition to buy liquor from a retailer. They will say they should not be bound by the changes we are making in the law. This type of problem often occurs in business. People take a legitimate business risk; they have to gamble on the continuation of the factors on which they base their judgment, one of those factors being the continuation of the existing state of the law. They can never be sure that the state of the law will continue; there is always a risk that the law will change before their plans are brought to fruition. That is one of the risks they have to take. If an applicant gets a case decided and an order made before this law takes effect, so be it.

Dr. Tonkin: It's fairly impossible with the time lag that exists now.

The Hon. L. J. KING: I do not know about that, and I do not know the situation in any particular case. If a person manages to get an order, that is his good fortune; if he is unfortunate enough not to get it, he is no different from anyone else who finds that the law is changed between the time he commences an investment and the time he brings it to fruition. I do not think it is possible really consistently to admit a principle that a law applies only to people who do not have their application for a licence before the court. I think this would lead to great complications in future with regard to changes in the licensing law.

Much has been said about the contentions on behalf of the licensed clubs which have been circulated and which were referred to at length by the member for Fisher. I must refer to some of these. One of the most important policy matters underlying licensing law is the maintenance of a balance between the various aspects of the industry and the various needs of the public. Many members in this House will recall the situation that existed in 1966 when the Royal Commission into the licensing laws held its sittings. We were then in a situation in which there were few licensed clubs in South Australia. Those that existed were not subject to any condition as to where they purchased their liquor, being at liberty to purchase it wholesale; in fact, they did purchase it wholesale. There was a great demand in the community for the extension of club facilities. Indeed, much illegal club activity was taking place. The great problem to be faced was how we could provide the facilities that the public wanted in clubs without, at the same time, destroying the profitability of the public liquor facilities, particularly the hotel trade.

We must bear in mind that it is the public that is catered for by the publican, with the public including not only people who are not members of clubs but also members of clubs who often want to use the public liquor facilities, because they are either drinking with people who are not members of their club or drinking in a locality distant from their club premises. Therefore, it is important for the public that there should be a sufficient number of good standard public liquor facilities providing drink and food. This can be done only if we maintain a satisfactory degree of profitability in the industry. This was the great problem facing us. If we freed the legal facilities for clubs, we ran a great risk that more and more of the liquor consumed in the community would be consumed in clubs, with a corresponding decline in profitability in the hotel trade and in the number of hotel premises and the standard of service provided in them.

The remedy arrived at, recommended by the Royal Commission and adopted by Parliament, was to provide the maximum freedom of club facilities, so that there could be as many clubs as were wanted, and they could have the most flexible hours so that members could drink in clubs whenever it suited them. However, we protected the retail trade by insisting that liquor be purchased from a retailer in most cases. We struck a balance and gave the public what it wanted in relation to clubs and retained for the public what it wanted in the way of public liquor facilities by insisting that clubs purchase their liquor from retailers. That was the thinking behind the Licensing Act of 1967, which was founded on the report of the Royal Commission.

It is important to bear in mind that it is still a real problem. I believe the problem is more acute now than it has ever been, because I am satisfied from my investigations that there has been an alarming decline in the profitability of the hotel industry, and that there is a real risk that, if there is a further movement away from purchases from the retail hotel industry, there will be dramatic effects and the public will suffer as a consequence.

Mr. McAnaney: Isn't that because of increased wages?

The Hon. L. J. KING: Partly, and increased costs in the industry have played a big part, but a most important factor is the much higher percentage of liquor consumed in clubs.

Dr. Eastick: There is a real problem with price cutting.

The Hon. L. J. KING: That is another problem.

Dr. Eastick: It cannot be tolerated.

The Hon. L. J. KING: It will intensify the problem in the industry, but that is another story. My point is that there have never been sounder reasons for insisting on the provision of purchasing from a retailer. The problem is that the Licensing Court has indicated that it has been

told that it may impose a condition on a club that the club must purchase from a retailer but that there is nothing in the Act to guide the court in exercising that discretion. Parliament has not told the court.

Mr. Coumbe: Which retailer?

The Hon. L. J. KING: The court can handle that point, but it cannot handle satisfactorily the question whether Parliament means that a licensed club should be entitled to purchase wholesale but that a condition should be imposed if it is demonstrated that a publican will be seriously affected, or whether the norm is that clubs purchase from hotels but that exceptions will be made if it is shown that no retailer is affected. The court has asked how it should decide and I think it is for Parliament to make up its mind what it wants to do. The purpose of this provision is to make clear that Parliament is saying what I believe Parliament always intended to say; that is, that it is normal that clubs purchase from retailers and that it is only in the case of an application by a new club, in which special circumstances exist, that it should be entitled to purchase wholesale. If this part of the Bill is not passed, we will face a serious situation, because I think the Licensing Court may well indicate—

Mr. Goldsworthy: Who opposes it?

The Hon. L. J. KING: The licensed clubs in the document strongly oppose it.

Mr. Goldsworthy: But who in this place?

The Hon. L. J. KING: The member for Fisher read the document: I asked him where he stood, and he did not say he opposed or supported it. The document has been introduced into the debate, and I think it is important we should understand clearly—

Mr. Goldsworthy: Several made it quite clear what they thought.

The Hon. L. J. KING: I do not know to what extent members will be influenced by the document, but I make clear what I believe to be cogent reasons why this amendment should be passed.

Mr. Venning: You realise that some clubs are selling more than retailers?

The Hon. L. J. KING: Yes, I know. I make clear that clubs have an important part to play in the community, because many people prefer to drink in clubs. I drink more in clubs than I do in hotels, and I believe the public is entitled to have the fullest facilities for drinking in clubs, but we must combine that provision with proper protection for the retail trade, so that if people wish to drink in a hotel they can find one of adequate standard. I think the member for Glenelg referred to the sale of bottled liquor by clubs, and this reference appeared in the document. What I have said previously as to the economic situation of the hotel industry applies to this point also. The purpose of giving a club liquor facilities is to enable it to function better as a club, and to enable its members to socialise on a more satisfactory basis in the club.

The sale of bottled liquor is irrelevant to any genuine purpose of the club. Some clubs sell bottles only because they had the privilege before the 1967 Act was passed, and Parliament decided not to take away from them something they had at that time. If Parliament had been logical as distinct from practical, it would have adopted the Royal Commission recommendation and taken that privilege away from existing clubs and put them all on the same basis as other clubs. Parliament considered it was unwise to interfere with rights that the clubs then had, and decided that they should remain with the clubs. The sale of bottled liquor is not relevant to the functioning of a club. If people win bottles of liquor in a raffle at a club and cannot take them away, the answer to the problem is that products should not be raffled that cannot be taken off the premises.

That is an easy situation to remedy, but it is absurd for the member for Fisher to suggest that all licensing laws relating to the sale of bottled liquor by clubs should be changed and that there is a problem because people win a prize in a raffle. The same thing applies to the desire of clubs to sell to other clubs. That is a function of the retailer: the club is licensed to sell to its members, but not to act as a retailer to other clubs. It has been suggested that there should be an increase in the number of visitors that permit clubs should be allowed to have on their premises. This is not a wise suggestion, because it is important to maintain a clear distinction between a permit club and a licensed club. A permit is granted to small clubs whose primary function is not concerned with the sale and consumption of liquor but which want to have some liquor facilities to use that are ancillary to their principal purpose.

It is important to ensure that, if they grow into social clubs of any magnitude, those clubs should apply for a licence, have the privileges of a licence, and be subject to the conditions that the licence imposes on licensed clubs. One important distinction is that in a fully licensed club each member can have five visitors. That provision enables members to use the club as a social club, including the entertainment of friends. The permit club is not designed for that purpose, and if its members are allowed to have the same number of visitors a member as is allowed to a fully licensed club, the liquor functions of a permit club are being extended in what I think would be an undesirable way. It is important that the distinction should be maintained. As the member for Fisher referred to the auctioneer's position, I quote section 72 of the existing Act, which provides:

(1) The court may grant a permit to a licensed auctioneer authorising him, in the *bona fide* exercise of his business, to sell or offer for sale by auction, any liquor:

(*a*) on account of another person authorised to sell such liquor where such sale or offering for sale takes place on the premises in respect of which such authority is held;

or

(*b*) on account of the estate of a deceased or bankrupt person;

or

(*c*) on account of another person where such liquor is sold or offered for sale in conjunction with other effects of such person and such other effects are substantially greater in value than the value of such liquor.

That provision covers the deceased estate, the bankrupt estate, and the house sale in which the liquor is part of the household effects, its value being less than that of the remainder of the effects. It requires an authority from the court, and I think that it should, because there is a real risk of abuse if liquor can be auctioned without the court knowing anything about it. For instance, sly-grogging activities could take place. If liquor is sold at an auction, and people charged with the responsibility of policing the law, such as police officers, etc., ask for the production of the authority, they can inspect the authority to sell such liquor. If the authority is not sought, and if we have open slather for auctioneers to put liquor up for auction, all kinds of opportunity will arise for people not authorised to sell liquor at all to get their liquor on to the market.

Liquor licensing is beset with these problems, and provisions that are perfectly reasonable on the face of it must be watched from the point of view of the opportunities they present to the unscrupulous person to get around the

licensing system. The auctioneer has only to go to the court and obtain his authority. This is a simple matter; no great court hearing or anything like that is involved; it is a simple procedure, under which the auctioneer operates. If any serious complaint were made about this procedure, I would consider ways of simplifying it, but I have never heard anyone complain.

Bill read a second time.

Mr. BECKER (Hanson) moved:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider a new clause relating to the provision of clean glasses on licensed premises.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

PRIVACY BILL

Adjourned debate on second reading.

(Continued from September 10. Page 821.)

Mr. GOLDSWORTHY (Kavel): Mr. Speaker—

The SPEAKER: I take it that the honourable member for Kavel is the principal speaker for the Opposition?

Mr. GOLDSWORTHY: I make clear that I shall speak briefly because I shall be attending a function after the dinner adjournment. I wish to contribute to this debate, but the Leader will be leading the debate for the Opposition. I think I can make my attitude fairly clear in a quarter of an hour. No-one, I think, can disagree with the Attorney-General's intention or with the proposition that citizens have a right to privacy. Modern society tends to abound with devices that make it easy to intrude on people's privacy. Much writing centres on this very matter. Anyone who has read books on the matter must have realised that we have things like listening devices, recording machines, computer records, data surveillance, physical surveillance, psychological surveillance, some employer practices, and the public exposure of private information. There is a whole host of machines and devices developed that make it easy to invade a person's privacy. Anyone who has read, for instance, the lectures by Professor Zelman Cowen, lectures like "The Private Man", will see there fairly stated the plea for the preservation of privacy.

However, I am not in favour of the Bill, because I do not think it will achieve what it seeks to achieve. Many of the matters I have mentioned are dealt with in the literature on the invasion of privacy, and many of them can be taken up singly by the provision of legislation which would control a specific practice that makes it possible to invade the privacy of the individual. The matter of police powers and other such matters are canvassed in the Boyer lectures. We all know that the Police Force is subject to fairly close legislative strictures, but I do not think the Bill will achieve what the Attorney thinks it will. He asserts it is not aimed at the press, yet it is obvious that the press is highly disturbed. The Attorney's view is not shared by many of those who have written on this matter.

One of the reports mentioned is the report on the law of privacy by Morison, and the Attorney-General is doubtless aware of what is in that report. Last evening (I am referring to the Attorney-General's television appearance) he changed his ground a little. He suggested that all the report did was to suggest the setting up of a commission or committee to monitor the activities of various agencies involved in this area but, in fact, the report does more than that: it alludes to the legislative possibilities to which I have referred and some of which the Attorney-General has already introduced. I commend the report to the House, because it is not a report that should be easily shrugged off. I will mention the relevant sections of it. From paragraph 30 onwards there is a fairly convincing argument for the rejecting of this proposition for the establishment of a tort for the invasion of privacy. It mentions the different propositions sought to be canvassed in such legislation and refers to the expense of undertaking such litigation, and so on.

Let me, in these comments, refer to the parts of the Bill that I think make it unworkable: mainly, I refer to clause 5, which contains the definition of "right of privacy" and which has been examined in some detail by the people concerned with the legislation. That definition is far too vague. Indeed, the very nature of the exercise in defining "right of privacy" must lead to much generality and vagueness, and that definition is vague. The other clauses to which I draw attention are clauses 8 and 9, which refer to court action. They describe what the court can, in fact, do. If we look at clause 9 (1) (*a*), we see that the court may grant exemplary damages. One of the main objections to this Bill is the very exercise in which a judge must engage in coming to conclusions under this legislation. His judgment, because of the very nature of the exercise, would be completely subjective.

There are many examples of the difficulty that judges (I am not reflecting on them; they are highly competent and intelligent members of the community but they are human and therefore fallible) experience and, the more difficult the task they are set to do, the greater the variation one is likely to get in judgments. If one examines the State law reports, one will see they are full of dissenting judgments given by the judges. What have they to adjudicate in these cases? They have to adjudicate in the vaguest of terms. The Attorney, in his second reading explanation, acknowledges that all he is doing is sowing a seed and hoping that the plant will grow and flourish. However, the task is impossible because it is left to the courts to build up a body of case law with their judgments.

The difficulty is revealed by the number of dissenting judgments we have at present. Let me briefly refer to two or three of these judgments, which are to be found in the 1973 *South Australian State Reports.* There is the case of *Short* v. *Short,* where there was an appeal to the Full Court from the orders of Mr. Justice Sangster *re* matrimonial orders, touching on contempt of court. The appeal was allowed because the Full Court was not happy with the trial judge's handling of the matter, and the case was sent back for rehearing.

Then there was the case of *Doherty* v. *Commissioner of Highways,* which concerned compensation for land resumed compulsorily. Mr. Justice Wells heard it and assessed compensation at $8 615. The Commissioner of Highways appealed and the appeal was dismissed by a majority, Mr. Justice Bright dissenting, saying that he would reduce the compensation by $470 to $8 145. In the terms of this legislation, having, in my judgment, defined in the vaguest terms what we mean by "right of privacy", we are giving the court the remedy of granting exemplary damages. We are putting the court in virtually an impossible position. Maybe the Law Society believes that the court is competent to act, but I believe it is largely a subjective exercise, in which a judgment would be a matter of opinion, depending on a judge's view of social mores at the time in his opinion.

The next case I refer to is *Blyth* v. *Sivioor,* a road accident case. There was an appeal from the local court,

which held that the plaintiff was not negligent. The Full Court, by a majority (we have a case where the judges could not be unanimous), dismissed the appeal. Chief Justice Bray dissented, being of the opinion that the plaintiff's responsibility should be assessed at one-third.

Then there is the celebrated *Oh! Calcutta!* case. That is getting into the area that this legislation will touch; we are now getting to the sort of social area where this type of judgment a judge will be called on to make. In the *Oh! Calcutta!* case, there was a majority decision, the Chief Justice dissenting. That is referred to in volume 2 of *S.A.S.R.* (1971-72). I will not delay the House by reading the report of that case. Everyone will recall that two judges gave a judgment that there should be a restraining order against the production of *Oh! Calcutta!,* and the Chief Justice gave a dissenting judgment. I highlight this to point out the impossibility of the task that the Attorney-General seeks to give the courts. It would be far better if he tackled the difficulty with some of the other prongs that he acknowledged can be pursued.

When we read books on the invasion of privacy and the ways in which privacy is being infringed, we see that it is far more relevant to adopt the sort of legislation to which I have referred. This could be done by control of recording devices or maybe by control of listening devices, restriction of the activities of people in spying on others, and in certain circumstances preventing people from taking photographs of other people. If the Attorney applied himself to that sort of exercise, much of the vagueness and subjectiveness in this Bill would be eliminated.

As I have said, I am in sympathy with what the Attorney says he is trying to do, but I do not consider that he is going about it correctly. Although the courts will accept the challenge, they will be in an impossible position. Judgments in cases of this kind would depend on the outlook of the judges and, in the long term, the result of balancing the public interest against what could be an embarrassment to a person's privacy could be a matter of opinion. For those reasons, I oppose the Bill.

Dr. EASTICK (Leader of the Opposition): Doubtless, this is one of the most difficult Bills I have been called on to examine during the time I have been in this House. I intend to oppose it, but I will not do so out of hand. It is a measure that requires much consideration before a decision can be arrived at, and I have arrived at my decision because I believe the Bill is far too vague. Definition is so wide as to cause much concern to people in the community who will be affected by the provisions. The public airing of the Bill, considerable though it has been, has not been totally effective.

In that regard, I refer to *Monday Conference,* which was taped last Tuesday and shown on television last evening. I am not suggesting that there was any editing of that programme that prevented the complete picture from being given. What I point out is that the line of questioning or deciding who will ask the questions at any time tends to prevent objective questioning of the guest, and it also prevents other points of view from being brought forward by persons who may have a view that is divergent from that of the guest speaker.

I refer here to views different from those of the Attorney-General about the application of the law. Several times on *Monday Conference* the Attorney was called on to give his view about the effect that the measure would have in respect of the practice of the law and, whilst he could say that the view that he was expressing also had been presented to him by the Law Society, several members of the legal profession in that audience could not put the counter point of view. Therefore, that extremely important area of concern was denied consideration.

Mr. Coumbe: It was a lack of balance.

Dr. EASTICK: It was a lack of balance, but I make perfectly clear that that was not intentional. As an exercise, it was excellent in giving to a large audience a penetration of the subject, and I have no hesitation in supporting the action in providing the programme to an audience beyond South Australia, as well as within the State. However, as a spectacle or an exercise, it had the deficiency to which I have referred. In my discussion with the interviewer subsequent to the taping of the programme, I found that Mr. Moore understood clearly that this problem does arise. Regardless of the subject being discussed, it is a matter of chance whether people in the audience who have a view opposite to that of the person being interviewed will be called on to ask their questions and whether they then will be able to develop the questions satisfactorily.

During the programme, the Attorney said that the matter had been brought before the House because the Law Reform Committee had decided that legislation was required in this area. He correctly stated the origin of the brief given to the committee and said that the report had been commissioned, before he assumed office, by the Party of which I am proud to be a member. He said that the brief had been given to the committee for urgent attention to whether the Government should consider introducing legislation.

Over a long period, several matters have been referred to expert committees, such as the Law Reform Committee, Professor Rogerson's committee on the law, and Mr. Justice Sangster's committee on water rating. One could mention many other committees that have been called on to determine attitudes to specific matters, and by no means have all the recommendations by committees been put into law. It has not necessarily followed that, because the persons responsible for inquiring into matters considered that those matters should be the subject of legislation, such legislation was enacted.

Several recommendations made by the Law Reform Committee on the matter under discussion are not contained in the Bill. To hide, or try to hide, behind the fact that the Bill has been introduced because the Law Reform Committee has said that it ought to be introduced is only to accept part of the responsibility that goes with receipt of such a report. Failure to bring forward several other recommendations on the matter indicates to me that the Attorney-General, or his Party, Cabinet, or Caucus, has been somewhat selective about the committee's suggestions. It was suggested that there should be a limited period in which action could be taken, but such a provision is not in the Bill. It was also suggested that the use of evidence obtained illegally should be given specific attention, but that is not included in the Bill either. One could refer in detail to other aspects that have not been included in the Bill. The Attorney-General said that the Bill was introduced because it had been represented to him by the Law Society as something which it believed should be proceeded with.

The Hon. L. J. King: I never said that.

Dr. EASTICK: Is the Attorney saying he did not say that?

The Hon. L. J. King: I didn't say I proceeded with the Bill because the Law Society advocated it. In fact, it wasn't told about it until later.

Dr. EASTICK: I see!

The Hon. L. J. King: However, they have indicated that they support it.

Dr. EASTICK: Very well. However, that statement was made by the Attorney on the television programme to which I have referred and in reply to a question I asked him: he said that it was suggested by the Law Reform Committee and supported by the Law Society.

Dr. Tonkin: But not necessarily by all its members!

Dr. EASTICK: That is the point I wanted to make, because many members of the society do not believe it should be supported. Indeed, many of them have serious doubts regarding the practicality of some of the courses of action suggested by the Attorney-General. Although I realise that opinions will always differ on matters of interpretation, the very existence of these significant questions of interpretation illustrates that invariably many arguments will be advanced in the courts to determine the rights and wrongs of the Bill.

Mr. Chapman: It'll give the legal profession more work.

Dr. EASTICK: I will not enter into that aspect. However, because many of these points have not been able adequately to be argued at this early stage before the Bill becomes law, I accept the suggestion made by the member for Mitcham that the Bill should be referred to a Select Committee. Assuming that the Bill passes completely (and I have said I do not support it), the referral of the Bill to such a Select Committee would enable many of these matters to be discussed and determined without people being put to the expense eventually of obtaining a judgment from the courts.

The vagueness of the matter is clearly illustrated if one examines certain reports on the matter of privacy. The Report of the Committee on Privacy, of which the Rt. Hon. Kenneth Younger was Chairman, and the Report on the Law of Privacy by Professor W. L. Morison, which is dated February, 1973, and which is Parliamentary Paper 85 of 1973 of the Commonwealth of Australia, have been referred to. I will now refer in full to the first two paragraphs of the latter, under the heading "Introduction", because I believe it is important to recognise the way Professor Morison viewed this matter on the evidence presented to him, and to illustrate how broad and vague the whole matter is. Under the subheading "Scope of privacy", the following appears:

Privacy may be regarded as the condition of an individual when he is free from interference with his intimate personal interests by others. It is not implied that complete freedom in this respect is anyone's moral right or that he has a legitimate claim that such complete freedom should be his legal right. The purpose is to define the scope of the subject so that these questions may be properly focused. The definition requires the investigation of such matters as communications about people to others, intrusive communications to them, and intrusive observation of them.

Under the subheading "Privacy policy", Professor Morison states:

The most general question of policy for governments is whether they should have general legislative machinery for the implementation of privacy policy supplemented by legislation in particular areas or whether governments should rest content with legislation in particular areas. There is a community demand for a general privacy policy because community leaders and the community generally are concerned about the cumulative effect of particular attacks on privacy on the autonomy of the human personality in modern society. This demand is world-wide and reflected in general resolutions of the United Nations such that it can be claimed that any Government which fails to institute comprehensive legislative machinery for the protection of privacy is in breach of its international obligations.

The major problem for the implementation of a general privacy policy is the discovery of legislative expedients which will secure a proper degree of security for the privacy of those it aims to protect without undue sacrifice of other fundamental human freedoms, and in particular without undue sacrifice of the privacy of those who are placed under obligations by the legislation. It is because of their failure to solve these problems that most proposals for a general solution in the past have proved unacceptable to governments.

I believe the Bill is still unacceptable in the form in which it has been presented to this House. Many of the areas that have been subject to doubt have not been satisfactorily resolved. I cannot accept that South Australia should become the guinea pig State and that the members of our community should be charged with the total responsibility of appearing before the courts to try more clearly to define what is intended by the legislation. Under the subheading "Existing protection under the law of tort", Professor Morison refers to other views that he has come to accept as a result of information given him. For instance, he states:

Existing causes of action incidentally protect intimate personal interests only in a limited degree.

That we have accepted, and it is one of the reasons advanced by the Attorney-General for introducing the Bill: so that there will be more benefits and cover than there have been in the past. Professor Morison then states:

The action for battery protects against direct physical interference with the person, the action for assault against the immediate threat of such interference, and other actions protect against indirect physical interferences resulting in actual harm, including the case where conduct designed to frighten causes foreseeable nervous harm.

He then refers to actions for trespass. I do not intend to refer to that publication again, although I have no doubt that many other references will be made to it during the debate. I refer now to chapter 2, on page 5, of the Younger report, where, under the heading "Privacy and the law", the following appears:

The concept of privacy causes little difficulty to the ordinary citizen. He can readily identify the part of his life which he considers to be peculiarly his own and for which he claims the right to be free from outside interference or unwanted publicity. Nevertheless, the kinds of privacy to which importance is attached and the intrusions against which protection is sought differ so widely from one individual to another and from one category to the next that it has not so far been found easy to fit the concept tidily into a single legal framework, so as to give it reasonably comprehensive recognition and protection through the civil and criminal law.

Then more information is provided regarding the reasons for anxiety, the methods of analysis, and other considerations. I do not intend to further refer to those points. However, continued reference to the decisions of the Younger Committee show that no clear indication or definition of privacy has been made; nor has it been shown how it will be reasonably applied in modern society. I refer to the statement already made that it will rest on the courts to decide, as well as the expense associated in taking a matter before the court, especially when there are no clear guidelines or limits in respect of the nature of such actions, and this highlights our concern about the cost that will be involved. This was one of the reasons why I had difficulty in deciding on the course of action to take in this matter.

True, there is a need for such a measure as this, and there are experiences to which we can all refer where there has been a clear dereliction of duty on the part of individuals in the community and, in some instances, on the part of members of the media. That fact is not disputed, but it is the nature of the remedy, as provided in

this Bill, which is too wide in its application for us to be certain that we are going to solve those problems we find abhorrent without, at the same time, involving many other people within the framework of the legislation, including many people who are fulfilling a function in the community (be it in general public life or in the media). By this Bill we would prevent them from undertaking the actions which they are recognised and accepted as doing in the community.

Again, the action that has been taken in West Germany highlights a different situation. I refer to a report by George Vine in Bonn, reported through A.A.P.-Reuter. Under the heading, "West Germany moves to strengthen Press freedom", the report states:

Three new draft laws aimed at strengthening the freedom and independence of the press and journalists are passing through the legislative mill of the West German Parliament . . .

Announcing Cabinet approval of the new Bill, the Justice Minister (Mr. Vogel) said: "The institution of a free press and radio must be safeguarded so that it can carry out its task, indispensable in a democracy, of forming public opinion."

This is the view of a Government which is often held up to us as an example, and it is strange to find ourselves on this occasion taking action that is the complete reverse of the situation applying in West Germany.

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

Dr. EASTICK: This is a most complicated Bill containing many puzzles. I intend to oppose it, but, assuming it passes the second reading, I will support its being referred to a Select Committee. Several of the grey areas in the legislation have not been explained satisfactorily by the Attorney-General. In giving the background to the Bill, the Attorney said that it was based on a recommendation of the Law Reform Committee. However, I point out that some other recommendations of that committee have not been acted on. I accept that, from time to time, there are doubts about the propriety of certain actions of the media. Shortly, I intend to deal with several such cases. I have already dealt with reports of Professor Morison and the Younger committee on the subject of privacy. In Australia, a worthwhile paper has been published in volume 47 of the *Australian Law Journal,* September, 1973, at page 498, under the heading, "Infringement of privacy and its remedies", by the Hon. H. Storey, M.L.C., of the Victorian bar. At page 502, he discusses the public interest dilemma as follows:

The dilemma in this field is to determine the legitimate limits of the public interest. What might be an invasion of privacy in the case of a private person may not be so in the case of a public person.

I think that all members accept that they come under a special type of scrutiny, some more than others.

Mr Keneally: You'll have an opportunity under the Members of Parliament (Disclosure of Interests) Bill to discuss that matter.

Dr. EASTICK: Several people have said, in dealing with the need for members to disclose their financial resources, that they do not believe it is proper that members should be called on to divulge that information. We accept that members of Parliament and other persons in public life receive much scrutiny. Unfortunately, sometimes the children and other relatives of members are affected in such a way that their enjoyment of life is diminished. In some cases, schoolteachers make remarks in front of schoolchildren whose close relatives happen to be members of Parliament. The teachers comment on the attitudes of members to subjects that may be dear to the heart of the teachers. Possibly all members have experienced this type of unfortunate incident. I put this down mainly to a lack of judgment or courtesy by people who perpetrate such actions against children or other relatives of members of Parliament. At page 506, the Hon. Mr. Storey refers to the situation in British Columbia, as follows:

There have been three other attempts of a more general nature. First, in 1968 British Columbia enacted a Privacy Act. Section 2 provides:

(1) It is a tort, actionable without proof of damage, for a person, wilfully and without a claim of right, to violate the privacy of another.

(2) The nature and degree of privacy to which a person is entitled in any situation or in relation to any matter is that which is reasonable in the circumstances, due regard being given to the lawful interests of others; and in determining whether the act or conduct of a person constitutes a violation of the privacy of another, regard shall be given to the nature, incidence, and occasion of the act or conduct and to the relationship, whether domestic or other, between the parties.

At page 507, he states:

In 1970 Manitoba enacted a Privacy Act. This Act makes it a tort, actionable without proof of damage, to substantially, unreasonably and without claim of right violate the privacy of another.

The Hon. Mr. Storey also refers to action taken in the British Parliament in 1969 by Mr. Walden. It is interesting to note that his Bill contained the same definition of "right of privacy" as is contained in the Bill before us.

This Bill has tended to be looked at as a problem of the press. However, the Attorney has said publicly that it has not been introduced as an action against the press, and I accept that. The fact is that the Bill will have a marked influence on the future activities of the newspapers, television, and radio. Concern has been expressed about this locally and throughout Australia.

I have already referred to statements by Professor Morison, the Younger committee, and Mr. Storey. Another report on this matter appears in volume 48 of the *Australian Law Journal* of February, 1974, at page 91, by Jane Swanton, B.A., LL.B. (Sydney), LL.M. (London). She is Senior Lecturer in Law at the Law School, University of Sydney. She has given a great amount of documentary evidence gleaned from case history and records across the world relating to this problem. She specifically talks of the problems of the press, and at page 102 she makes the point that a more moderate suggestion is that the whole question of press intrusion should be left to extra-legal self-regulation by a body such as the Press Council in the United Kingdom, the objects of which are, *inter alia.*

To maintain the character of the British press in accordance with the highest professional and commercial standards and to consider and deal with complaints about the conduct of the press.

The article continues along these lines:

It might be thought that the Press Council constitutes a more effective restraint on privacy-invading activities than does the tort remedy in the United States which is now almost emasculated by the newsworthiness exception. But it should be noted that the Press Council, although a voluntary body, was set up on the recommendation of a Royal Commission and under strong public pressure and the threat of imposition of legal controls.

I am firmly convinced that there is a need for a press council. I think I am correct in saying this view is shared by the Attorney-General. I do not want to quote him out of context, but I believe that was an assertion he made last Tuesday evening and also, of course, in the replay last night. I believe that, to give a press council sufficient teeth to make it effective, it would be necessary for the control of the press council or its activities to be contained within an Act of Parliament.

A number of professional bodies (the one of which I am a member is a case in point) have had inserted in the regulations or in the Act controlling the profession a code of ethics of the professional association. By having that code incorporated in the regulations of the Veterinary Surgeons Act, for instance, it is possible, with the weight of the law and the weight of Parliamentary approval, to take action against those who fail to fulfil their responsibility to the community. In this case (a press council), it would be if they failed to respond to direction or to the basic principles of their code of ethics.

All members of this House received from Mr. Rust, the South Australian President of the Australian Journalists Association, a letter regarding this Bill. There has been correspondence also from Gaye P. McLeod, the convener of the Women Journalists Club Action Committee. Mr. Rust, in his document to members of this House, states under the heading "Introduction" that the Australian Journalists Association believe there are dangers to the legitimate activities of its members in the Privacy Bill introduced in the South Australian Parliament. He went on to say:

The A.J.A. and its members have always recognised and respected the right of privacy. This is shown clearly in the following sections of the A.J.A. Code of Ethics:

(3) He shall in all circumstances respect all confidences received by him in the course of his calling.

(6) He shall use only fair and honest methods to obtain news, pictures and comments.

(7) He shall reveal his identity as a representative of the press or radio and television services before obtaining any personal interview for the purpose of using it for publication.

(8) He shall do his utmost to maintain full confidence in the integrity and dignity of the calling of a journalist.

He makes the point that the code of ethics is binding on all members and that A.J.A. members are proud to work under the code and, over the years, have risked dismissal and gaoling for standing resolutely by it. Members will recognise cases where people have so acted. However, it does not give the authority that the incorporation of the code of ethics into a Bill or into regulations associated with the Bill would have.

One could refer to events of relatively recent times where, personally, I believe members of the A.J.A. or persons employed in that area have grossly failed their own organisation. One considers probably the most recent occurrence of this, what might be termed the Hogan affair in relation to the challenge to Mrs. Petrov to be interviewed. This matter, too, was commented on in the programme of *Monday Conference.* It has been highlighted in the press and on October 4, under the heading "Murphy will act on privacy", and with a Canberra dateline, the *Advertiser* states:

The Attorney-General (Senator Murphy) said yesterday he would introduce legislation soon to protect Australian citizens from invasion of their privacy.

The article continues:

Earlier Senator Murphy had read to the Senate a letter which he said had been received by Mrs. Evdokia Petrov from Mr. Allan Hogan "who is engaged or has an association with the A.B.C.".

The article further states:

In Sydney, the Federal secretary of the A.J.A. (Mr. S. P. Crossland) said that none of the *Four Corners* team involved in the incident with Mrs. Petrov belonged to the association.

This prevented the A.J.A. from taking action under its code of ethics.

The A.J.A.'s code of ethics recognised the right of individual privacy and imposed certain obligations on members.

If repeated A.J.A. campaigns for a press council had been heeded many years ago there would now be guidance for handling difficult problems which sometimes arose in conflict between an individual's right of privacy and the public's right to a free flow of information.

That revelation clearly indicates the difficulties associated with the representations made by Mr. Rust that not all people who operate in this field are necessarily members of the A.J.A. and therefore are not controlled by the requirements or the code of ethics of that body. Indeed, if these features were taken up as I recommend in a press council Bill, that situation would be overcome. Referring more particularly to the letter from Hogan, the *Australian* of Friday, October 4, states (and this is Senator Murphy describing the letter that had been read):

I remind you again of what I said this morning, one way or other I am determined to get a story out of the fact that your whereabouts are now known. Even if you agree not to talk to me there are a number of ways we can still tell the story without disclosing your name or address. We can continue to follow you or to film your house from the street and to speak to neighbours, etc., etc.

Mr. Payne: Are you happy to see that position continue?

Dr. EASTICK: No. I think that if the honourable member had listened attentively to what I have said he would realise that I believe that was not a reasonable action by a reasonable person. I believe there is another remedy to the situation other than what is provided in this Bill.

The Hon. L. J. King: Do you think she ought to be entitled to go to the court to get an order to stop that man threatening her?

Dr. EASTICK: I believe so, and I know the Attorney-General will say immediately there is no provision for such an action. However, I shall come to that in due course. The other point I want to make relates to an incident that occurred within this House, where I received from the Press Galleries in 1972 a certain document. It was recommended to me that I might care to ask the question, "Will the Attorney-General investigate this matter and report to the House?", and then seek permission to read a statement that had been presented to me. I will now give an abridged version that will not include the names of people who were identified, but I shall be pleased to show the document to the Attorney. This is an incident in this House during the time I have been Leader, and the document came to me on November 8, 1972, and states:

Woman in fear of life. A 35-year-old mother of children says she is living in fear of her life since a man convicted of assaulting her was released on a small bond in the Supreme Court last week. A European-born woman (named) of an address (given) alleged yesterday that a man had told her he would return and kill her or her children (ages given).

The report named the person and stated he was acquitted in the Supreme Court on such and such a date of having kidnapped a person and having indecently interfered with her, raped her, and abducted her out of the State. The article gives much detail. This is an incident in which a member of the press in this State was willing to have a member of Parliament name a person and others who had been associated with that case, so that the whole issue could be written up in a rather unfavourable light, certainly in a light that was aimed at causing controversy (I am sure there is no doubt about that if one reads the document), and to bring a degree of notoriety to the whole incident. I refused to accept that situation and took no further action except to leave the document on file so that if it were required in future it would be available. It is pertinent to reveal its existence now. I refer to a commentator on a radio station in this State who

referred to an action that had taken place in this House about a vote that was taken. The person, who was not present and who did not have the full facts of what happened in this House, was willing to say on radio the following morning (and I quote his words exactly so that there can be no doubt)—

Mr. Keneally: Are you supporting the Bill?

Dr. EASTICK: No, but I am pointing out that there is a case for a press council.

Mr. Payne: That would allow actions to go on.

Dr. EASTICK: This was on February 21, 1974, and he said, "I hereby nominate Dr. Eastick and his colleagues for the distinguished order of the blind political bat."

Mr. Keneally: What's wrong with that: it's not unreasonable?

Mr. Millhouse: He was absolutely right.

The Hon. L. J. King: If I had said that, you would have said that I was being offensive.

Dr. EASTICK: I quote that to show that I am not thin-skinned, but I also point out how some members of the press apply the A.J.A. code of ethics that has been quoted to honourable members as being important in the activities of members of the media.

The Hon. L. J. King: If they don't take any notice of that code of ethics, doesn't it make it necessary for the citizen to have some rights?

Dr. EASTICK: I believe that this code of ethics should be incorporated in a Bill creating a press council, which has been requested by members of the press for a long time. The Federal President indicated last Tuesday evening that he would support the creation of such a council. If this code of ethics were incorporated in such a Bill, several situations which I view unfavourably and which I believe are not in the best interests of the community could have been avoided. They would not require the present legislation with its breadth of cover and indefinite, indecisive definition. Several members will highlight different aspects of this measure, and it would be possible to discuss the Justice report produced in the United Kingdom on a particular issue of privacy relating to a document introduced in 1970. It would be possible to emphasise the manner in which privacy and aspects of it have been considered by many Parliaments throughout the world. In Appendix C of that report, at page 49, are shown 10 examples of the type of action that a privacy Bill would be called on to encompass, but, after giving these examples and considering all aspects of the subject, it has still been the considered opinion of most reviewers (and I do not mean the casual reviewer, but authorities such as Professor Morison, the Younger committee, and Jane Swanton—

Mr. Payne: That person didn't agree fully as you will find out later.

Dr. EASTICK: Is the honourable member suggesting that I failed to read the words to which I referred in their correct context?

The Hon. L. J. King: You forgot to mention the conclusion.

Dr. EASTICK: Most people who have considered this subject, unlike the Attorney-General and the law reform committee which reported on this matter, have referred to problems existing in this measure. I know that this Bill is different in one aspect from the original Bill that was introduced in March of this year. This Bill binds the Crown. To present a Bill that does not contain any control over the activities of persons who represent the Crown is opposing the best interests of the drafting of such a Bill, apart from how one views the Bill itself. So that anomaly has been corrected. However, the members of the legal profession, as I have previously indicated, are not all in agreement with the view expressed by the Law Society.

I should like now to refer to some comments of a person who practises law in this State and has considered this matter, together with some of his colleagues. These comments may well give the Attorney-General the opportunity of answering their fears when he comes to sum up the debate. The person in question points out:

I am somewhat uneasy about the definition of "right of privacy" in relation to the possible erection of high-rise buildings in areas where they are permitted but where their presence would obviously limit the right of an adjoining owner to enjoy complete privacy on his land. It seems to me that this Bill may well produce some uncertainty in this area and that a specific defence should possibly be included in section 7 in order to make it clear that the use of land in a manner authorised by law would not of itself be an infringement of the right of privacy of the owner or occupier of any other land. The general words contained in the definition "right of privacy" set out in section 4 of the Bill are not to be limited in their scope by the specific expressions set out in paragraphs (*n*) to (*g*). As the concepts set out in the Bill are somewhat novel, I wonder whether, initially at any rate, the expression "right of privacy" set out in the Bill should not be limited in its terms to the specific matters enumerated in paragraphs *(a)* to (*g*) of the definition. If the definition were amended in this way, most, if not all, of the situations which we contemplate could arise in this area would still be covered and the law would have the advantage of being reasonably certain and predictable.

It is the uncertainty of many aspects of this Bill that has been constantly referred to by the members of the legal profession and the laity alike. The statement continues:

Personally, I have very little sympathy with the view that Parliament should simply legislate on the broad principles, leaving the details to be worked out by the courts. This process not only leaves the law in an uncertain state for a very long time but is productive of much misery and expense to the poor litigants who have the misfortune to provide the cases (and the appeals) which will allow the courts to develop and delineate the detailed principles (or get them into a mess).

This question is all the more acute in a place like South Australia where the population is small and where the number of reported cases is not likely to be large. I am certain that one of the contributing factors to the high cost of legal advice at this time is the great measure of uncertainty which exists in so many areas of the law. It happens all too often that a solicitor is unable to give an unequivocal opinion simply because the principles involved are still in the course of development. It seems to me that this Bill will have some effect on the activities of newspapers and the television in bringing to light instances of graft, corruption and unfair practice. A possible example would be the activities of a land developer operating within the law but in such a manner that his activities should be investigated with a view to making a change in the law for the protection of the public. The reporting of the matter would no doubt be actionable and without there being any proof of special damage. The onus would then rest with the reporter to establish a defence to the action on the basis that the publication was "in the public interest". A person publishing a report on an undesirable practice will now not only have to consider the question of whether his report is libellous but also whether he can avoid a suit under the Privacy Act on the ground that the publication was "in the public interest", the only ground of defence open to him.

In this respect, it seems to me that this Act is moving against the present cry of journalists consumer protection groups and the like for the easing of the present stringent libel law applicable in this country. The law of defamation is left intact and this Bill adds an additional obstacle. Whether this is a good thing or not I do not know, but it seems to me that the Bill, in this respect, touches on a number of difficult social questions. It seems to me to be unfortunate that this matter has been dealt with in yet another small and separate Act rather than by way of an

amendment to the Wrongs Act. It seems to me that there is a great deal to be said for embodying enactments on various related subjects in the one Act and that there should be various Acts dealing with certain principal branches of the law—for example, a Wrongs Act dealing with the whole subject of torts, a Law of Property Act to deal with general property matters including landlord and tenant, certain of the substantive provisions dealing with contracts for the sale of land which have nothing to do with agents and which have been quite improperly embodied in the Land and Business Agents Act and a number of small odds and ends which are lurking in various dark corners of the Statute Book.

As the Wrongs Act already deals with a number of questions relating to torts, including defamation, it seems to me to be far more appropriate that the matter should be dealt with by way of addition to that Act. It will be extremely difficult for future generations of lawyers and others to keep track of the numerous amendments to the law unless some effort is made to preserve a logical sequence in the Statute Book.

I accept that that is the view of an individual person after consultation with his colleagues on this important matter. I hope he will bring those views before the Select Committee (assuming the Government will permit this matter to be considered by a Select Committee) because, if there are no answers to the questions he raises, that should be made clear. If there are, in fact, answers to the questions he raises, it is an advantage that the questions be answered. If there is an area of doubt raised by questioning of this nature, compromise should be permitted to prevail and the areas of grey eliminated before we place a Bill of this nature on the Statute Books.

I referred earlier to an article by Mr. Storey. I point out that Mr. Storey is specific in his view that there should be an alternative by way of alteration of the law of defamation. At pages 512 and 513 of the book to which I have previously referred *(Australian Law Journal,* volume 47, of September, 1973) Mr. Storey makes these points:

But if the facts publicised not merely embarrassed the individual concerned but also harmed his reputation, the justification for their publication would have to be stronger. It is at this point that the individual most needs protection. The law of defamation could provide this protection if it were not for the fact that at common law justification is a complete defence. However, in some jurisdictions in Australia truth is not a defence unless the publication is for the public benefit. If this were extended to all jurisdictions, defamation would provide a remedy for the majority of unjustifiable publications of personal facts about individuals.

The Hon. L. J. King: Do you support Mr. Storey's view on that, by the way?

Dr. EASTICK: I am developing this point; I will return to your question later. Mr. Storey continues:

I appreciate that the remedy would be founded on loss of reputation rather than invasion of privacy, but to a large extent it would cover the same field. The cases where privacy was invaded but reputation not harmed would probably be few and related mainly to public figures. Even under a privacy Statute such publications would probably be justified on the grounds of public interest.

There is more relating to this issue. I am quite happy that the points raised by Mr. Storey deserve consideration. I do not believe this aspect has been adequately considered in public debate so far. Again, if in no other way, I trust that that point of view will be expressed before a Select Committee, if one is appointed. I consider that the point that has been made is worthy of deep consideration and, in that respect, I am pleased to say to the Attorney-General, in reply to his most recent interjection, that I should be quite pleased if further argument along those lines was developed. Whether the Bill will subsequently prove to be totally effective is a matter to be resolved before the Bill is passed.

I have stated (and I return to this point) that there are features of this Bill in general in which I can see a distinct advantage. Unfortunately, the vagueness of the measure and the indecisive interpretation and definition in it lead me to believe that it would not be in the best interests of the South Australian community to pass it. On that basis, I oppose the Bill, although I indicate that I am willing to vote for the second reading so that a Select Committee may consider the whole matter.

Dr. TONKIN (Bragg): The Leader has said that this is a difficult Bill, and I agree that possibly it is. I believe that it is always difficult to balance a freedom of expression against a right of privacy. However, I believe that it is not only a difficult Bill but also a potentially dangerous one. I believe that, if it presents any danger whatever to liberty and freedom, it is dangerous and must be rejected. I consider that this is an illiberal measure, because it impinges on freedom. It impinges on the freedom of individuals more than it will protect them, and it will impinge on the freedom of the community more than it will protect individuals.

This is the second time in this House that I have spoken in a debate on a Bill the second reading explanation of which I have heard in this House and a long explanation of which I have heard outside this Chamber. Both measures have involved the Attorney-General. On the first occasion I heard his second reading explanation of the Community Welfare Bill, which was also delivered almost *in toto* to a public meeting, and on this occasion the matter has been ventilated thoroughly in the public media. At no time during that performance did the Attorney answer questions about who wanted this Bill and why it was necessary to establish a right of privacy.

Not only do I believe that this Bill is potentially dangerous: I also believe that, when it is read in conjunction with the establishment of a media monitoring service (whatever explanations have been given for it), it becomes almost sinister. I do not intend to discuss this matter from a legal point of view, because I am not qualified to do so. I intend to speak about it from a political point of view, although naturally legal aspects must come into the matter.

The people of Great Britain and Australia (indeed, of the Commonwealth of Nations generally) have had their rights guaranteed by the common law and the statute law, as interpreted by lawyers and the Judiciary, for many years. Traditionally, the courts and the Legislature are completely separate, and I believe that this has been the basis of responsible Government in these countries for many years. It goes hand in hand with the concept of an Executive responsible to the people, through Parliament. The common law provides protection for man's human and natural rights, a protection that has been built up over many centuries.

It is not subject to variation by reason of political expediency, and the important thing about it is that it is, as I have said, divorced from political influence, because the Judiciary and the Legislature are kept entirely separate. Judges must interpret Statutes that embody political ideas and policies in a legal way, and they apply legal rules to what, we hope, then will have become a purely legal task. I wish to quote from a statement by Sir Robert Menzies which was published at about the time when the Attorney introduced the Bill for the first time (I think that was in March this year). Amongst other things, Sir Robert Menzies stated:

I wonder whether people in Australia would like to have their rights guaranteed not by the common law and statute law as interpreted by lawyers but by somewhat vague phrases as interpreted by people, I am sorry to say, in the light largely of their own political convictions.

He went on to point out that this was largely the case in America, and then he stated:

In Australia, under our Constitution, the system of responsible Government is established. We think that legislation is for a responsible Legislature and, in my opinion, we are right. The thought of a High Court of Australia's applying political considerations to what ought to be purely legal issues fills me with horror. I refer to this matter because I believe that we should stand for both the Parliamentary system and the independence and legal integrity of the courts of law.

I doubt that anyone could disagree with that. The Attorney-General, in his second reading explanation, states that he believes that he is planting a seed in the common law. I consider that, in this instance, in replacing, or seeking to replace, the common law, as soon as he tries to define the right of privacy and the offence that he is creating in such general and yet particular terms (it is something of a paradox), he is removing the protection of the common law and, furthermore, leaving the way open for political intervention and interpretation, and thus for a political intrusion into matters previously covered by the common law without bias, fear or favour.

It is pointless to say that this legislation has not been introduced with a mind to the press and the media generally, because this is the area in which it will have the maximum effect, and it is because it will have the maximum effect in this regard that we must consider what this effect will be, and balance up the possible good to be gained from it with the possible harm that will come from it. Despite the Attorney's assertions, I believe that this Bill will be severely restrictive on the press, and a perfect example of what may happen has been given by the man who introduced the Bill. He has stated dogmatically several times in this House and on television that the provisions of this Bill will not in any way affect the freedom of the press. However, he speaks politically. He must do that, even though perhaps he does not realise it. He cannot really justify this belief legally, and he is interpreting what he has brought into the House politically. He may speak as a lawyer, and I understand from my friends in that profession that the Attorney is considered to be a statute lawyer (I do not know whether that is a compliment or otherwise), as opposed to a common law lawyer.

Mr. McRae: It's one hell of a distinction, though, and a fairly weird one.

Dr. TONKIN: I do not know how it goes, but a common law lawyer has rather more respect for the common law, and a statute lawyer likes to have everything spelt out in great detail. That is how the matter has been put to me. I can see that the Attorney does like things spelt out in great detail. He likes to have every "i" dotted and every "t" crossed.

The Hon. L. J. King: I thought your complaint was that I had left the Bill too general!

Dr. TONKIN: This is the paradox in the whole thing and what makes the Bill so difficult to understand. The Attorney-General is speaking as a politician. He cannot speak as an unbiased lawyer, and he cannot speak as a politician without revealing a bias. I therefore believe that members of the media are correct when they say they are afraid and when they will not accept the Attorney's dogmatic statements and assurances, because they have been made politically and therefore, in their view, are not worth anything. Basically, this business has arisen because a natural right is removed from the general protection and cover of the common law, by this attempt to define it.

I do not believe this is sowing a seed in the common law at all: I believe it is uprooting a well-established plant from the sustaining soil of the common law. What are natural rights? There are many definitions but, fundamentally, they are regarded as the inalienable rights of the individual held by him simply by virtue of his being an individual. They are set out as a belief and they are, in fact, important to a liberal philosophy, which believes that the rights and freedoms of the individual are of paramount importance. It is a belief that every man has rights and freedoms that are so intimately connected with his nature as a human being that to take them away would be to deprive him of part of his humanity. This is the natural law theory of civil liberties.

The enumeration of specific civil liberties or basic human freedoms obviously depends on the character of the culture, and on the time and place when such enumeration is made. Freedom of speech, as has been pointed out, obviously is not significant to a savage who, in fact, has very little speech. Freedom of the press took on importance only after the development and acceptance of the printing press. However, the basic idea is that rights or freedoms are inherent in a person and are not subject to destruction by a ruler or a Government. This theory has been found in many diverse cultures and civilisations from early Biblical times until today. From these beliefs is derived the attitude that there are limits on government, or that government is the result of a contract in which only certain powers are delegated to it by people. This has been the basis on which the common law has been built up.

Cicero wrote that the highest law, the law of nature, was born in all the ages before any law was written or any state was formed. This attitude has been carried on to modem times through St. Thomas Aquinas, the common law of England, Magna Carta, and similar institutions. In the English view, Parliament represents not merely the coercive aspects of the State but also, and more significantly, the free political will of the people. It is the protector of their liberties no less than of their security. The common law has its rules and fundamental points. These are the basic constitutional principles, and these principles (especially the ones that may be thought of as pertaining to the law of nature) should be respected by Parliament. If Parliament fails to respect them, the only appeal is the one to the electorate. Parliament is, after all, a court of last appeal, or the highest court in the land, and we must realise the heavy responsibility that lies on us.

In this regard, Sir William Blackstone, in his well known commentaries on the laws of England, 1765-69, stated that English law was based on embodied Biblical and natural law in which were rooted the imprescriptible rights and liberties of Englishmen. In other words, no special Bill of Rights and Liberties was needed, for they were already enshrined in the common law from which no High Court of Parliament would, in fact, remove them. This point of view is firmly held by many distinguished legal authorities today.

Declarations or Bills of Rights have been adopted by countries without the benefit and protection of the common law. In this respect, I may well be in conflict with the member for Mitcham in his desire for a Bill of Rights. One of the earliest amendments made in 1791 to the American Constitution included the phrase, "Congress shall make no law abridging the freedom of speech or of the

press." Thomas Jefferson said, in 1778, that the natural progress of things was for liberty to yield and government to gain ground. For that reason, he said, everything possible must be done that will protect liberty and restrict government.

In 1789, the National Assembly of France issued the Declaration of Rights of Man of the Citizen. Among certain sacred rights of men and of citizens was that men are born and always continue free and equal in respect of their rights. It ends as follows:

Every citizen may speak, write and publish freely his thoughts and opinions, provided—

and this is the important thing—

he is responsible for the abuse of this liberty in cases determined by the law.

That is the position in this country today under the common law.

Mr. McRae: They had a rough run for the next 15 years.

Dr. TONKIN: That brings me to another point. Although the freedom of the press is something that most people regard as traditional and as something that has been with us for many centuries, this is not so: the freedom of the press is a relatively new thing, which has been fought for over the centuries. Indeed, during Cromwell's time the press was severely restricted and put down. More recently, one of the first things the Third Reich regime did when it came to power was destroy the press and allow only its own organs to publish. Freedom of the press is not as accepted a thing as we tend to believe it is, and it must be fought for, even today, because I believe it is constantly under attack.

The United National Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations on December 10, 1948. Article 3 thereof states that everyone has the right to life, liberty and the security of person. It is interesting to note that, while the right of privacy is recognised, also affirmed are the rights providing for freedom of thought, conscience and religion, freedom of opinion, speech, press and other mediums of communication, together with freedom of assembly and association, and the right to participate in the government of one's country. In other words, the right of privacy must be respected no more and no less than the right of freedom of speech and opinion and, therefore, freedom of the press and other media. A fine balance must be kept between the two. The question must be asked: why is it necessary to change the present situation? Will changing the present situation by trying to define and legislate for a right of privacy upset the present balance between the right of privacy and the right of speech and opinion? I believe there is a serious danger that it will. I believe, too, that it has very little option than to do so.

Clause 8 (*b*) is obviously directed at journalists and, particularly, reporters. In paragraph *(c),* it has been found necessary to introduce existing principles presently relating to defamation. This is an interesting situation. If it has been found necessary to bring these principles into the Bill, why is it necessary to change the situation at all. Both paragraphs relate to the period after publication, and one reaches the stage where publication can be justified under paragraph *(b)* or paragraph (*c*): that is, to publish with any degree of responsibility and with a potential defence, considerable research must have been done. Long before any matter reaches that stage of publication, any person or body may take action under clause 5, paragraph *(e) of* which contains the words:

Likely to cause him distress, annoyance or embarrassment, or to place him in a false light.

Any person can take action under that provision to prevent further activities. I imagine that it is simply a matter of applying for an interim injunction to prevent that activity going on. I understand that the Attorney said on television last night that someone would have to prove substantial annoyance. However, what is substantial annoyance? How annoyed can one get? Is the annoyance to be a subjective interpretation or an objective interpretation? What might annoy one person might not annoy another person. It seems to me that it would be easy for a person who feared the disclosure of any facts which would not be in his best interests and which may be facts that could be exposed (perhaps they should be exposed in the community interest) to go to court and show substantial annoyance, without disclosing anything more than that and, by so doing, he would obtain an interim injunction to prevent the person from publishing that information.

Mr. Millhouse: I think you gave yourself away in that example by conceding that it might be in the community interest.

Dr. TONKIN: This is what I believe will have to be interpreted by the court.

Mr. Millhouse: That is what you conceded.

Dr. TONKIN: Yes, I conceded that.

Mr. Millhouse: It is a defence under the Bill.

Dr. TONKIN: But the person so delving and threatening to publish may not have collected enough information to provide a reasonable defence in order to say that his activities have been in the public interest. I believe this situation could easily apply to journalists, who could find themselves in that position. No-one could deny that journalists might have to drop a story because they were not able to present enough of the facts to convince a court that they should be allowed to continue in the public interest. That is the point. If there is any doubt that the press is going to be inhibited in that way, I believe that this is not good legislation.

Mr. Millhouse: What do you say about the Petrov incident a week ago?

Dr. TONKIN: I will come to that if I have sufficient time. Let us consider the activities of the Government and why it might like to limit the activities of reporters, and to restrict the so-called traditional freedom of the press, because I believe that this is what will happen. Were I more cynical, I could believe that this was the main aim of this legislation. Has this Bill been introduced because of this Government's concern for individuals, as we have heard? I doubt it. The Attorney has never hesitated in this place to use examples to help promote any legislation. Naturally, he does not give names, but he is not in any way averse to using examples of firms and corporate bodies, which can be easily identified. The Attorney knows, and all honourable members know, of the many instances of sharp practice involving used car dealers, real estate developers, and land agents (just one or two instances, the rotten apples in the barrel, the ones whose activities have caused much concern in the community). Through the complaints that have come to us, and complaints published in the press, the acts of some of these people have been exposed. I can think especially of two people (but I will not mention any names) who use lawyers so rapidly and who take out writs so constantly, often at the drop of a hat to protect their interests, that they are almost using intimidatory tactics on people who might otherwise complain about their sharp practices.

Mr. Millhouse: The problem is that they usually do it themselves and do not employ legal practitioners.

Dr. TONKIN: They do employ legal practitioners.

Mr. Millhouse: The ones I am thinking of do not.

Dr. TONKIN: The two I am thinking of do. These people discourage any action which might publicise their activities, and publicising their activities may result in curbing their activities. Yet this legislation will make it even easier for them to shelter behind threats of legal action. As I have pointed out recently, I should have thought that the Attorney would be the last person to countenance any such action, but I believe that this is exactly what this legislation will do.

Could it be that press comments about unreleased juvenile court reports, or comments concerning the Duncan inquiry, the administration of Vaughan House or any other similar matter could have stimulated the introduction of this Bill? Whatever the Attorney may say about it, I am willing to give him the benefit of the doubt.

Mr. Payne: Why mention it, then?

Dr. TONKIN: Because it may happen in the future. This is the whole point. By introducing this legislation, whatever the Attorney may assert as being his aim now, it will leave the way open for such restrictive action to be applied in the future.

Mr. Payne: There is no worry about that.

Dr. TONKIN: As I have said, taken in the context of the monitoring system which has been recently established, the whole aspect becomes sinister, indeed.

Mr. Millhouse: You realise that the Bill does not create any criminal offence?

Dr. TONKIN: I do. Nevertheless, it will act as an impediment. Any impediment to freedom of expression and freedom of speech is something for which I will not stand. I believe that in a modern society the control of mass communications could be used by totalitarian Governments as instruments to control thought, culture and the political institutions of the community, and we must never forget that. These controls can affect and form public opinion. They can direct public opinion in such a way that the strength and extent of conformity offers threats to civil liberties.

There are many other causes of conformity, including our form of civilisation, the existence of pressure groups in society and the desire for personal economic security and personal advancement. Generally, it is necessary for free societies to find ways to keep themselves tolerant of diversities and differences. It is necessary always to consider the minority view. The majority rule must always be moderated by minority rights, and the total freedoms of all people must be protected and sustained at all times. To me, that is a fundamental belief, a fundamental Liberal belief, and a free press is vital to this end. I believe strongly in Liberalism. There is no doubt that the enjoyment of human freedoms must impose limits on Government. Collectively, individuals are represented by the Government they elect. Self-government can be reasonable only where citizens are free to develop their intellectual, spiritual and moral powers. For this development they need civil liberties, which include the freedom of expression of speech, the freedom of the press, the freedom of assembly and association, the freedom of religion, the freedom to teach and to study, and the freedom of the individual from arbitrary acts of government, together with the right of privacy and other liberties. Without the enjoyment of these liberties, man cannot qualify for self-government and, without self-government, men are subjects and not citizens.

Freedom of speech, and freedom of the press, must be balanced with the right of privacy and other liberties. At the same time, I believe that the press and the media have a tremendous responsibility. I also advocate the principle of a press council, with a strong code of ethics. Freedom brings with it responsibility, and that is something that no-one can deny. One cannot have freedom without having the responsibility of maintaining the freedom of other people.

Free expression of opinion through the press must go hand in hand with the responsibility of the press of ensuring the greatest possible accuracy in the presentation of news. I believe that this sense of responsibility is not always uppermost in the minds of some journalists and some members of the media who, I believe, take their freedom of expression for granted. In doing so, they do not live up to their responsibilities. However, this can be overcome by a code of ethics such as that of the Press Club or of a press council. This responsibility will safeguard the freedom of the press; it can only add to the reputation and stature of the press.

I do not believe that it is necessary to define a right of privacy and create a tort; I think the situation is already well covered. The publication of seditious, obscene, blasphemous, or libellous matter is already subject to the ordinary consequences of the law. This Bill would result in a hampering of press activities. With Thomas Jefferson, I would regard that as a most serious threat to our democratic way of life. I believe that the present Government does not intend to abuse this law, but a totalitarian Government could abuse it. Therefore, I oppose the Bill.

Mr. MILLHOUSE (Mitcham): I support the second reading. If we properly can, we should afford to every citizen a right of privacy. It is much easier to say "right of privacy" than to define it. I take what I have just said to be summed up in what was said at the Nordic conference on the right of privacy, as follows:

> The right to privacy being of paramount importance to human happiness should be recognised as a fundamental right of mankind. It protects the individual against public authorities, the public in general, and other individuals. The right to privacy is the right to be let alone and to live one's own life with a minimum degree of interference.

That was said in 1967 and sums up the position as well as it can be summed up. Already in this debate reference has been made to the Boyer lectures in 1969 delivered by Professor Zelman Cowen. I desire to refer briefly to them because what the Professor said in the last of his lectures reinforces what I want to say. At the bottom of page 60 he said:

> I have sought to explore what is involved in the claim to privacy, and then to see how the claim to be let alone fares in the face of challenge from the mass media, from the development of a technology which makes it possible to exercise a very close surveillance by wiretapping, eavesdropping and other electronic devices, and by the assembly and easy retrieval of a formidably detailed dossier in a computer bank.

I refer particularly in that extract to the reference to the mass media. The Attorney-General has often said that this Bill is not aimed against the press and other parts of the media. However, of its very nature, it must affect those media. Whether or not he means it to, they are the people who will be primarily and immediately affected by a Bill of this type. I think that what I have quoted from Zelman Cowen's lectures highlights that point. The debate on this matter is not new, having gone on for at least three-quarters of a century. Therefore, nothing said this evening or in this debate will be new, because one can take one side or the other and argue for it. Professor Zelman Cowen also said:

Historically, the most famous piece of writing on privacy—at least from a lawyer's standpoint—was an article published in the *Harvard Law Review* in 1890 by two lawyers, Samuel Warren and Louis Brandeis. The article was said to have been provoked by excesses of press publicity, of which Warren and his family were the irritated victims.

That is the starting point of the argument in the modern world for some sort of right of privacy. I point out to the member for Bragg, who was modest enough to say that he was tackling the matter from the point of view of a member of Parliament and not as a lawyer, that there is not known to the common law, certainly not in Australia, any right of privacy, and that statement is based on *Victoria Park Racing and Recreation Grounds Company Limited* v. *Taylor,* which was decided before the war. The leading judgment is that of Sir John Latham, Chief Justice in 1937. Admittedly, Mr. Justice Evatt, as he then was, dissented, believing that there was a right, but that was a dissenting judgment. There is not at present any right of privacy. However, I believe that if we, as members of Parliament, can properly make a right of privacy, we should do so. Having said that, I admit that it is extremely difficult to do this satisfactorily.

I want to refer at some length to the report of the Younger committee on privacy in the United Kingdom. During *Monday Conference,* which I attended, the Attorney-General very astutely referred to this report. However, he referred not to the majority report but to the minority report, recommending that people should read that and they would be convinced. In fact, there are two minority reports, those of Mr. A. W. Lyon (to whom the Attorney referred) and Mr. D. M. Ross. They put in separate dissenting reports, as they dissented on different grounds. What the Attorney did not say was that 14 of the 16 members of the committee concurred in the majority report, which was against taking the sort of step this Bill takes. I have said that I am in favour of taking it; I make these references only to show how arguable the matter is and what the dangers of taking the step may be. In chapter 23 of the report, headed "Conclusion", at page 202 the following is stated:

> The fundamental decision which we have had to make concerns the method by which protection—

that is, protection of the concept of privacy—

> is given. Should the law provide a remedy against invasions of privacy as such?

That is the question posed. Paragraph 652 of the report states:

> Any general civil remedy would require hardly less general qualification in order to enable the courts (the judge or judge and jury) to achieve an acceptable balance between values implicit in respect for privacy and other values of at least equal importance to the well-being of society. We have particularly in mind the importance in a free society of the unimpeded circulation of true information and the occasions which would inevitably arise, if there were a general civil remedy for the protection of privacy, in which the courts would be called upon to balance, by reference to the "public interest", society's interest in the circulation of truth against the individual's claim for privacy.

As far as I can make out, that sums up the objections that we have had strongly indeed to the Bill from the media. There they are being put by the majority of the Younger committee in England a few years ago. Paragraph 658 of the report states:

> We have already referred to the need to balance the right of privacy against other and countervailing rights, in particular freedom of information and the right to tell the truth freely unless compelling reasons for a legal limitation of this right can be adduced. We have often found this balance difficult to strike. At every stage we have been conscious of differing judgments about the precise area of privacy which should be protected under each heading and about the considerations of "public interest" which might be held in each case to justify intrusion and so to override the right of privacy. These uncertainties are, no doubt, the consequence of the acknowledged lack of any clear and generally agreed definition of what privacy itself is; and of the only slightly less intractable problem of deciding precisely what is "in the public interest" or, in a wider formulation, "of public interest".

I hope members will bear these things in mind when later we look at the provisions of the Bill. I quote now from paragraph 664, which states:

> We have concluded that, so far as the principal areas of complaint are concerned, and especially those which arise from new technological development, our specific recommendations are likely to be much more effective than any general declaration. Having covered these areas, we do not think that what remains uncovered is extensive; and our evidence does not suggest that the position in the uncovered area is deteriorating. We think moreover that to cover it by a blanket declaration of a right of privacy would introduce uncertainties into the law, the repercussions of which upon free circulations of information are difficult to foresee in detail but could be substantial.

They go on, in the final pargraph I will mention, to say:

> We have found privacy to be a concept which means widely different things to different people and changes significantly over relatively short periods. In considering how the courts could handle so ill-defined and unstable a concept, we conclude that privacy is ill-suited to be the subject of a long process of definition through the building up of precedents over the years, since the judgments of the past would be an unreliable guide to any current evaluation of privacy. If, on the other hand, no body of judge-made precedent were built up, the law would remain, as it would certainly have to begin, highly uncertain and subject to the unguided judgments of juries from time to time. It is difficult to find any firm evidential base on which to assess the danger to the free circulation of information which might result from a legal situation of this kind. The press and broadcasting authorities have naturally expressed to us their concern about any extension into the field of truthful publication of the sort of restraints at present imposed on them by the law of defamation, especially if the practical limits of the extension are bound to remain somewhat indeterminable for a period of years—

and this the Attorney has had to admit must happen—

> We do not think these fears can be discounted and we do not forget that others besides the mass media, for instance biographers, novelists or playwrights, might also be affected.

Those passages, I believe, sum up the objections we have had, and naturally so, because the objections we have had in South Australia are the objections which have been voiced everywhere to this (certainly in the common law countries), and it is significant that, despite the number of attempts in the United Kingdom to introduce legislation and get it through the Houses of Parliament, they have failed. There have been a number of Bills, the first of which (in recent times, anyway) was in 1960, but it could not be done because it was not possible to define satisfactorily the right of privacy or to define or confine the scope of the civil wrong, the tort, which it is proposed to set up.

The Attorney-General during his television interview referred to the report of the Law Reform Committee in South Australia, and I want so say one thing rather as an aside here. He referred to me there, and some people got the impression that, because the committee had been set up when I was Attorney-General (and, I may say, at my initiative), and because a reference had been made to the committee, I and my erstwhile colleagues were in some way committed to this Bill. Whether the Attorney meant to say that or not I do not know, but certainly that was the implication seen by a number of people in his remarks.

That is entirely incorrect, and the first paragraph of the report shows that. It is addressed to the present Attorney-General, and states:

Your predecessor referred to us the question of whether the privacy of the individual ought to be protected by Statute to a greater extent than it now is in South Australia.

That was the reference, and I do not know how anyone could read out of that any commitment by me or by anyone else who was a member of or supported the then Government. The Law Reform Committee, however, did go on to express the opinion, which I share, that such a right should be established. The committee canvassed the point that no right of privacy was known to the common law and, at page 8 of its report, states:

We think, however, that that should not be the law and that the law should protect a right of privacy—a general right inherent in the individual for the preservation of individual dignity. Speaking first in general terms we recommend that a general right of privacy be created by Statute to cover all serious invasions of privacy, the wrongful use of private information and the wrongful appropriation of a person's name, likeness or professional reputation or for commercial or other advantage.

The committee appended to the report the drafted Justice Bill, as it is called, a Bill prepared by the United Kingdom section of the International Commission of Jurists. But, most significantly, the report concludes in this way:

. . . it is very difficult on a subject such as this to combine flexibility in the scope of the legislation with a reasonable degree of certainty and to be sure that the language chosen by the draftsman when imposing new restraints or duties upon the public would not have consequences which are unintended and perhaps undesirable. Accordingly, if it becomes necessary and you so desire we shall be pleased to do further research later into the matter.

Whether the committee has been invited to do that or not, I do not know, because it is its only report. The Law Reform Committee in South Australia, when recommending that a right of privacy should be created, gives the same warning which has proved fatal in England to legislative enactment on this subject.

I should like, before I mention some of the objections we have had, to turn to what have been rather neglected during the debate so far: the provisions of the Bill. To me, the most important parts of it are what is now clause 5 (the definitions clause) and clauses 6 and 8. It is obvious that this Bill is based on the Justice Bill, the draft Bill to which I have referred. However, for reasons that I find utterly incomprehensible, in very many quite vital ways the draftsman here has departed from the draft Justice Bill, and I want to say something about that later. Incidentally (and this is only a small point), there has been some degree of carelessness in preparing this draft of the Bill; this Bill is not quite the same as the one introduced previously, because a new clause 3, providing that "This Act binds the Crown" has been put in, and the subsequent clauses have not been properly renumbered. I point out to the Attorney-General that in the first definition in the present clause 5 there is a reference to "section 5 of this Act", and that should refer to section 6. Clause 7 states:

Without limiting the generality of the application of subsection (2) of section 5 of this Act—

That reference should be to section 6 of the Act. Those are matters which, through carelessness, no doubt because an extra clause has been put in the Bill, have not been altered from the draft used during the previous session of Parliament. However, those are minor things which we can put right. May I say before I get on to the definitions that it is never possible in a Parliamentary assembly to see in advance all the effects a Bill will have. If it were, no loopholes would ever be left in legislation, but human activities and the combination of circumstances are multifarious and unpredictable, and it has proved to be beyond the wit of man, and certainly beyond the wit of draftsmen, to see all the combinations of circumstances which will arise for interpretation by the courts of law.

That is why we can only be guided by our experience and then make the best guess we can on what will be the effect of any piece of legislation. Having guarded myself in that way, let me look now at the right of privacy and compare it with the draft Justice Bill, which was appended to the report of the Law Reform Committee. Our definition states:

"Right of privacy" means the right of a person to be free from a—

and here the draftsman has put in two adjectives—

substantial and unreasonable intrusion—

Dr. Tonkin: I wonder how that arose?

Mr. MILLHOUSE: I do not know, but I wonder what they mean. The Justice Bill definition does not have these words in it; it simply has "protection from intrusion". Our definition continues:

upon himself, his relationships—

I am not sure what that means—

or communications with others, his property or his business affairs, including, without limiting the generality of the foregoing, such an intrusion by—

Let me quote the beginning of the definition in the Justice Bill, because it is significantly different. It reads:

"Right of privacy" means the right of any person to be protected from intrusion upon himself, his home—

which we have left out—

his family—

which we have left out—

his relationships and communications with others, his property and his business affairs, including intrusion by—

And then the same placita are set out as we have heard. Members will realise that that definition is substantially different, and I wonder why the draftsman has made it different. On page 2 of the Bill we come to a reference to "confidential information". I am not sure what that means, and it will have to be interpreted. In paragraph *(e)* (ii) we have another very significant change in definition from that in the Justice Bill. The present Bill provides "likely to cause him distress, annoyance or embarrassment, or to place him in a false light". That makes it a subjective test, because it depends on whether the person actually involved would be likely to be caused distress, annoyance or embarrassment. The Justice Bill definition uses the word "calculated" rather than "likely to cause", and makes it an objective test, not by reference necessarily, or at all, to the actual individual.

Why have we changed the definition in these ways so as to aim to make it less certain, even though it is in the draft Justice Bill? These are some of the things that I think are so imprecise as to be really dangerous, and it is from these, I think, that the objections or fears voiced by newspapers and television have arisen. Having referred to television, let me say that if there were any justification for a Bill of this kind it was that most disgraceful incident a few days ago when Mrs. Petrov was hounded by reporters from the *Four Corners* programme From the point of view of this debate one cannot imagine a worse timing for anything than the timing of that incident. It was the classic example of what should not be allowed to happen. If anything tipped the scales in my mind in favour of supporting the principle, it was that disgraceful incident.

Let us consider clause 6, which creates the right of privacy and gives a remedy to an infringement of it.

Again, it is not in the same terms as the terms of the Justice Bill, but whether that is good or bad I will not say. The definitions are set out in clause 8, and the only one I have time to refer to, is the reference to "the public interest". Let us be frank: the Attorney-General may say what he thinks that means and what he thinks a court will say it means, but neither he nor I, or anyone else, at this time knows what "the public interest" will mean when courts come to interpret it. It is extremely broad, and I will give one example. A few years ago we had a delightful controversy, in the life of the Labor Government, over shopping hours. We know, although our Government friends may deny it, that the Labor Party was in a real fix, and there were meetings, and so on. On one occasion an extremely good photograph was published in the *Advertiser,* I think, of the Premier sneaking through someone's garden to a meeting.

Mrs. Byrne: That's not so.

Mr. MILLHOUSE: It was through long grass or something.

Mr. Payne: Be accurate: you weren't there, but I was.

Mr. MILLHOUSE: The honourable member can say that, but my recollection was of this classic photograph of Don Dunstan sneaking through what I thought was a garden, but it may have been long grass, trying to get into a meeting without being seen. It may well be that, if the *Advertiser* had been sued by him, it could have justified that photograph as being in the public interest, but it is by no means certain that it could have justified its action. There would be such uncertainty about it that it is likely that the *Advertiser* (as it usually does) would have erred on the side of caution, and the photograph would not have appeared. That is an example that I would like Government members to explain away. I have no time to say any more about the terms of this Bill. We will go through it clause by clause at some stage, I hope not now, because I want to say something about the objections that we have heard to this Bill. I have referred to objections by the A.J.A. that have been strong and absolute. The association does not want the Bill in any circumstances. Mr. W. B. Fisse of the Law School has supported the stand of the Council for Civil Liberties and has given three reasons why this Bill should not be proceeded with, as follows:

1. A general right of privacy, such as that created under this Bill, is necessarily defined in wide terms which leave at large the balance to be struck between freedom of expression and invasion of privacy.
2. The need for a general tort of infringement of privacy is open to serious question.
3. The creation of a general tort of invasion of privacy is undesirable at this time, given the unsatisfactory state of the law of contempt applicable to publications relating to court proceedings.

I am referring to the headings of his objections to illustrate the fact that there have been objections to this Bill. The Attorney-General has said much about the fact that the Law Society supports the Bill, and so it does, but it does not support the Bill in its present form. It certainly supports (and I believe that it represents the majority opinion in the legal profession from my discussions with people), as I support, the general principle of the Bill, but the Law Society has suggested nine amendments. I do not know whether the Attorney intends to embody any of those amendments, but the most important and the first is that the definition of a person should not include a body corporate, as it now does. The support given by the Law Society is by no means unqualified. I do not want to be misunderstood: it supports the principle, as I do, but it has suggested several amendments.

I believe this matter is of great importance in our community. It is a matter than has been the subject of debate for a long time, and it would be, to put it at its lowest, a great pity if this Bill were to be pushed through Parliament immediately in this session. I believe there has been so much objection to it and that so much of the objection has been rightly taken that everyone who wishes to object should have the chance to come down here and put his point of view to a Select Committee, which will have the chance over a period of weeks to consider these objections, make draft amendments to the Bill if it considered there was any substance in the objections (and I think it would), and bring it back to the House so that not only would it be a well-considered Bill but also it would be seen by those outside to be a well-considered Bill, and no-one would be able to complain afterwards that he did not have the chance to have his say.

It may be that the result of such a Select Committee would be a report that the Bill should not be proceeded with at all. I may say that, looking at the Bill, I am daunted by the thought of moving amendments to it now that will make it acceptable to me. I do not believe (I speak only for myself now) that the amendments proposed by the Law Society, for example, are sufficient. They are to the Council of the Law Society but I believe some other amendments would be required, particularly to the definition of "right of privacy". I do not think I am capable of drafting them satisfactorily but I think that, if we gave time through a Select Committee for people to come along and have their say and the members of that Select Committee considered the matter, that would be the best way to tackle it, and we would lose very little in time if that process was followed.

I very much regret that it was not followed when the Bill was introduced at the end of last session, but it was deliberately avoided by the Government on that occasion. I hope it will not be on this occasion. With those fairly big reservations, because of the nature of the matter and the drafting of the Bill, I support the second reading.

Mr. EVANS (Fisher): I will support the Bill at the second reading stage, as the member for Mitcham does. He intended to attempt to have the Bill go to a Select Committee, and I would support that move. I am one who says that we should tread cautiously when moving into a new field in law. I am one who supported and fought for some time for the creation of the office of Ombudsman in this State; I believe a press council could play a similar role in the field of the printed word, and perhaps we should think also in terms of the spoken word on radio and television. Perhaps the expression "press council" should imply that it covers those two fields as well.

I recall one or two instances in the time I have been in this place that have not pleased me, relating to the operation of television cameras, sometimes to radio broadcasts, and at times to the printed word in the daily or weekly newspapers. I sympathise with the point of view expressed by the Attorney-General that there needs to be a right of privacy. If we went out into the community and asked the people whether they believed in a right of privacy, they would say "Yes". So automatically, once we start spreading the word that the Government intends to introduce a right of privacy Bill, most people think it is a jolly good idea, but really they have no idea how it will be implemented or whether it can be achieved. Often, the frightening aspect of a new law is not being able to explain it to the people or satisfy them beyond doubt that there are no dangers inherent in the proposal, if it becomes law.

There are one or two things I should like to mention, from my short experience in this place, that have affected me personally to a degree. They can be mentioned without harming other people. I recall one television interview in the Hills, in the controversy over a conservation issue, when a television camera crew took a film of my home from about 300 metres away. Alongside the camera was some old quarry equipment that was on a property belonging to my family, a property in which I had no interest. The camera took pictures that showed the home as being close to the quarry equipment. It was cleverly done for its purpose.

Mr. Payne: That sounds just like the secret lair!

Mr. EVANS: True; it was cleverly done and I hope the point I am trying to make is understood. Then I have had the experience of one reporter in this State who is still operating in the State) asking me to disclose some information. I said, "No dice". I was told that, if I divulged it, they would say it came from another area and there would be no pack drill. I know where that conversation took place, and so does that person, but to me that is frightening because, when I think of that person writing an article suggesting where the information came from, I could end up by being accused of divulging it, although I was not really involved. That was the occasion when there was a division of thought within my own Party that caused a split. If a press reporter says that, it means there should be some area where we can decide that we will be protected in the future.

In the same conversation, I was told that a certain person would get a whack at the right time by the same reporter. That sort of operation I do not believe is responsible. So I say to the news media (if I can say it now, in all fairness) that the press is concerned about a Bill being introduced which it believes will interfere with its freedom of operation. If that was the case and there was a chance of that happening, I would not want to see it happening; nor would I attempt to help this Bill become law. However, if the media wish to retain those privileges, they must handle them responsibly, to the last letter of responsibility. There is too much what I may call "advocacy journalism". I do not think that is the job of the press. It may not be "advocacy journalism" by the reporter, it may not be his error or his interpretation of a matter. Maybe it is selective journalism. After some material leaves the reporter's desk, someone further up the ladder may decide there is an attitude that he wants to get into the statement made. To me, that is advocacy journalism or selective journalism: a person selects what he wants to put in an article regardless of the intent of the word spoken by an individual.

While that sort of operation goes on (and people know it goes on) and it has an adverse effect (or it may be a beneficial effect), there must be doubts in our minds about those people who should be handling the situation responsibly. This is the area that I find unsatisfactory. It is not really the area of right of privacy: it is the area of the freedom of the press, which has been the main objector to this Bill. It is not always true to say that a report as printed in the newspaper is inaccurate: it may be quite accurate, but incomplete, therefore giving the reader the wrong impression. If the news media wish to write editorials to try to guide or lead public opinion, that is a different matter. That is its right and there is nothing wrong with that. However, when we are dealing with the words spoken by other people, it is important not to be advocates of our own opinion. That is one of the biggest faults in the Australian press at present. It is worth thinking back to words spoken recently by other people better able to judge this matter than I am. It is possible to be accurate but at the same time not to give the right impression. It is possible to get the intention and then to reverse it, which can be harmful and really dishonest.

Tn the television field, a practice still goes on in the community whereby, if a particular television channel wants to show a story on an issue and decides to have a street interview, it can send the camera crew into the street and the crew can interview, say, 50 people about the type of programme that the channel wants to show or about the opinion that the channel wants to get across. Of the 50 interviewed, 10 may support the opinion that the channel wants, the other 40 opposing that opinion, and if the channel so desires it can show eight of the 10 supporting the opinion and two of the 40 opposed to it. In that way, the channel can give the general impression that the opinion given by the eight is what the majority have stated. To me, that is dishonest and an unsatisfactory practice that should not be continued.

Mr. Payne: It works the other way, doesn't it? Murray Hill bought 500 copies of the *News* for a public opinion poll.

Mr EVANS: I think that was a good example, if we want one, and I have no complaint about the man who did it, because I believe that it proved how easy it is to do this. The Australian Labor Party, for example, may want people each to buy 20 or 30 copies of a newspaper, and we can get a completely false picture from the sort of surveys conducted. I think that the honourable member has shown how false that sort of survey can be and how a false impression can be used to suit a particular argument. I think that at the time the person concerned knew what would be the result but he was game enough to try.

Mrs. Petrov has been mentioned recently, and I suppose the member for Mitcham summed the matter up. It was the worst case at the worst time as far as the news media were concerned, when the press published such a picture, with a Bill like this before the House. The media gave people the opportunity to say that that was an example of why a Bill dealing with the right of privacy should be passed. When people speak of the right of privacy, they have no real understanding of how the measure will be interpreted. Even the Attorney-General has no real understanding: he has told us that judges will decide, and he does not know how far the matter will go.

He cannot give a guarantee that at some time in the future a Government of his political Party or of my Party will not have a majority in both Houses and will not broaden the matter further and select areas where the news media can be suppressed. None of us can give such a guarantee. We are sowing a seed, and from that seed can grow a plant that will flower, ultimately giving off many thousands of seeds that will tie up our whole nation. It is fair to say that the monitoring system that the Government has set up is totally outside the normal realms of democracy. If we are to have a system of government in which we consider that we should have at least two Parties of significant strength, one in Government and the other in Opposition, it is totally unacceptable to society for the Party in office to grab all the money it can and pour it into employing press secretaries and establishing monitoring devices to push its own Party point of view and use press secretaries to pass the word down the line to the news media that someone on television did not go over well. This would depend on statements from Kevin Crease, or some other person who judged a person's ability.

Can we trust a Government that is willing to take that sort of measure in regard to the Bill that we are dealing with now, if that Government happens to get control of both Houses? I think the press generally has a real fear. The member for Mitchell said by interjection when the member for Bragg was speaking that we should not judge on the worst standard. However, I ask Government members on what basis they introduced the second-hand dealers and the consumer transactions legislation. The Government introduced those measures on the basis of judging the worst standard in the field. In the case of the land and business agents and the second-hand dealers measures, the Government did not say that all land agents and all second-hand car dealers could not be trusted, but that was the effect of the debates.

The total news media gave support then, because what was being done did not affect their profession or trade. There was a tendency to judge on the worst standard and to give all the support possible to have the proposals implemented, regardless of the cost to other members of society. The land agents and the second-hand car dealers do not carry the expense: society carries that and the cost is added to the price of the commodity in question. The matter becomes a form of compulsory community insurance.

The news media should think of that, regardless of whether this Bill is passed, before it jumps on the band waggon and says that a profession is shady and that people need protection. Members of the news media also should think of the Builders Licensing Act. Other proposals being put forward to protect the consumer should not restrict the trade or profession being attacked by the present Government. One may ask why I would support the second reading and the reference of the Bill to a Select Committee.

The member for Mitcham has said that this matter has been discussed by the legal profession and by Parliaments in many parts of the world, including in this State. Committees also have considered the matter. There is a concern for the right of privacy, and I think the Australian Journalists Association and other persons in television and radio realise the importance of ensuring that there is a body to which representation can be made so that more responsibility is accepted by that group. If the Bill is referred to a Select Committee, all these people and others, including John Citizen, whom we should be representing here tonight, will have an opportunity to make known their point of view. From it we may see the creation of a press council, which will include representatives of all the news media and before which all points of view can be considered.

If the Attorney-General looked around the Chamber, he would see that only two of his colleagues were present. He might think that I had hounded them out and that they were justified in not wanting to listen to me. However, I assure him that the people of this country are afraid of the power of Governments and of the effects of legislation on their private lives. If this Bill is passed without being referred to a Select Committee, the very thing against which we are trying to protect people may be lost. People may find, for instance, that they cannot air through the press ways in which their privacy has been interfered with. They may be forced, as the Attorney-General would like them to be, to go to a court to do so.

Only recently, the Attorney-General did not like my suggesting that the average citizen is frightened of courts and lawyers. I said that when such a person walked through a courtroom door he immediately tended to panic because it was a fearful place. Since uttering those words, I listened to the proceedings of the Planning Appeal Board to see how a young lad fared there. Although I considered that the board gave him every opportunity and, indeed, tried to allay his fears, he said to me afterwards, "Stan, I could not even think. I was just lost because the environment there made me feel that way. Although I knew that the judge did everything possible to make me feel at ease, I could not help being like that. That is why I was hesitant with my replies. Do you think they will think I was telling lies?" However, he was telling the truth.

When we create courts and give the average citizen an opportunity to appear in them, that citizen, who generally has never appeared in a court before, is tentative and afraid that he may not be able to face up to the sort of questioning to which he may be subjected in the witness box. It would be much better to have, say, a form of ombudsman to whom people who considered they had been treated unfairly could make representations. I know that the member for Playford, by interjection, said that a person could not be recompensed if his right of privacy had been infringed upon. I do not know how money could compensate.

A professor made a statement on television against my family, who I suppose had every reason to sue, as people telephoned my mother's house in the early hours of the morning with what I considered to be a ridiculous form of abuse. I invited the person concerned to come into Parliament House to see me, and I told him where to get the correct information. He could then check it and see whether what I said was correct. Being a professor, this man had sufficient intelligence to conduct such research and, after doing so, he had the decency to apologise to me. Although, if I sued for money, my family might have been many thousands of dollars better off, I did not think that money would rectify that sort of situation.

If a statement is made in the heat or on the spur of the moment, or has been inaccurately fed to a person, an honest, gentlemanly, face-to-face apology is more value than a monetary return. I do not see how one can ever be paid in money for an insult or slander that has occurred. I am not sure that a law that is supposed to protect one's right of privacy is adequate if a person is told that he can sue for a certain sum of money because a person took a photograph of him in a certain situation, told others of something that he did, took a voice recording and played it back to others, or printed something in the paper that invaded his right of privacy. I do not see how anyone can say to how much compensation one should be entitled for such an invasion of privacy.

Indeed, this principle is the opposite of that espoused by the Australian Labor Party, which normally says that monetary considerations do not apply. The member for Playford has said that money should not be the end result of all things: that material things should not be the answer. Yet here the Government is saying that one should get a monetary return because someone else has infringed on one's right of privacy. Perhaps some other form of penalty may be better: perhaps the offender could be sent around to mow one's lawns for a month, or something like that.

The Hon. L. J. King: He might keep peeping through the window.

Mr. EVANS: This would really test the person concerned, especially if he did not make public whatever he saw. Although I do not support the Bill, I should like it to be referred to a Select Committee. I hope the Government is willing to accept this suggestion so that we may be able to salvage out of what I consider to be a poor piece of legislation a much more satisfactory solution to a problem that has confronted us for a long time. I support the second reading.

Mrs. BYRNE (Tea Tree Gully): I support the Bill, it being important in my opinion that, if we can legislate to protect the privacy of the individual, we should do so. Having listened to the debate thus far I have tried to evaluate what members have said. I think I can sum it up in the words of the Leader of the Opposition, who said there was a need for a Bill of this kind. Admittedly, he also said that, although he agreed with some features of the Bill, he opposed it generally because he thought is was vague and indecisive in its interpretation.

This afternoon and this evening I have heard various interpretations given of the meaning of "privacy". I do not intend to add my interpretation of it or to quote the interpretation of some other person that has not already been quoted. Nevertheless, we can all place our own interpretation on the meaning. In summary, it means that we should protect the privacy of the individual. As a result of technological changes in recent years, we are all aware of the development of listening machines and similar devices. I believe it is improper that people, for reasons best known to themselves, should use such machines to spy on other people. Certainly, the conversations of people in their own home or office should remain with them.

The press has been constantly referred to during the debate on this Bill, yet I do not think I have ever risen in this Chamber before and even referred to the press. However, I now refer to it, because there have been times when I have doubted the propriety of actions of certain reporters. Although only a few have reported in a way, which I did consider to be improper and an invasion of privacy, it was certainly enough to justify the existence of this Bill.

The member for Fisher said that he believed the Government was advocating a monetary gain if a person's privacy was invaded and he was successful in a court action. However, I do not look at the legislation in that way. Instead, I consider it to be a deterrent; indeed, I hope that, if this Bill becomes law, even if in a slightly different form from its current form, it will deter some of the actions that have necessitated its introduction. I refer to an article published in a daily South Australian newspaper on August 1, 1974, under the heading "Pledge to an orphan child". This report followed an unfortunate tragedy involving a multiple murder in a South Australian country town. The report, with the names of the people involved, as well as the suburb, deleted and replaced by a dash, is as follows:

Between us all we will make sure young — is given a good life," Mr. — of — said yesterday.

The report continues:

Several members of the families gathered yesterday at the — home of —'s other grandparents' home.

The report then goes on to name the grandparents involved. I have deliberately not named the people involved; otherwise, I would be committing the very offence (if that is the right word) of which I am accusing the press. Certainly, I believe this report is an invasion on the privacy of these people. I point out that this tragedy had just occurred, yet members of the media had tracked down the relatives of these unfortunate people.

Although I do not say that these people were harassed, doubtless they were asked questions, and they gave their replies; but what I consider to be an invasion of their privacy was the fact that their names appeared in the press, as well as the suburb in which they live. Therefore, these people could be pinpointed as the relatives in question. The people concerned in this tragedy suffered greatly, and I believe it to be improper, as well as being an invasion of their privacy, that their names should have been published in this manner. Although I will not refer to any other examples, this is something that I have thought for some time is wrong.

I now refer to divorce and the invasion of privacy surrounding this matter. I am not referring to the past practice of publishing reasons and the details of divorce, highlighting what one person or another said, and describing what took place generally. I am referring to the fact that a person is to take action in a court, and the parties are named. I believe this situation to be incorrect. True, in the matrimonial causes column it is proper that the names of the people concerned should be published, but that should be the end of the matter.

Doubtless, the people concerned have gone through much unhappiness in reaching the stage of seeking a divorce. Usually at least one of the parties has suffered much unhappiness, but both parties may have suffered. I believe they have been through enough, and this further publicity is just another invasion of their privacy. It is their business alone, and it is certainly not the business of anyone else.

I refer to today's *News,* on the front page of which is the name of a certain television personality, with the caption stating that he and his wife held hands. I suppose that sort of story sells newspapers, but I consider this report to be an invasion of privacy of the people concerned. That information is not my business, and I do not consider it is the business of the public. Such publicity makes it difficult afterwards for people to readjust their lives, especially when children are involved. The member for Mitcham referred this evening to a photograph, which appeared in the press and which depicted the Premier supposedly creeping through some high grass to attend a meeting.

Mr. Millhouse: I think he was running.

Mrs. BYRNE: He was neither running nor creeping. I can say that, because I was with him and I was in that photograph, too. In fact, I had not thought of that as an invasion of privacy at the time. But, after hearing the comments of the member for Mitcham, perhaps my privacy was invaded. Certainly there must have been a further invasion of my privacy and that of the Premier, because after that photograph was taken the Liberal Party chose to use it in its campaign literature or material that was published in the press.

Mr. Harrison: Shame!

Mrs. BYRNE: I have a copy of that advertisement, and I can say that, on opening the newspaper at the time, I was shocked to see that photograph. Certainly, I never expected to see my photograph in Liberal Party propaganda. I support the Bill. It is unfortunate that it is necessary, but I consider, in view of the examples quoted by members opposite and by me, that it is.

Mr. GUNN (Eyre): Before considering a Bill of this type, one should look at the record of this Government. Although I certainly do not oppose the principles involved in it, I oppose the Bill, for the reasons I shall give. As true Liberals, we on this side believe in the rights of the individual and freedom of expression. People must not be intimidated or dictated to by others. I am concerned about the Bill, as I believe that any true democrat will always support freedom of the press, even though I will have one or two critical things to say about the press later.

I believe members opposite should explain clearly why they support the Bill, which I think is one of the most important pieces of legislation to be introduced since I became a member. It breaks completely new ground.

However, members opposite either do not understand the Bill enough to analyse it or are not allowed to speak, as most of them are apparently not taking part in the debate. As the House has not had a great work load during the past fortnight and as the Bill has been on the Notice Paper for a long time, members have had ample opportunity to study it.

From the noise in the Chamber, there appear to be a couple of other debates taking place at present. I believe that we should examine the Government's record. In the two Parliaments of which I have been a member, one of the first things I saw the Government do was restrict the time allowed for questions without notice. For a long time members had had two hours in which to question the Government, but that time was reduced. In addition, before that, the Government altered the way in which questions could be asked. Then, it appointed several press secretaries to make sure that newspapers and the other media were bombarded with Labor Party propaganda, whereas the Opposition was allowed only one press officer. I have taken part in some rowdy debates, but I am now witnessing one of the worst displays of decorum that I have seen in this place.

The SPEAKER: Order! The honourable member must not reflect on the Chair.

Mr. GUNN: I was not reflecting on you, Mr. Speaker.

The SPEAKER: The honourable member referred to the decorum of the House, and he must not reflect on the Chair in that way. He must withdraw those remarks.

Mr. GUNN: Certainly, Sir. I was saying that the Labor Party provided itself with a massive machine with which to bombard the press with its own propaganda, yet only one press secretary had been provided for the Opposition. One of the fundamental rights in any democracy is that not only the Government's point of view but also alternative points of view shall be put to the public. There should be no restriction. The record of the Government to this stage is clearly that it has tried to put itself in a privileged position. That sort of thing should not be permitted in any circumstances. The latest action of the Government, which preaches about the freedom of the individual (a new principle it has suddenly adopted), is to appoint Mr. Crease with his monitoring equipment. This matter has caused great public discussion.

I believe that what the Government has done should be condemned by all responsible members. I have been told that in the State Administration Centre there is set up not only a monitoring system but also recording equipment. Are we to have files on every person who appears on the media? The worst aspect is that so far it has not been indicated whether this service will be made available to all shades of political opinion in the State. The taxpayers are providing this service only for the Government, whereas I believe that, if the Government is to spend taxpayers' money in this way, the service should be available to everyone. No true democrat of any description can justify the Government's action.

The Hon. G. T. Virgo: Are you a democrat?

Mr. GUNN: I believe I am, and a true Liberal.

The Hon. G. T. Virgo: You believe in one vote one value, do you? You won't answer that.

Mr. GUNN: I am not afraid to answer questions. I never run away from my responsibilities. I do not twist and turn as the Minister does; if I believe in a principle, I stand up for it. As the Minister is out of order, I will ignore him. The Bill has been described by members in several ways. In a highly publicised television interview, the Attorney-General referred to a report on the law of privacy by Professor Morison that was produced in February, 1973. It is rather interesting to quote what Professor Morison has to say. In paragraph 120, on page 64, he states:

> If a general tort of privacy were to be established along American lines it would be the press and other publicity media which would be principally affected rather than, for example, credit agencies, because the tort aims at general publicity given to matters regarded as private . . .

I have lost the trend of that quotation because of the conversation that is going on around me. However, this reference and the other references I shall quote point out clearly that the press may be placed in a position from which it cannot objectively report matters of public interest. In a democracy, we must make sure that the press has the right to report objectively on matters of public interest. If I fully understand the Bill, I can imagine a situation in which a group of reporters can interview a person and confront him with certain information. It would be obvious to that person that the reporters intended to print that information. If that information was highly topical at that time, the person, under the provisions of this legislation, would have the right to instruct his solicitor to take out an injunction immediately to prevent the publishing of that information in the media.

The publishing of it might be delayed for three or four months, but if the event was of great public interest at the time of the interview it might have little or no meaning in three or four months time. How many judges does the Attorney intend to have on standby (or does he intend to have any judges on standby) to issue orders restraining the media from printing or showing information? If the legislation is to work efficiently (as the Attorney-General obviously contemplates that it will), every facility must be provided for people to act quickly. Without that, the legislation will be useless. One daily newspaper goes to press about 1.30 a.m. and another is printed at mid-day If a story were to be written at 8 p.m., some facilities would have to be available to enable a person to prevent the publishing of that information. As this is a significant aspect, the Attorney should explain what he has in mind.

In the course of his second reading explanation, the Attorney referred at great length to the Universal Declaration of Human Rights adopted by the United Nations in 1948. We all know that many of the countries that signed that document have most dictatorial forms of government, propped up only by sheer force of arms, and that, in such countries, there is no freedom of the press. Yet these people sit in judgment on other countries making arbitrary decisions, at the same time carrying on their own affairs in a most arbitrary fashion. The Attorney is being hypocritical if he intends to use the United Nations to justify this Bill, because many countries sitting in the United Nations carry on in the most disgraceful way, with some of the most undemocratic practices brought into existence.

Mr. Duncan: Are you opposing this Bill by taking the lowest common denominator in the United Nations?

Mr. GUNN: The Attorney-General apparently is basing his Bill on the lowest common denominator. Since the member for Elizabeth has interjected, perhaps it would be of interest to hear how he thinks this legislation will affect a measure he has before the House. Another document from which I shall quote is *Right of privacy* by Jane Swanton, who makes one or two interesting comments. At page 26, talking about the Bill of Rights, but applicable to this legislation, the article states:

If there is to be a Bill of Rights in Australia then privacy must receive protection along with other fundamental values. But entrenchment of a "right of privacy" in those terms would be impossibly imprecise; the scope of such a guarantee would have to be spelled out more explicitly.

That is a reference to the fact that it is most difficult to create a right of privacy and to do so in a way in which it can be enforced. Referring now to the Bill, clause 5 provides:

"right of privacy" means the right of a person to be free from a substantial and unreasonable intrusion upon himself, his relationships or communications with others . . .

I should like the Attorney to explain, in reply, what he means by "substantial" and "unreasonable". I took the trouble to refer to the dictionary. "Substantial" is defined as follows:

Having substance, actually existing, not illusory, of real importance or value, of considerable amount.

That is a wide definition to be placed in legislation that could be interpreted in many ways. "Unreasonable" is defined as follows:

Outside the limits of reason, more than might be expected.

That in itself is a wide definition that needs long and precise explanation. In any democratic country, the press must have the right to report objectively, but I am fully aware, the same as are other members who have spoken in this debate, that members of the press in this country on various occasions have not acted as they should have acted. The action the other day of a *Four Corners* group in trying to interview Mrs. Petrov tended to convince me initially that I should vote for this Bill. However, on reflection I do not consider that one irresponsible example should impede one of the basic democratic rights, the freedom of the press. That group of people acted in a disgraceful and deplorable way: Mrs. Petrov should never had been put through such an experience. Even though I condemn such an action I could not, without much reservation, support a measure of this nature. Once any Government takes control of the press, the people receive only the information the Government wants them to receive; once they receive restricted information they cannot judge the facts properly.

When a political machine takes over the press, it takes virtually the first step toward totalitarian government. We cannot say that it cannot happen in Australia, because it can happen anywhere. We all know of many places where it has happened, and that is why this Parliament must be certain, in dealing with such legislation, that we do not put in the hands of this Government and future Governments machinery to be used against the political opponents of that Government or to suppress information that the people should receive.

I know by the look on the face of the member for Elizabeth that he does not agree with me, but he has to remember that it may not be his Government or a Government from this side of the House: it could be any group of people. How would that Government use this legislation in future? As legislators at this time we must look to the future and make a decision that will, as far as possible, guarantee the democratic right of citizens who live in this country today and also those who will live in it in future.

One only has to consider recent history to realise that in the name of democracy people have introduced legislation that has helped to undermine democracy and has placed powers in the hands of people which have been used to destroy existing institutions and which have enabled them to take complete control of society. One only has to consider Hitler's Fascist Germany. Having looked at that country, one realises that this Government has set up a monitoring system that will make records and keep them in a computer file. One immediately thinks of Heinrich Himmler and the files that he had on German people. I am not saying that this Government would carry on in that fashion, but this situation must be considered because it could happen, particularly when the media cannot report the facts to the people.

I strongly support the member for Mitcham and his suggestion to refer this measure to a Select Committee because I believe that this kind of measure, which is so important and fundamental to democratic principles, should be referred to a Select Committee so that those who consider that they will be affected will have the right to give evidence to those who will make the final decision: that is, members of this House and of another place. I hope that, if the Attorney and his colleagues are true democrats and if they do not want to force on people their point of view, they will allow this matter to be considered by a Select Committee. I support the second reading, but will require much more information in Committee. I and my colleagues have been the victims of a vicious press campaign, and I have had comments written about me that have been untrue.

The Hon. G. R. Broomhill: I can't recall anything untrue.

Mr. GUNN: If the junior Minister, who has been out of the Chamber this evening but who has just returned, was fair-minded, he would realise that many such things have been written in the press during the last two years.

The Hon. G. R. Broomhill: Quote an example.

Mr. GUNN: These reports have shown Opposition members in a bad light.

The Hon. L. J. King: That doesn't mean they're untrue.

Mr. GUNN: Many Opposition members realise that what has been reported is completely inaccurate and not based on fact. We know that the truth will eventually be known.

The Hon. G. R. Broomhill: Give us an example.

Mr GUNN: I suggest that the Minister peruse some of his press cuttings kept by his Press Secretary and the files his Party keeps on Opposition members, and he will understand. He then has to refer to the actual speeches that were made and, if he is fair-minded, he will understand that what has been written is incorrect.

Mr. Duncan: This Bill has nothing to do with the proceedings of this House.

Mr. GUNN: I am making the speech and do not require the help of the member for Elizabeth. I was the victim of a scurrilous attack by the newspaper that the honourable member's Party publishes, and I have taken strong exception to those reports.

The Hon. G. R. Broomhill: What did they say?

Mr. GUNN: If the Minister does not read them, I will not quote them so that they can be included in *Hansard.* The character who wrote the reports did not have the guts to put his name to them. I do not mind being criticised (indeed, all members have to expect such criticism), but, when people have to hide behind a pen-name and will not stand by their written statement, they are gutless and worthless. I support the second reading with much reservation, and will have more to say later.

Mr. DEAN BROWN (Davenport): It is most unfortunate that the Government is pushing this Bill through this evening as quickly as it can.

Mr. Langley: Don't start that business: you knew, because you were told.

Mr. DEAN BROWN: Last week the House did not sit during the evenings, but this evening we are pushing on to debate this legislation. It is most unfortunate that it should be pushed through with the minimum publicity. As I oppose this legislation, I will vote against the second reading. I believe it will not afford the benefits for people in South Australia that the Attorney has claimed. I have been a strong advocate of protecting the rights of privacy of the individual.

Mr. Payne: When did you advocate that?

Mr. DEAN BROWN: Several times.

Mr. Payne: When?

Mr. DEAN BROWN: I moved a motion at the meeting of the Federal Council of the Liberal Party of Australia.

The Hon. L. J. King: How did you get on?

Mr. DEAN BROWN: It was accepted on very logical grounds as it clearly indicated how we would go about protecting the right of privacy. We have a complex issue in trying to preserve the freedom of the individual in relation to his privacy and, on the other hand, trying to protect the freedom of the individual and his ability to write and speak what he thinks. If we go too far one way, we may inhibit the rights of the individual in the other direction, because both concepts tend to oppose each other. This legislation tries to swing the balance entirely one way: it tends to restrict markedly the amount of freedom the individual has in what he can say or write about any other person. For that reason, I believe this is a dangerous piece of legislation.

I also appreciate there are two sides to this and that it is a balance we must recognise: who is likely to get the greatest benefit from using the right of privacy accorded to him under this Bill? The one group of people that will use it to better purpose than anyone else is the corporate body. I refer specifically to clause 5, which defines "person" as including a body corporate. It may be a large corporation, a company, a swindler, a person whom we are trying to control in the community and from whom we are trying to protect the general consumer. It will be he who will use this legislation to maximum benefit, so we are in fact protecting him by allowing him to carry on at times these rather unsavoury practices and not protecting the consumer or some other person he is dealing with. Therefore, this Bill, if passed, would be most unfortunate.

I am surprised the Attorney-General has not recognised this aspect of the Bill. He is one person who in the past has come forward with much legislation in an attempt to protect the consumer, and I support much, though not all, of his legislation. He has taken the right initiative in that direction. However, this is an unfortunate reversal by him: this Bill will not help the consumer. Much has been said this evening about the Younger committee's report and various other reports on privacy. There are great volumes on this matter and I have several of them here, although I do not intend to quote at length from these reports. I wish to deal specifically with the Bill, and it can be discussed with much common sense without necessarily getting on to the legal aspects dealt with by the member for Mitcham.

My first specific point is the definition of "person" in clause 5, and the fact that it includes a body corporate. I see no point now in introducing legislation to protect the privacy of a corporate body. There has been no outcry by corporate bodies because they do not have privacy at present. The outcry has come from people concerning the use of the computer banks and the information they contain. This is probably the one area that the Attorney-General is trying to attack most of all. However, this definition of "person" simply allows the other bodies to be protected by this legislation. Therefore, I strongly reject that definition.

The next aspect I reject is the definition of "right of privacy". This is a general and broad definition; I do not believe that "right of privacy" can be defined clearly in law. I refer specifically to parts of this definition. Again, I think it tends to protect the corporate body in preference to the private individual. I think the member for Mitcham pointed out that the words "home" and "family" had been left out of the definition. I will read the definition, which is as follows:

"right of privacy" means the right of a person to be free from a substantial and unreasonable intrusion upon himself,—

again, as another member did this evening, I question the meaning of these two words "substantial" and "unreasonable"—

his relationships or communications with others, his property or his business affairs, including, without limiting the generality of the foregoing, such an intrusion by—

(a) spying, prying, watching or besetting;
(b) the overhearing or recording of spoken words;
(c) the making of visual images;
(d) the reading or copying of documents;
(e) the use or disclosure of—

I refer particularly to this—

(i) confidential information; or
(ii) facts, including his name, identity or likeness, likely to cause him distress, annoyance or embarrassment, or to place him in a false light.

I refer to those parts of the definition and will finish reading it later. Who decides whether or not information is confidential? I presume that, if a person marks the top of any letter, circular, or piece of information with the word "Confidential", the information thereon will be classed by the courts as confidential. Therefore, every letter written would obviously be clearly marked at the top "Confidential", because that would prevent that letter being copied.

Mr. Duncan: Through your ignorance, you are setting yourself up as a very big fool.

Mr. DEAN BROWN: The member for Mitcham asked what "confidential" meant, and it is up to the Attorney-General at least to define it. Despite the arrogance of the member for Elizabeth in saying that he knows what it means, other solicitors are in the dark about it. Then we get to the general area of causing annoyance or embarrassment. Many issues arise that may cause annoyance or embarrassment to anyone, but there is no reason in the world why that information should be stopped from being divulged to the public, although it may not always be in the public interest for that to be done. This is giving a completely blank cheque to anyone concerned to protect himself from the use of any information about him. I now come to paragraphs *(f)* and *(g)* of the definition of "right of privacy". Paragraph *(g)* states:

the acquisition of confidential, industrial or commercial information.

Again, I see great danger in accepting these three words—"confidential", "industrial", and "commercial" information. That is exactly the area in which I can see corporations or corporate bodies using this legislation to protect themselves in respect of any of their actions. That is exactly what the press and the members on this side of the Chamber are concerned about. Under this legislation, corporate bodies would be protected, largely because their information would be

both confidential and industrial or commercial. Therefore, I believe no member of Parliament outside this Chamber could reveal confidential or commercial information that might relate to a company carrying on unsavoury practices. I myself have done it and have seen other members of Parliament reveal weaknesses in our law or the trade practices of certain companies. It is those areas about which I am concerned.

I also see in this Bill the great danger that the Government will try to silence the Opposition. No doubt, many of the facts that Opposition members raise against some of the rather shabby practices carried on by the Government of this State are obtained by means of information from Government departments. Under this Bill, however, the authorities can clearly prosecute any persons involved, and prevent members of Parliament from using that information in the outside world. We can relate it only in this House.

Mr. Duncan: They can do it now, you fool.

Mr. DEAN BROWN: The member for Elizabeth says they can do it now, but the authorities cannot prosecute a member of Parliament or any other individual who is not a public servant for using confidential Government information outside the House. I refer to public reports.

Mr. Duncan: You referred to the Public Service.

Mr. DEAN BROWN: I referred to Public Service reports. The member for Elizabeth should listen carefully to what I say. I see this as one of the main reasons why the Government is introducing this Bill. It would effectively shut up press criticism of Government action. I think back to many issues regarding the Redcliff project that the press could not have used, because it would have been using them without the protection of this House.

The Hon L. J. King: Does it strike you as odd that, in all those reports and criticisms that have been referred to, no-one else has thought that this would be the possible effect of this legislation?

Mr. DEAN BROWN: I believe that other people have thought of it, and it is exactly what the press is concerned about. Doubtless, the Government is trying to silence the press effectively, and I think it is aiding and abetting the actions of corporate bodies, including itself. I shall deal now with what sort of action we should be taking to try to protect the privacy of the individual. First, we already have the Listening Devices Act of 1972, and I applaud that legislation. We should have specific legislation to prevent the use of certain computer information, particularly information held on computer banks and made available readily to people who are willing to pay for it. I refer specifically to credit agencies and similar bodies. Legislation should be introduced to control the use of this information and its accuracy, and if the Bill before us is defeated (as I hope it will be) I should like the Attorney-General to introduce legislation to prevent that sort of practice from being carried on in an uncontrolled way.

Furthermore, sometimes some press people (and I restrict this comment greatly) tend to abuse their privileges. The overwhelming majority of press reporters adhere closely to their code of ethics, but recently we have had the case concerning *Four Corners* and the Petrov affair, and I believe that the code of ethics was broken, as can be seen from reading the matter. If some members of the press occasionally break their code of ethics, it is important that we have in South Australia a press council to make sure that that is not done in future or, if it is done, that action will be taken. Such action can be severe.

I think Government members realise that the press has acted responsibly in the past. Therefore, there is no need to pass extremely restrictive legislation to try to inhibit the press further. Already the press in Australia has had imposed on it far greater controls than apply to the press overseas, particularly in the United States of America. If this Bill was passed, it would be almost certain that anything similar to Watergate would not be revealed. It could be argued that it could be revealed in the public interest, but doubtless much of the information originally gathered in the Watergate case bore no relationship whatever to the public interest: that was the ultimate point. I believe that even an inquiry like the initial investigation could be stopped and a writ could be taken out to prevent further investigation by any person, body, or press officer trying to obtain such information. I should hope that the Attorney-General would consider introducing legislation to control information on computer banks and its use and that he also would consider the possibility of introducing legislation to establish a press council.

Another reason why I oppose this Bill is that at present a Commonwealth committee of inquiry into privacy is sitting. Recently the Commonwealth Minister for Social Security (Mr. Hayden) referred to this committee in relation to a matter that I raised in the House about a Mr. Hubbert. Why has not the Attorney-General waited for this Commonwealth committee of inquiry to make its recommendations before he introduced this Bill? It is unfortunate that South Australia should be the odd State out and that it should proceed without waiting to find out what measures the other States and the Commonwealth Government will adopt. If we waited, it might be one of the rare occasions when we had uniform action by each State Government and the Commonwealth Government. I have heard members opposite continually criticising certain States for not falling into line with other States on certain issues, yet those members can have the same complaint made against them on this occasion. They have failed to wait until they saw what the Commonwealth committee of inquiry recommended so that common action could be taken throughout Australia. That is another valid reason why we should vote against the Bill and wait.

Someone once said that the more we asked a Government to do for us the more that Government could do to us, and that applies in this case. The more we ask the Government to protect our privacy the more the Government can remove our freedoms of speech and of writing. It would be most unfortunate if we broke down the basic and most important fundamental principle, one that some countries do not have, namely, freedom of speech and freedom to write what we like. Recently artists in Russia have had difficulty about a fundamental principle when they have not been able to exhibit some modern art. Surely we are not moving towards that position? I hope we are not.

This is one country that can stand up and be proud of its record in relation to freedom of the individual, and I hope that, in this modern age of more and more controls by Governments on the individual, we will defend to the last every aspect of our freedom, and the freedom involved in this Bill is one such aspect. If this legislation is passed, it will be the first step in breaking down our democratic rights and individual freedoms. Earlier today I referred to this Government's action as being the action of a dastard. The dictionary meaning of "dastard" is:

One who commits brutal acts without endangering himself.

That is what the Government is doing in this legislation. It is restricting severely the rights and freedoms of members of the press particularly and also of many other individuals in our community, whilst standing back in a safe position and even safeguarding itself further. For those reasons, I oppose the second reading, and I hope that other members on this side will do likewise. I also hope that Government members will have the courage of their convictions and that they will have sufficient respect for the freedom of this country to act similarly.

Mr. RODDA secured the adjournment of the debate.

JUDGES' PENSIONS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 10.40 p.m. the House adjourned until Wednesday, October 9, at 2 p.m.