

**HOUSE OF ASSEMBLY**

Thursday, October 17, 1974

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

**ASSENT TO BILLS**

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

Art Gallery Act Amendment,  
Evidence Act Amendment,  
Evidence (Affidavits) Act Amendment,  
Judges' Pensions Act Amendment,  
Royal Institution for the Blind Act Amendment,  
Wrongs Act Amendment.

**COMMONWEALTH PARLIAMENTARY  
ASSOCIATION**

The SPEAKER: I notice in the Gallery Parliamentary representatives from many countries of the British Commonwealth of Nations who are here to attend the Second Australasian Parliamentary Seminar. Whilst in South Australia today we cannot give them a warm welcome climatically, politically and parliamentarily we offer them a warm welcome to South Australia, and hope their stay here is enjoyable and educational and that, when they leave, they will have a far greater knowledge of South Australia than they had before they came here. I have much pleasure in asking the honourable Premier to issue to delegates a welcome on behalf of the Parliament of this State.

The Hon. D. A. DUNSTAN (Premier and Treasurer): By leave, I welcome the delegates to the second Australasian regional seminar of the Commonwealth Parliamentary Association. It is a great pleasure to us to have them here. We have had the privilege of having our members attend, in many cases, their countries and associate with them in Commonwealth Parliamentary Association meetings on other occasions. The exchange of information and the learning from one another about ways of dealing with Parliamentary problems and matters of administration are important to all of us. It also gives us great personal pleasure to have them here. Inevitably, close friendships are formed with members of the Parliaments of other parts of the Commonwealth that use the Westminster system, and the friendships are just as important as is the information that passes from one delegate to another.

I hope I may be forgiven for taking the opportunity to welcome personally two members of the Parliament of my original country who are here today. One of them was a childhood friend of mine and a close friend of my family. It is delightful to me to be able to welcome him to South Australia, as he gave me such a warm welcome back to Fiji when I last visited there. It is a great pleasure to have here delegates from the various Parliaments. I hope that their stay is not only informative but also enjoyable and that they are able to avail themselves of the hospitality of South Australia in a way that we would wish them to do.

The SPEAKER: I call on the honourable Leader of the Opposition to support the honourable Premier's remarks.

Dr. EASTICK (Leader of the Opposition): By leave, I have great pleasure in supporting the remarks of the Premier. It is apparent that, by virtue of this visit, the opportunity has arisen for several old acquaintanceships to be renewed, and for many new friendships to be made.

I hope that, with the continuation of this Parliamentary system and these regular seminars, the opportunity to cement and recement these friendships will exist for many years to come. The Premier has indicated that hospitality is assured. I am happy to accept that. When delegates lunch tomorrow in the Light District they can be certain that the hospitality will be warm, genuine, and sincere. I welcome the delegates, looking forward to the opportunity of meeting them again not only in this country but also in their own countries in due course.

**PETITION: COUNCIL BOUNDARIES**

Dr. EASTICK presented a petition signed by five elected representatives of the District Council of Barossa stating that the District Council of Barossa had received from 563 residents a request that the council oppose any move by the Government to force that council as presently constituted out of existence, and that 61 residents supported the findings of the Royal Commission into Local Government Areas. The petitioners prayed that the House of Assembly would have due regard to the expressed wish of the majority of these people and reject any legislation aimed at the dissolution of the District Council of Barossa as presently constituted.

Petition received.

**QUESTIONS**

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

**BUSH FIRES**

In reply to Mr. BECKER (October 15).

The Hon. D. A. DUNSTAN: The Minister of Agriculture has already had published in the press preliminary warnings of the serious fire hazard that will exist throughout the State this season when the lush growth of grass and undergrowth dries off and becomes flammable. The public has been urged to take preventive measures to protect houses and property. I assure the honourable member that, in accordance with the practice adopted in previous years, further warnings will be issued from time to time during the fire season. Fire Prevention Week will be officially launched by His Excellency the Governor tomorrow, and no doubt this occasion will be suitably publicised by the media. Funds have again been provided for the operation of fire-spotting aircraft on days of extreme fire danger.

**WHEAT QUOTAS**

In reply to Mr. RODDA (October 9).

The Hon. J. D. CORCORAN: The Minister of Agriculture states that he has been assured by the Land Board that that authority, in assessing the prices of wheat-growing land acquired in the Monarto district, took full account of the fact that wheat quotas were attached to those properties. Therefore, the farmers whose wheat farms were acquired by the Monarto Development Commission would have been adequately compensated for their quotas, and, in accordance with the normal business practice, the quotas would have been transferred to the purchaser of the land, in this case the Monarto Development Commission. Presumably, those who bought wheatgrowing properties in other parts of the State would similarly have taken over the quotas attaching to the land purchased. In these circumstances my colleague can see no justification for retention by the landholders, whose properties were acquired, of the quotas applicable to those properties. In fact, to grant such a concession would place these people in a

preferred position in relation to all other wheatgrowers in the State, and would be contrary to the principles of the wheat quota legislation.

Nevertheless, any quotas not required by the commission in respect of the wheat properties it has acquired will be made available to the Wheat Delivery Quotas Advisory Committee for reallocation as it sees fit, and the so-called displaced growers would be eligible to apply to that committee, in common with other quota-holders, for a review of their existing quotas. As the honourable member has indicated, the whole question at present is purely academic, because of the present production situation and the proposal to suspend wheat quotas next season.

#### WORKLIFE UNIT

Dr. EASTICK: I direct my question to the Minister of Labour and Industry. In view of comments attributed today to the head of the Government's Quality of Work-life Unit (Mr. Prowse) that legislation should not be used to force worker participation on industry and unions, does the Minister still hold with the contrary opinion, which the Premier has so strongly expressed in the House? On October 2, in reply to a question by the member for Kavel, the Premier said (and I quote from page 1248 of *Hansard*):

What I did the other evening—  
he was referring to a dinner at which he was the guest speaker—

was warn the private sector that, if in fact it was not willing to work voluntarily towards a basis on which we could satisfactorily settle the conflicts in industrial interests and have an effective say by workers in decisions that affected their lives, we would have to contemplate legislation.

This morning's *Advertiser* contains a report which quotes the Government's senior departmental authority in this field as saying that such legislation would be self defeating. The report states:

Mr. Prowse said there was a danger that legislation for worker participation could frighten away overseas and local investors.

In view of the obvious conflict in opinions expressed by the Premier and Mr. Prowse, and because the Premier has in the past lauded Mr. Prowse as an authority in this field whose pronouncements should be heeded, does the Minister now concede that the introduction of legislation to force compulsory worker participation on industry and unions would not be in South Australia's best interests?

The Hon. D. A. DUNSTAN: Mr. Speaker—

*Members interjecting:*

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The Leader has asked a question that relates to Government policy, and it is my prerogative as Leader of the Government to answer on that score. When I have not done so previously, Opposition members have attacked me; so, they seem to want to have their cake and eat it too.

*Members interjecting:*

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The position in this matter is that the Government has not announced nor at any time said that it was going to introduce legislation regarding worker participation.

Mr. Mathwin: It was a threat, though, wasn't it?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I have certainly said that, if we did not get the co-operation which Mr. Prowse foresaw, it would be necessary to do so.

Dr. Eastick: Mr. Prowse does not believe—

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The determination of policy will ultimately be for the Government and not for one of its officers.

Mr. Mathwin: You know it can't be done in five minutes.

The SPEAKER: Order! The honourable member for Glenelg knows what Standing Orders require of him and, if he infringes Standing Orders again, he will be warned accordingly.

The Hon. D. A. DUNSTAN: I make clear that at the last election the Government said that it would pursue the principle of worker participation, and it expected that it would voluntarily get industry support. I have simply said that, if that industry support was not forthcoming, and if the policy expressed by the Government was ignored by industry, it would be necessary for us to consider legislation. That perfectly clear statement remains the Government's policy.

Mr. CUMBE: I direct my question to the Minister of Labour and Industry because it concerns the administration of his department. Does the Minister agree with the reported comments of Mr. Prowse, of his own department, on worker participation in this State? In the light of the Premier's reported disagreement with the concept of legislative action, does the Minister reject the report compiled by his officer as a result of an extensive study tour overseas during which Mr. Prowse gained first-hand knowledge of this subject? I attended the dinner at which the Premier made the comments referred to.

The Hon. D. H. McKEE: The honourable member has asked two or three questions. First, he asks me whether I agree with the statements made by the Premier. I agree with what the Premier has said and I know that whatever he does will be done very satisfactorily. I have every confidence in the action that will be taken by the Premier, so we have cleared up that issue. The report was being read by Cabinet Ministers before it was released to the public. The report is innocuous and it is in no way a secret document. If the honourable member would like to have a copy, I can give him one immediately, as well as one for the Leader of the Opposition. No secrecy is attached to this document. The honourable member has asked whether I agree with the comments made by Mr. Prowse and Mr. Connelly, who visited five or six countries in connection with worker participation. I think some of his remarks were relevant to the situation, and the Government will consider them, but whether we will act on them is another matter. We will probably make further announcements after Cabinet has considered the report thoroughly.

Mr. RODDA: Can the Premier say whether the Prowse report was marked "not for publication"? Obviously, the report is causing the Government some concern since it has been made public. It is apparent from rumours (and I hate to use the word) in the lobbies of this place that the report was marked as I have suggested. In his earlier reply the Premier (I think inadvertently) let drop that, if the Prowse report did not receive the reception expected by the Government, the Government would not hesitate to legislate to see that worker participation was introduced in this State.

The Hon. D. A. DUNSTAN: The honourable member has rather mixed up his instructions from his colleagues; I do not think he understood what they said to him.

The rumours are nonsense, having no basis at all. There was nothing on or in the report saying that it was confidential and not for publication.

Mr. Rodda: It was never so marked?

The Hon. D. A. DUNSTAN: That is right. In fact, the minute that was originally sent to the Minister of Labour and Industry recommended its release. My only complaint was not that it was not so marked or anything of that kind, but that, before it had been properly dealt with by Cabinet and its release authorised, it was released without authority.

Mr. Coumbe: What action will you take?

The Hon. D. A. DUNSTAN: We will see about that; I do not know at this stage. I want to know why it was released before Cabinet had had an opportunity to consider it, because any report of this kind might well be the subject of inquiry of the relevant Minister or any Cabinet Minister. It was improper that it should be released before Cabinet had had an opportunity to examine and discuss it. That was the only burden of my complaint. The other matters referred to by the honourable member are not causing the Government any concern whatever. The policy that the Government has adopted has been publicly stated; it is clear; and it will obtain.

Mr. Wells: Just another damp squib.

The SPEAKER: Order! I have warned the honourable member for Florey.

The Hon. D. A. DUNSTAN: The Government knows perfectly well that the policy is right. It knows it in the one way in a democracy in which there can be certainty: the people have voted for it.

#### SCHOOL CROSSING

Mr. WELLS: Will the Minister of Transport institute an investigation into the dangerous situation at a pedestrian crossing in my district? About 100 m west of the Windsor Hotel on North-East Road is a pedestrian crossing that serves, on the southern side, a Catholic school, which is about 100 m off the road, and, to the north, Hillcrest Primary School. Schoolchildren use the crossing, which represents a great hazard. This morning I was told that a small girl, about eight years old, was crossing from the northern side of the road to the southern side and using the pedestrian crossing. A vehicle stopped to allow her to pass across the crossing, but another vehicle approached at a considerable speed, so that, when the girl had passed the first vehicle, it seemed that the second vehicle would strike her. There was a screech of brakes and the small girl was able to throw herself clear of the second car. Shortly after, a police constable, who was travelling to town in his vehicle to sign on for duty, arrived at the scene. He picked up the small girl and took her to an adjacent shop. Seeing she was unharmed except for slight abrasions to each knee, he took her to her home in his car. She was later able to proceed to school. The action of the constable does not surprise me: it is merely another example of the dedication of a member of the finest Police Force in Australia. This crossing is dangerous and I fear it will sooner or later claim a life. Because I believe the Minister is vitally concerned, I ask that something be done about the matter before a tragedy occurs.

The Hon. G. T. VIRGO: I will call for a report on the matter.

#### WEST LAKES FLOODING

Mr. PAYNE: Has the Acting Minister of Works any further information concerning the major flooding that occurred at West Lakes yesterday? This question

is supplementary to the one asked yesterday by the Leader of the Opposition, who said, among other things, that he had become aware that a major sandbank at West Lakes had broken down. He also said that it had resulted in major flooding back to Old Port Road and that it had been estimated it would cost about \$500 000 to repair the damage. I believe that all members will be interested to know whether the Minister can provide additional information on this matter.

The Hon. HUGH HUDSON: Yes, I have additional information and I am pleased the honourable member saw fit to ask the question. Mr. B. P. Martin (General Manager of West Lakes Limited) has supplied the following information:

Last weekend West Lakes Limited carried out a test filling of the southern basin at West Lakes. The filling was designed to test the hydraulic inlet structure and other aspects of the operation of the lake system. In addition, it provided residents and the public of South Australia with an opportunity to see West Lakes as it will be. The exercise, apart from minor hitches, has proved most satisfactory and has provided the company's engineers with very useful information.

During the filling, and with Tuesday's severe northerly blow, it became apparent that bank protection at the extreme southern end of the lake needed to be modified and some sections replaced. This work has already been completed. Late on Tuesday there was a break in a temporary earth embankment and some of the water in the southern lake drained into the northern basin. This caused some scouring and minor damage to bank protection. During the next few days the earth embankment will be rebuilt and the northern area dewatered. No other significant damage was done and the company estimates that corrective action required will cost no more than \$10 000.

Many thousands of people visited the lake last weekend and the company has received numerous phone calls congratulating it on the appearance of the area. Since the filling, many small boat sailors have taken advantage of this new recreation area. The minor hitches described will in no way affect the public's ability to use the lake this weekend and in the future. It is planned that the hydraulic system will be completed and fully operational within the next six months.

I know the Leader of the Opposition would like to be regarded as a responsible member of Parliament and a responsible leader. I suggest to him that, in future, he take much more care when asking questions based on unchecked information apparently provided to him over the telephone. It would be an awful pity for the general standard of politics in this State if, every time the Leader of the Opposition asked a question, we had to divide what he said by a factor of 50. That is what has happened this time, because damages costing \$500 000 will now cost less than \$10 000.

#### GOVERNMENT REPORTS

Dr. TONKIN: Can the Premier say whether it is the policy of the Government to suppress reports on matters of interest to the public if they contain recommendations contrary to the Government's stated policies? Today we hear that Mr. Prowse (Chairman of the Quality of Work-life Unit) has issued a report with which apparently the Premier and the Government disagree. The Premier has been reported as saying that he is most disturbed that the report was released, that it was Government property, and that he considered it was wrong that it should have been released. Because of the Minister's reply to the question asked by the member for Torrens, there seems to be some disagreement on the front bench on this matter. Following the Premier's statement during the last Parliament that he would not hesitate to seek changes in reports before their release to the public if he did not consider them suitable for public release, and the refusal of the Government to

release the report on the Juvenile Court (and also other reports) at an appropriate time, can it be expected that any report not released by the Government contains recommendations contrary to the Government's stated policies?

The Hon. D. A. DUNSTAN: The honourable member started out with one question, tipped the bucket, and ended up with another one.

Mr. Chapman: In the meantime you are saturated.

The Hon. D. A. DUNSTAN: I assure the honourable member that I am drip-dry.

*Members interjecting:*

The SPEAKER: Order! If honourable members persist in disregarding what is required of them, from now on Standing Order 169 will prevail. The honourable Premier.

The Hon. D. A. DUNSTAN: The honourable member has tried to manufacture a disagreement and a division where there is none, and of course he is doing that for political purposes.

Mr. Wells: He is—

The SPEAKER: Order! The honourable member for Florey.

The Hon. D. A. DUNSTAN: I have stated the Government's policy, which remains, and about which there has been no disagreement. I said nothing in the newspaper today or at any other time—

Dr. Tonkin: It was reported on radio.

The Hon. D. A. DUNSTAN: I do not know what has been reported on radio: I have had no details from the monitoring unit yet. I can only say that there is nothing I have said that has expressed concern about the contents of the report. The concern that I expressed was that a report, sent to Cabinet Ministers for their consideration, had been released without authority and expressly contrary to a minute from the responsible Minister concerned.

Dr. Eastick: By whom?

The Hon. D. A. DUNSTAN: It was released by at least one officer of the Minister's department. That was contrary to the principle of Cabinet Government and contrary to what would have happened under any Liberal Government in South Australia.

Mr. Coumbe: The Minister must be held responsible.

The Hon. D. A. DUNSTAN: The Minister was not in a position in which he had authorised the release of this report: in fact, he had specifically said that it was not to be released until Ministers had had an opportunity to consider it.

Dr. Tonkin: To decide whether it should be released?

The Hon. D. A. DUNSTAN: They could decide that if they chose. If I receive a report from an officer of my department, it does not mean to say that I will release it.

Dr. Tonkin: We know that!

The Hon. D. A. DUNSTAN: Opposition members are in no different position.

Dr. Eastick: But the Labor Government—

The SPEAKER: Order! Standing Orders apply to all members: the Leader of the Opposition, the Government's front Bench, and all other members must abide by Standing Orders.

The Hon. D. A. DUNSTAN: It is not intended by the Government to put out material that is provided for the Government by officers expressing opinions one way or the other about certain areas of policy. Why should

it? If we are to take responsibility for the government of the State, we are responsible for the policies on which we are elected.

Mr. Wells: That's right.

The Hon. D. A. DUNSTAN: We will continue to act in that way. If a report is prepared on the basis that it is to be published, or there is an inquiry that is to give information to Parliament, the public, and the Government, it will be released. In relation to the two matters referred to by the honourable member, if an officer sends me a minute with which I disagree, I will not release it simply because he sends it to me. If an officer sends me a minute that disagrees with Government policy, I am perfectly willing to tell him to take it back. That is my duty as a Minister, and it is the duty of every other Minister to take responsibility publicly for the policies on which he has been elected. Concerning the Juvenile Court report, the honourable member knows perfectly well what was the position.

*Members interjecting:*

The Hon. D. A. DUNSTAN: This Government will not publish a report that specifically libels other Government officers when it is not proper that the report should be made in that form.

Mr. Millhouse: Are you saying that that is what happened?

The Hon. D. A. DUNSTAN: Yes, I am saying that.

Mr. Coumbe: Will you elaborate on that?

The Hon. D. A. DUNSTAN: No, I will not. I have said precisely what is the position.

Mr. Millhouse: But why don't—

The SPEAKER: Order! I warn the honourable member for Mitcham.

Dr. Tonkin: You should qualify that.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I have said what is the position, and that position obtains. The Government has to take responsibility for the publication of reports in a proper form, and it will continue to do so. If Opposition members think that any minute made by any officer to the Government is to be released simply because it is made, the answer is that it will not be released unless the Government believes it is a matter proper to be published.

Mr. Chapman: Is the irresponsible staff member to be sacked?

The SPEAKER: Order! I warn the honourable member for Alexandra.

### RETAIL PROFITS

Mr. DUNCAN: Will the Attorney-General investigate urgently the profits being made by leading retailers, and report on what action can be taken to curb these profits in the interests of South Australian consumers? About two months ago the Australian Broadcasting Commission television programme *This Day Tonight* showed a segment concerning the profit mark-up on items sold in major retail stores, and it placed special emphasis on profits being made on imported clothing. Following that, I looked into the matter, and I observed with great interest the annual reports, as they were printed, of David Jones Limited, Myer Emporium Limited, and John Martin and Company Limited. The profits of John Martins were announced today, the company making a record profit of \$4 195 356. Much economic jargon is contained in the report, but

basically the fact is that John Martins has had a substantial year, notwithstanding the difficulties being alleged by many other business interests in this country. The profits of Myers were contained in a report printed in the *Advertiser* of October 3, 1974.

The SPEAKER: Order! I hope that the honourable member does not intend to read the whole of the report.

Mr. DUNCAN: Certainly not during this brief explanation, Sir. I want to point out that the dividend payment by Myers this year of \$12 900 000 was 92.2 per cent greater than the sum paid out in ordinary dividends four years ago. That is a clear indication of the way the profits of these large retail organisations are just completely—

*Members interjecting:*

The SPEAKER: Order!

Mr. DUNCAN: It is a clear indication of the vast profits made by these organisations. Finally, I want to refer to the profit made by David Jones. It is most interesting that in this report—

Mr. Venning: Question!

The SPEAKER: Order! Question has been called. The honourable Attorney-General.

The Hon. L. J. KING: As I have not had the benefit of the full explanation of the honourable member's question, I find it somewhat difficult to answer. That is unfortunate, and I regret it very much.

The SPEAKER: Order! The honourable Minister may not reflect on a decision of the House.

The Hon. L. J. KING: I realise that and I have no intention of doing so; I merely express my personal difficulty in answering a question that has not been explained fully. The Commissioner for Prices and Consumer Affairs and I, as Minister, keep under review the general state of profits in the various industries concerning which price applications are made to the Commissioner. We also keep under general review the state of profits of industries that may conceivably be brought under price control, if there are indications of the charging of excessive prices. Of course, the retail industry is a matter of special interest to the Commissioner and me because of its direct relationship with the consuming public. About two weeks ago, I requested the Commissioner to give me information on mark-ups in the retail industry and the margin of profit applying in that industry. I am awaiting that information at present. The overall impression of the Commissioner, subject to the report he will provide, is that, although there are lines in which the mark-ups are great indeed, the overall percentage of net profit to turnover in the retail industry is not excessive or, at any rate, not significantly excessive at present. That may not have been the case some months ago, but I am considering the position at present. The matter is currently being checked to see what has happened, particularly regarding imported goods which are retailed through the large retail stores, and where the mark-up on those goods indicates that action should be taken to subject retail margins to price control. I will let the honourable member have more information when it comes to me.

#### UNEMPLOYMENT

Mr. MATHWIN: Will the Minister of Labour and Industry ask the Commonwealth Minister for Labor and Immigration to reconsider a decision that people whose jobs at Chrysler Australia Limited have become redundant are ineligible for Commonwealth special readjustment assistance? The Minister will be aware that the recent retrenchment of administration staff at Chryslers affected

about 143 people. Some of these people applied for readjustment assistance, using the form given them by the Department of Labour. This form states:

Statutory declaration by former employer in connection with application by former employee for special readjustment assistance because of loss of employment caused by...

One test case was heard and the findings brought down were that the tariff terms did not apply in these cases. The notice given to the employees contains a paragraph from Chryslers which states it was necessary to reorganise the company's staff structure as a result of indecision regarding the future of the industry and the high volume of imported built-up cars, as well as the adverse effect on company revenue brought about by the current inflationary climate and the inability of the company to fully recoup cost increases through increased selling prices. The explanation from Chryslers, the application form sent out, and the finding in the test case are all factors to be considered.

The Hon. D. H. McKEE: I will refer the honourable member's question to my Commonwealth colleague.

#### WOOMERA

Mr. MILLHOUSE: Can the Premier say what action, if any, the Government intends to take to protect the employment and quality of life of those people presently living and working at Woomera and those working at the Weapons Research Establishment, following the announcement that the rocket range and the missile-testing range are to be placed in moth balls? This morning's *Advertiser* reports that the Woomera rocket range and the missile-testing range are to be placed in moth balls. I understand that about 4 000 people are employed at the W.R.E., including over 900 who work at Woomera. Of course, they and their dependants make up about 5 000 persons who live in that town. I also understand that a large part of the W.R.E. at Salisbury depends on Woomera for work and that already non-defence work which it had been sought to encourage at the W.R.E. has been cut back. The effect of this morning's announcement is the same as the announcement of the closure of a large industry in South Australia and, unless action is taken, it will cause great hardship and further unemployment, so this is a serious matter. It is directly as the result of a decision made by the Commonwealth Government, manned by the Premier's colleagues, and of the Labour Government in the United Kingdom. I therefore ask the Premier whether his Government has a responsibility to the persons to whom I have referred.

The Hon. D. A. DUNSTAN: Naturally enough, inquiries are being made of the Commonwealth Government and, until we have received replies to them, it is impossible for this Government to say exactly what action it can take.

Mr. GUNN: Will the Premier lodge the strongest possible protest he can with the Commonwealth Government, particularly with the Minister for Defence (Mr. Barnard), about the Commonwealth Government's decision to virtually close the large research establishment at Woomera? In August, 1972, Mr. Barnard, then Deputy Leader of the Australian Labor Party, visited Woomera and assured the people of that town about the future of their jobs—

The SPEAKER: Order! The honourable member's question is a lengthy one, and I believe it is similar in substance to the question asked by the member for Mitcham as to whether representations would be made on behalf of the employees at Woomera. Therefore, I ask the honourable member to repeat his question.

Mr. GUNN: Will the Premier lodge with the Commonwealth Government and, in particular, the Minister of Defence (Mr. Barnard) the strongest possible protest against the decision to virtually close down the operations at Woomera? That is a complete repudiation of an undertaking Mr. Barnard previously gave. In August, 1972, the then Deputy—

Mr. MILLHOUSE: On a point of order, Mr. Speaker. As you, Sir, suggested to the honourable member a moment ago, I believe his question is the same in substance as the one I asked when I asked what action the Government would take and whether the Premier would make representations to the Commonwealth Government. That was my question.

The SPEAKER: Order! I do not uphold the point of order. I had doubts whether the question asked by the honourable member for Eyre was similar in substance to the question asked by the honourable member for Mitcham. Because I had doubts, I asked the honourable member for Eyre to repeat his question. I am now allowing the honourable member for Eyre to continue his question and the explanation he wished to make. The honourable member for Eyre.

Mr. GUNN: During that visit to Woomera, in company with Mr. Wallis (Commonwealth Labor member for the area), Mr. Barnard stated at a public meeting that the people of Woomera could have every optimism about the future. He went on to say that in many ways the town was a model for the implementation of successful decentralisation policies at both Commonwealth and State levels, and he gave a clear undertaking to the people of Woomera that their future was not in jeopardy. I should be happy to make available to the Premier, or to anyone else, the press cutting to which I have referred. As the Administrator (Mr. Lucarotti), when contacted by the press, was not aware of the decision, I sincerely hope, on behalf of all the people whose jobs are in jeopardy, that the Premier will protest as strongly as possible.

The Hon. D. A. DUNSTAN: The decision having been taken by the Government concerned, I am not certain what one will achieve by protesting at this stage. Inquiries, as I have told the member for Mitcham, are being made of the Commonwealth Government as to the future of this installation and the future of the Weapons Research Establishment, as well as the future of the jobs and security of the people concerned, and that matter is being pursued by the State Government.

#### STATE FINANCES

Mr. BECKER: Can the Treasurer say what implications a system of Commonwealth Government indirect tax would have on the ability of the State Treasury to raise additional revenue this financial year and in future financial years? On October 10, I asked the Premier whether the State Budget was running to schedule and, in concluding his reply, he said:

I expect that, during October and November, there will be a markedly worse situation than is now showing in the September figures.

In reply to a question asked by the member for Torrens on the same day regarding what additional taxes would be levied, the Treasurer replied, in part:

The honourable member will have to contain himself in patience until next week.

The leading article in today's *Financial Review* refers to a strong case the Commonwealth Treasury has put to the Commonwealth Government to review the scope and

incidence of the present Commonwealth taxes on goods and services and replacing it with a more widely based system of Commonwealth indirect taxes. The article states that it is argued that a more widely based system of indirect tax on a wide range of goods and services would lift revenue considerably. In view of the proposed tax increases we can expect to be announced any day now, can the Treasurer say what effect a proposal such as a turnover tax will have on future State tax raisings?

The Hon. D. A. DUNSTAN: No, not unless I have the details.

#### FULLARTON ROAD

Mr. DEAN BROWN: I address my question to the Minister of Transport, because it relates to traffic congestion in the Adelaide area. What action will the Minister take to alleviate the severe congestion, particularly during peak traffic hours, at the intersection of Bartel Road and Dequetteville Terrace, and also at the intersection of Wakefield Road, Fullarton Road, Kensington Road and Dequetteville Terrace? On the north-east side of the city of Adelaide severe traffic congestion takes place during peak traffic hours, and the congestion at the two intersections to which I have referred is by far the worst. At the Bartel Road and Dequetteville Terrace intersection, at 5.30 p.m. last Friday traffic was banked up along Bartel Road from that intersection on one side of the park lands right through to East Terrace on the other side; in fact, to the point where traffic was actually coming through the traffic lights at the intersection of Bartel Road, East Terrace and Pirie Street.

At the other intersection, at 5.15 p.m. last Thursday, as I pulled into Wakefield Road trying to head towards the intersection at the corner of Victoria Park Racecourse, the traffic was banked up from that intersection right through the park lands to about 20 m or 30 m short of East Terrace. I am sure the Minister appreciates that there must have been a tremendous line of cars to bank up that far. There were two lanes and, in some places, even three lanes of traffic waiting to get through. It took me about seven minutes to get through and, as I got towards the end, I looked back and noticed that the line of cars had lengthened since I first joined the line. Obviously, a severe traffic congestion takes place at these two intersections. I realise that the Highways Department is considering long-term plans to alleviate future traffic problems there, but we want action now.

The Hon. G. T. VIRGO: I am disturbed that the honourable member's time was wasted in the fashion whereby he had to wait in a queue. Obviously, he has no liaison with the appropriate local government body which, initially, is the responsible body. Accordingly, I am willing to take up the matter, as I have a very good relationship, to see whether I can get it to do what he ought to be asking it to do.

#### PETROL

Mr. BOUNDY: Is the Premier aware that allegations of discrimination are being made by resellers of super grade petrol and, if these are proved, will he take steps to ensure that available supplies are equitably distributed to all sales outlets? I have received complaints from country resellers that they are not receiving adequate supplies of super grade petrol. In fact, many of them ran out over the long weekend and during the May school holidays, and they do not know when further supplies will be delivered. When listening to a talk-back programme, I heard the wife of a metropolitan service station proprietor make a similar complaint regarding shortages and loss of business. The

woman and the country resellers complained that the resellers belonging to the same organisation as that which operates the Port Stanvac refinery are experiencing no difficulty in obtaining supplies. My informants believe that, as they are charged a licence fee to provide their services, provision should be made for an equitable distribution of supplies to all sales outlets.

The Hon. D. A. DUNSTAN: It is understood that one company at present is most seriously affected but that other companies are also having difficulties in keeping up supplies of super grade petrol. The Australia-wide shortage of super petrol is easing, but it will be some time before normal supplies are restored. The South Australian refinery is producing at full capacity, but it is not possible to meet all requests at present. The allocation of petrol between companies is arranged by an industry supply committee in another State and is based on the availability of stocks and the orders placed, together with the availability of sources other than Australian refineries. It is possible that the company will decide to limit petrol in one State in order to increase supplies in another State, on an exchange basis and on a monthly basis. It may happen that the various companies will be short of petrol in different months. The allocations between companies and the States is very much a bargaining matter before the supply committee between the companies concerned. The regulation of supply is made by the companies concerned before the supply committee in another State.

#### **COROMANDEL VALLEY SEWERAGE**

Mr. EVANS: Can the Minister of Education say how and where the sewage from the new Coromandel Valley South Primary School will be disposed of? The new school is to be built in the area just outside a new subdivision where new houses have been built for the last two or three years. Most of the subdivision does not have sewerage facilities available to it. The primary school will increase the amount of effluent and pollutants in the area if septic tanks are used. If it is intended to extend the mains from the new primary school to the treatment works at Coromandel Valley, houses nearby should also be considered in the scheme. I ask the question to enable the Minister to obtain information from departmental officers if he does not have it with him.

The Hon. HUGH HUDSON: I am sure the honourable member would not be surprised to hear that I do not have with me the necessary information to reply to the question; however, I will get the information for him as soon as possible.

#### **NOXIOUS WEEDS**

Mr. ALLEN: Will the Minister of Education, representing the Minister of Agriculture, ask his colleague to take steps to have the allocation of funds for spraying noxious weeds on Crown lands speeded up so as to enable councils to commence weed-spraying programmes earlier in the year? My attention has been drawn to this matter by several councils which have complained that the notification of the final amount of funds for the programme has been late in coming and that they have therefore been unable to carry out their spraying programmes accordingly. I have received a letter from a council, an extract of which is as follows:

At a recent meeting of council, consideration was given to the control of noxious weeds on reserves that are controlled by the Crown. Council's attention was drawn to the fact that this year, because of the lack of funds, council will be unable to carry out all the necessary

weed control on the Crown lands in this area. Earlier this year, when an inspection of these reserves was made by the council weeds officer and a representative of the weeds section of the Agriculture Department, it was conservatively estimated that the control of noxious weeds on these reserves would amount to \$565.

That was the estimate made by an Agriculture Department weeds officer. The letter continues:

Though no allocation of funds has been made by the Government so far, council has been reliably informed—verbally, I understand—

through the Agriculture Department officers that approximately \$390 will be allocated to this area during the current year. As a result, weed control on the reserve was carried out to this amount and the weeds which were not treated have since gone to seed.

Since then I understand that in the last few days the council has been notified that a total of \$475 is to be made available. That is an increase of \$85 which, unfortunately, has arrived too late for the council to complete its weed-spraying programme: the weeds are already going to seed. The letter continues:

In recent years council has done everything in its power to reasonably meet the requirements of the Agriculture Department in the control of noxious weeds and, therefore, you will appreciate their bitter disappointment when it is realised that the Government itself allocated insufficient funds to adequately control noxious weeds on Crown lands. In direct contrast to a neighbouring council, this council has been very firm with ratepayers in the control of noxious weeds and it is therefore both embarrassing and discouraging to have ratepayers pointing out that there exists one set of regulations for Crown lands and another for private property.

It is generally agreed that weed control programmes must commence early in the year and that earlier notification from the department of these grants would help considerably.

The Hon. HUGH HUDSON: I will take up the matter with the Minister of Agriculture and get a report for the honourable member.

#### **HOPE VALLEY TANK**

Mrs. BYRNE: Will the Acting Minister of Works obtain a report as to the stage reached in the roofing of the Engineering and Water Supply Department terminal water storage situated adjacent to Grand Junction Road, Hope Valley?

The Hon. HUGH HUDSON: I will obtain a report for the honourable member.

#### **WAIKERIE SCHOOL TRANSPORT**

Mr. ARNOLD: Has the Minister of Education a considered reply to the question I asked on Tuesday concerning the transportation of students from the Taylorville side of the Murray River to the Waikerie Primary and High Schools?

The Hon. HUGH HUDSON: In my earlier reply I said that the honourable member and I had inspected the situation at Waikerie last Friday and that the parents had requested that we arrange for the *Pelican* to take the children across the river to school. Originally it was thought that this would not be a safe arrangement, so alternative arrangements involving a long road trip had been suggested. We have now agreed that the children can cross the river by boat in order to go to and from school while the ferry is out of action, but we are imposing certain conditions on their movement. First, we want to ensure that all children travelling on the *Pelican* wear life jackets whilst on the boat. I think 30 life jackets are available. Secondly, only as many as 20 children may travel at any one time. Thirdly, while those children are travelling they will all be seated: no standing will be permitted

at any time. We want to ensure also that adequate adult supervision is available. The Commissioner of Police cannot guarantee that a police officer will be available every day over a long period of time. However, the police wish to help as a public service and they will arrange for supervision, particularly in the initial stages and thereafter as often as possible. In addition, it will be necessary to arrange for parental supervision on the Taylorville side of the river because groups of children will be waiting to cross each morning and a group will be waiting for the next load to go over each afternoon. I understand that the bus will be able to get to within about 500 metres of the river at that point. We are hopeful that appropriate arrangements can be made with the parents, with the district council and with the police to ensure that there is adequate adult supervision of the crossing at all times. The Transport Officer is now making appropriate arrangements with that in mind. Also, appropriate arrangements will have to be made with the bus contractor concerning the whole situation. There appear to be no impediments to the introduction of the river crossing on Monday next.

### RAILWAY GAUGES

Mr. RUSSACK: Can the Minister of Transport say what progress the South Australian Railways has made in the tests concerning mixed gauge tracks? Will the report be made available when the investigation is completed? An article in the July issue of the South Australian Railways publication *Keeping Track* states:

As an example, no standard gauge locomotives or brakevans would work west of Snowtown. A train out of Wallaroo would have a broad gauge locomotive, a mixture of broad and standard gauge wagons and a broad gauge brakevan.

The report concludes:

At present, the economies of this method working are being given further consideration but from tests carried out there would appear to be no reason from a physical and engineering point of view why the idea should not be successful. If, eventually, mixed gauge working either in shunting yards or in main line operation is introduced on the South Australian Railways, it is thought that we may rightfully claim a world first.

I ask my question because of the importance of these tests and because my district is involved.

The Hon. G. T. VIRGO: In the light of the time factor, I will get a report for the honourable member.

### MINISTERIAL STATEMENT: MEDIA MONITORING UNIT

The Hon. D. A. DUNSTAN (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. D. A. DUNSTAN: Following a request from members over a period in relation to the media monitoring system, consideration has been given by the Government, as I outlined to the House previously, to means of helping members, other than members of the Cabinet, to obtain information as to what has been said on programmes on air or on television of which there is a recording. In consequence, the Government indicates that it is willing to place in the Parliamentary Library facilities for playing audio and video tapes, and that a schedule of tapes that have been recorded will be provided each day for the Parliamentary Library. My suggestion to the Library Committee is that the Librarian may then, on an approach being made by an individual member, ask for the tape concerned from the media monitoring

unit at the State Administration Centre and that the tape will be forwarded to Parliament House so that the member may play it over if that is required.

Dr. Eastick: With what delay?

The Hon. D. A. DUNSTAN: It will be done as speedily as possible. If the tape is being used at the time, it cannot be sent to Parliament House but, as soon as it is available, it will be sent.

Mr. Goldsworthy: Will we get access to the "fourstar" report?

The Hon. D. A. DUNSTAN: No. I expect that the star reports, if any, will be given by Mr. Middleton and not by my officer.

### SWINE COMPENSATION ACT AMENDMENT BILL

Returned from the Legislative Council with a suggested amendment.

### FILM CLASSIFICATION ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Film Classification Act, 1971-1973. Read a first time.

The Hon. D. A. DUNSTAN: I move:

*That this Bill be now read a second time.*

This Bill provides for two minor amendments to the Film Classification Act allowing, in effect, the removal from a theatre of someone under age who is there in defiance of the provisions of the Act. It is simply giving members of the Police Force and the theatre proprietors the right to ensure that, if someone is in breach of the Act, they can remove such a person and stop that person breaching the Act. I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

### EXPLANATION OF BILL

The Bill makes two changes to the principal Act. When amendments were introduced to the Film Classification Act last year a provision was inserted empowering the exhibitor of an R classification film or an employee of the exhibitor to require a person seeking admission to the theatre to state his correct age or to furnish satisfactory evidence of his age. The Commissioner of Police has suggested that this power should be extended to a member of the Police Force. The present Bill amends the principal Act accordingly.

A further provision is contained in the Bill under which an exhibitor, an employee of an exhibitor, or a member of the Police Force who suspects on reasonable grounds that a person who has obtained admission to a theatre in which an R classification film is being, or is about to be, exhibited may require that person to leave the theatre forthwith, and where he fails to comply with that requirement, may use reasonable force to remove that person from the theatre. The Government feels that this power is desirable because an exhibitor may be subjected to criminal liability, by reason of the fact that a child has managed to gain admission to the theatre, and should therefore be in a position to take action to correct the circumstances on which that liability may be based. Clause 1 is formal. Clause 2 makes the amendments to section 6 of the principal Act that I have outlined above.

Dr. TONKIN secured the adjournment of the debate.

### PRIVACY BILL

Adjourned debate on second reading.

(Continued from October 10. Page 1432.)

Mr. McANANEY (Heysen): I support, in principle, the second reading of the Bill, although I believe it should be



referred to a Select Committee for further investigation. I believe that private individual citizens should have a right of privacy, but whether the Bill before us is too vague and difficult to interpret I am not sure. France has had similar legislation for 90 years, and another Act sets out what the press is permitted to do. I think West Germany is moving to strengthen controls on the media by setting out in detail what sections of the media are permitted to do, and I understand that the terms are not restrictive; indeed in many ways they protect the journalists.

Before we rush into this vague Bill, we must investigate what has taken place in other parts of the world in regard to this matter. I watched the recent *Monday Conference* television programme, and the man in the box seat certainly had a possible advantage over people in the audience, but I thought the Attorney-General was doing a reasonable job until he was asked for examples. I think he cited Mrs. Petrov, but in that case, under the present law, police could have been called in to straighten out the matter, and I think he cited the case of an ex-husband, boy friend, or something, who waited outside a house until the person concerned went out, and he then followed that person.

I am sure that our legislation dealing with loitering would have controlled such a situation, but I understand that that legislation has been foolishly withdrawn. The Attorney disappointed me, because he gave no reasonable alternatives. I believe people should have the right to privacy, and sometimes the press exceeds its rights, but to my knowledge that has not happened many times in this State. In recent years much legislation concerning minorities has been introduced, and it seems that many restrictions are being placed on people who do the right thing. There would be more sense in introducing a Bill to stop people from interfering with trade, to legislate to stop picketing, and to deal with monopoly groups that victimise people in our community. It seems almost crazy to introduce a Bill concerned with the right of privacy when many people are denied the right to carry on their ordinary business. Why should we worry about frivolous things, when major tragedies occur in the community and oppression of the worst kind is taking place, with some people having the freedom to push others around?

I agree that there should be a right of privacy, and I support the second reading, but we need more definite legislation. With the present Bill, the court will have to determine what are the standards. At an accountancy function His Honour Judge Sangster, who was then a practising lawyer, said that it was not politicians who made laws but that the courts determined attitudes to certain things and the legislators followed afterwards. He made a genuine statement, and I think he honestly believed it. This legislation is vague, and we will have to wait before it is set out in more definite terms. At present it seems that no situation has arisen to create a precedent that could help in providing more definite terms of this Bill.

The legislation in France works well, because it sets out in detail what members of the press are entitled to do. We should not restrict the press to any great degree, but at the same time the press has a responsibility, although at times it exceeds its responsibility to the community.

I believe legislation setting out the terms of freedom of the press would be satisfactory and the individual would know his rights regarding his privacy and how much it could be invaded in the public interest. The definition of "right of privacy" is not definite enough and should have been given in more detail. My earnest wish is that the Bill will be referred to a Select Committee, so that wider

points of view can be obtained and discussed, and we can then assess what has happened in other countries and how successful their legislation has been. I need more explanation and information from the Attorney-General before I support the third reading, but I support the second reading.

Mr. MATHWIN (Glenelg): I believe that this Bill is a shadow Bill, because it is vague. I refer particularly to the definition in clause 5, which 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, 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;

I wonder how the provision relating to the making of visual images would affect the case of candles made in the image of the Premier with wicks on his head that are sold in novelty shops. I do not believe the man in the street will derive much benefit from this Bill, as he will not make the news or be in the public eye, and the press and media will have little interest in him. Perhaps the Attorney wants to protect members of Parliament, and so on. However, I suppose that, if a person enters this Parliament, he must realise that he will be on the line all the time for anyone who wishes to take advantage of him. If a member does anything wrong, members of the press and the media have a duty to bring that to the attention of the public.

Mr. Jennings: It's marvellous what we can get away with.

Mr. MATHWIN: It is, indeed. I have no doubt that the Bill is having a dig at the press and will muzzle and restrict journalists. The Australian Journalists Association has a set code of ethics for its members with which I am sure the Attorney is familiar. Some of the ethics of the A.J.A. are as follows:

- (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.

That code of ethics is adhered to by journalists. I suppose that, in any avocation, there will always be some people who overstep the mark. However, the A.J.A. is able to recommend the dismissal or disciplining of journalists who break the code, which binds all members of the association. Surely, if a journalist has any sense and wants to continue in his occupation, he will follow the code, although I suppose that, if he wants to put his job on the line, he is at liberty to do so. Usually, people are proud and pleased to do their job; they are happy to follow the rules laid down in their trade or profession. Undoubtedly, the activities of the media will be curtailed by the Bill, as one of its functions is to investigate and disclose scandals. The provisions of the Bill will undoubtedly hinder the investigation of business activities.

On the local scene, we have had many cases of business activities requiring investigation. To some extent, the newspapers have been responsible for necessary information being made available to the public. Clause 6 establishes a right of privacy for an individual. A body corporate will be free from intrusion in relation to the reading or

copying of documents, and this will further hinder the media, as I am sure the Attorney must agree. Inquiries and investigations into matters before publication will not be able to be carried out, and I believe this will be a severe restriction on the press and media. In addition, uncertainty will be created as to how far members of the media can go before their job is on the line. I hope that, when he replies in this debate, the Attorney will cite examples of cases relating to matters of taste, as I think such cases are rare in South Australia. Investigative reporting is a modern method of making inquiries, but such reporting could be regarded as an invasion of privacy. Who is to determine how far members of the media can go? If this is to be left to the courts to decide, it will be some time before any guideline can be laid down on which people can work. In the meantime, members of the media will not know what they are able to do.

If a journalist suspects on reasonable grounds that a public body or an individual occupying a public position has acted in any way contrary to the public interest, it is surely in the public interest that such a matter should be fully investigated. I am sure members agree with that. Such an investigation may or may not substantiate the suspicions that gave rise to it. Without it, the truth can never emerge. If there proves to be no foundation for the suspicions, no damage has been done and nothing will be published, because there is no story in it. Under the Bill, a person suspected of some malpractice might take court action which would prevent the matter from even being fully investigated, let alone publicly ventilated. This imposes an unacceptable measure of risk in the investigation or publication of anything that cannot be clearly demonstrated to be in the public interest. Even the Attorney finds it difficult to define "in the public interest". Of course, this is a much narrower concept than "of public interest". When the Attorney-General replies to this matter, I hope he will bear in mind what he said in his second reading explanation, because it is no use claiming that the mere issue of a writ, without an injunction, could stop publication. However, it might tend to do so, because any subsequent publication would carry the risk of an action for contempt of court. I am sure that he would agree with what I have said.

The Hon. L. J. King: Don't be too sure. You ought to prove that.

Mr. MATHWIN: I hope that he will agree with what I have said, because it is not for Parliament or the court to say to or direct a layman on what kind of information should be conveyed to the public.

The Hon. L. J. King: It's for you to establish that any subsequent publication would be stopped as a contempt of court. You've said that and invited me to agree, but I don't agree.

Mr. MATHWIN: Does the Attorney believe that Parliament or the court should define what the public should be interested in?

The Hon. L. J. King: You've got off that topic.

Mr. MATHWIN: Is that what the Attorney has in mind? If so, he will stop the media from inquiring into anything that might annoy or embarrass any person.

Mr. Wells: Why don't you sit down and save yourself embarrassment?

Mr. MATHWIN: I should be pleased to hear the member for Florey deliberate on this matter, which is important, when we are dealing with the rights of individuals as

we are now. The Bill will stop the media from inquiring into anything that might embarrass or annoy any person, unless such an inquiry can be shown to be in the public interest. Who will define "public interest"? Surely the Bill will impede the proper function of the press. I, together with other members, have received a copy of a submission to the Attorney-General. No doubt, he is familiar with it and read it many days ago. I refer him to page 4 of the submission and say that the result would be dangerously close to reversing the present situation whereby the publication of any matter is *prima facie* justified, unless precluded by laws of defamation, obscenity, contempt, etc.

The media might feel that it is unsafe to publish anything else unless it can be shown to be in the public interest. The Bill would unjustifiably jeopardise the right to publish or investigate two categories of matter, the first of which is matter the publication of which is arguably, but perhaps not obviously, in the public interest. Again, I come back to the public interest, but who will define it? I bring examples to honourable members' attention, namely, the activities of an unruly gang of bikies, the private activities of an individual holding public office, or the activities of protesting students at school. We have had a recent case of protesting students, which cost the State a considerable sum of money. Another example is the details of trading agreements privately concluded between companies or, what would be even wider within the social field of people, the eating and drinking habits of sportsmen, actors, or television personalities.

Dr. Tonkin: Or the Attorney-General.

Mr. MATHWIN: Yes; or the photograph of an individual or a couple in a crowd or on a beach, or a photograph or story of a politician's children. All these could be potentially actionable for breach of privacy. It would be difficult for anyone to interpret the definition and to decide what was what.

The Hon. G. R. Broomhill: Who gave you all that information?

Mr. MATHWIN: I have already stated that. I read all the information contained in the submission. So, too, did the Attorney-General, but he has not commented on it. These are important points. All members recall the Profumo case in the United Kingdom. When the Profumo affair first became public, he said that the whole thing was a pack of lies. Under the Bill, the press would be muzzled immediately, and no section of the media would dare to proceed any further. However, all members recall what happened subsequently in the Profumo affair, when the media found out. We learned that there had been a scandal and, except for the media, it would not have come to light. What will the situation be with regard to people who write letters to the press?

Mr. Crimes: Hear, hear!

Mr. MATHWIN: The honourable member would be laying himself on the line frequently regarding not only the *Herald* but also the local press. I am worried about this matter, because I would not like to see the member for Spence put to enormous cost in his retirement because he happened to write a letter to the press on one of his favourite subjects, such as horse-racing—

Mr. Crimes: No.

Mr. MATHWIN: —massage parlours or politics. What about people who regularly join in what has now become a State sport, namely, talk-back programmes?

The Hon. L. J. King: Why don't you make some point?

Mr. MATHWIN: Who will be the responsible person: the person who writes the letter or goes on a talk-back programme, the press or the radio station?

The Hon. L. J. King: They're all responsible now.

Mr. MATHWIN: If we had to deal with all of them, our prisons would be full.

The Hon. L. J. King: Haven't you read the Bill?

Mr. MATHWIN: Yes. The Attorney-General has said that they would all be liable if they had committed an offence.

The Hon. L. J. King: I didn't say that. I said that no offence is created by the Bill. Why don't you read the Bill before you prattle on?

Mr. MATHWIN: Many people rely on the press to learn about investigations of complaints. They do not all go to their member of Parliament. Some of them write to the local newspaper asking for advice, which has been freely given up to now. However, the position will be different under the Bill. Clause 6 states that every person has the right of privacy. Would this include a body corporate? Under existing defamation laws, I understand that it is difficult to libel a body corporate. The Bill also prevents further discussion of its affairs.

The Younger committee was set up in the United Kingdom to consider all aspects of privacy. That committee decided that privacy legislation should not be recommended, and gave two major reasons for so recommending. First, was the difficulty in arriving at a satisfactory definition and the fact that the consequent law would unnecessarily impinge on the freedom of the press. The second reason was that it was desirable that statute law should be more precise than the terms—

Mr. Crimes: Didn't you hear the Attorney on *Monday Conference* when he answered all these points?

Mr. MATHWIN: It is all right to say the Attorney-General answered these points, but, as the person sitting in the chair on such a programme, he has a distinct advantage over all comers. I do not know whether monitor Crease gave the Attorney a five-star rating for his performance on that programme, but if members want to have that fact recorded in *Hansard* I am willing to say that the Attorney deserved a five-star rating. Unfortunately, he did not answer all the questions I have posed. As far as I am concerned, this Bill will stifle the press. It is a measure that is not in the best interests of the State and will do a disservice to the people of South Australia.

Mr. PAYNE (Mitchell): It is interesting to examine the speeches that have been made by the larger group in Opposition. Meaning to imply the quantitatively, not qualitatively, larger group, I am simply referring to the Liberal Party (South Australian branch) members who have spoken so far in this debate. It is interesting to contrast the way in which they have spoken to this Bill with, for example, the way in which the member for Mitcham has approached it. Although I do not need to place on record that I do not often agree with the member for Mitcham, I believe that in this area, anyway, on the meaning of words and the careful study of Bills, the member for Mitcham has set an example to be followed by other members of the Opposition. However, recognising their limited capabilities in that direction, one can only hope that they will try to follow that example in future.

All of us at times sitting in the Chamber hear another member make a comment on a Bill or make a statement that we wished we had made. In my opinion, the member for Mitcham made such a comment at the beginning of his speech when he said:

If we properly can, we should afford to every citizen a right of privacy.

That is a simple statement but I submit it is important and true. In addition, it is fully in line with what the Attorney-General and the Government have set out to do in this matter. I believe it is a creditable remark. Although I parted company with the member for Mitcham on occasions during the rest of his speech, I hope he is not blushing too much when I give him a second accolade, for later in his speech he made possibly the most sensible remark made in the debate by an Opposition member. I am not politicking, although I may do so later; I reserve that right, as do all members. I am simply pointing out that the member for Mitcham made the most sensible remarks made by an Opposition member when he said:

May I say, before I get on to definitions—

referring to the definitions in the Bill—

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.

He concluded by saying:

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.

In that statement, which I am commending, I would perhaps change only one word: "guess" would become "estimate", although "guess" might be the better word in that context.

Mr. Coumbe: It is an exercise in semantics.

Mr. PAYNE: Yes. I said it was interesting to contrast the efforts of one group of Opposition speakers with those of another group in Opposition. Looking at the efforts of the Opposition, as distinct from the Liberal Movement or the Country Party, I can say only that it seemed to me it was faced with a task that was a little too large for it. Members of the Opposition, as I said earlier, had difficulty in understanding the references and literature available on the subject. This difficulty was coupled with, in some cases, a lack of ability. I do not suggest that all of us should be experts on all subjects.

First, the member for Kavel spoke to the Bill, and one had to ascertain whether he was the main opposing speaker or whether he was just speaking as an ordinary member. One quickly elicited that he was the warm-up man, that he was fronting up first. The honourable member had a limited amount of time and was not the main star. It is a pity he did not have much luck with his warm-up, and he did not say much at all. In his early remarks he managed to get over his opinion by saying:

No-one, I think, can disagree with the Attorney-General's intention or with the proposition that citizens have a right to privacy.

Not only does the member for Kavel believe that the Attorney-General is right in trying to do something about a right of privacy for the ordinary citizen but also he said he does not think anyone could disagree with it. He then went on to give us an interesting discussion on dissentient results in some court cases and concluded by saying that judges are human. I thank him for that information but I cannot see how it was supposed to convince us that we should not legislate in this case. If he were advocating that one should not legislate at all on any matter to be considered by any court, he might have had a small point, but that was not his line

and that was all we got on a warm-up basis. We remained cold. The Leader of the Opposition began his remarks in a curious way.

Mr. Gunn: You are not doing too well yourself.

Mr. PAYNE: The honourable member, who will not cease interjecting when members on this side are speaking and who then runs for cover under points of order, will have to be patient, because I have some goodies for him, too. If he will kindly be patient, I will try to point out the errors he made in his contribution to this debate. In his opening remarks the Leader said:

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.

The Opposition found this Bill difficult to examine and oppose. Nearly all Opposition members said there was a need for a right of privacy and yet they were opposed to the Bill.

The Hon. L. J. King: Do you think they may have been afraid to offend the press?

Mr. PAYNE: I do not know what they were afraid of. It sometimes seemed as though they were trying to curry favour with someone, but I will go no further than that. It might well involve the press but we will leave that for other people to decide. The Leader went on to say:

I intend to oppose it, but I will not do so out of hand. That seems a curious remark to me. Was he saying that normally he rejects all Bills out of hand, or was he expressing his sorrow that he could not reject this one out of hand? No doubt the Leader knows what he meant but he left us with these two thoughts, neither of which is worthy in a matter of this importance. He named various committees and inquiries, and it became almost a name-dropping exercise. He talked about the Hon. Mr. Storey, the Younger report, the Morison report and a couple of other reports that I cannot remember because I became bored with reading his speech.

Mr. Chapman: Do you accept the recommendations in those reports?

Mr. PAYNE: I think the honourable member who has just interjected is the next member to speak, and I ask him to give me the courtesy of at least interjecting in a sensible way and not in such a stupid way that benefits no-one.

Mr. Chapman: Do you accept the contents of the Younger report?

Mr. PAYNE: Now that he has interjected intelligently I am tempted to transgress and answer. No, I do not accept the contents of the Younger report in their entirety; nor were the report's contents accepted by another authority, to which I will refer presently. If the member for Alexandra will be patient he may learn something, and I thank him for the sensible interjection that he has finally made. The Leader tried to bolster his argument by mentioning Jane Swanton, who has more than one degree (law and arts) and who is Senior Lecturer in Law at the Sydney University. He quoted from an article written by her which appeared in the *Australian Law Journal*, Vol. 48, and which states:

It might be thought that the Press Council constitutes a more effective restraint on privacy-involving activities than does the tort remedy in the United States which is now almost emasculated by the newsworthy 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 pressure and the threat of imposition of legal controls.

Jane Swanton's article quoted by the Leader is entitled "Protection of Privacy", as opposed to another article, entitled "Right of Privacy", to which another member referred. I can see the member for Eyre already shifting in his seat and I suggest that he is correct in assuming that I have also done some research on his remarks. The Leader did not go on and quote the following subsequent paragraph in Miss Swanton's article:

Steps should therefore be taken to protect individual privacy in all three ways mentioned; by legislating for a civil remedy and for criminal sanctions, and by setting up a body that can exercise a continuing supervision over press activities and publish and keep under review a code of conduct to which members of the press must adhere. It is quite clear why the Leader went no further than reading only one paragraph. I point out that he did not quote from page 102 another passage that refers to principles in relation to this Act, as follows:

Complaints are made firstly that improper methods of news gathering are sometimes employed by the press, such as obtaining entry to premises by deception, obtaining interviews by impersonation, and harassing and pestering persons in private places. Establishment of a tort of invasion of privacy would express society's disapproval of activities of this kind and would place a curb on excessive journalistic zeal in news gathering.

There have been some scathing remarks concerning the Petrov incident, but what has the Opposition offered? All it offered were several severe "hums" and "tut, tuts", and that is about all.

Mr. Gunn: You will be in Siberia.

Mr. PAYNE: I hope the honourable member will not interject about Solzhenitsyn, because I have a reply for him: I have read *Gulag Archipelago*, *Cancer Ward* and any others that could be suggested by the honourable member. However, we should concentrate on the Adelaide archipelago and this island on which we are trying to produce legislation for the benefit of its citizens.

The Hon. L. J. King: I think you are losing him if you speak about books.

Mr. PAYNE: I say no more about the poor way in which the Leader handled his task and gave no reason for opposing this legislation, which his cohort on the front bench had already said in his warm-up remarks that no-one would oppose. Perhaps the Leader did not know what the member for Kavel would say, but the member for Kavel said that no-one could disagree with the Attorney's intention or with the proposition that citizens have a right of privacy. Other Opposition members' contributions were on a par with their Leader's contribution. The member for Fisher in his usual tight-rope effort, when trying to refer to matters in his usual insidious way, said:

Can we trust a Government that is willing to take that sort of measure in regard to the Bill we are dealing with now, if that Government gets control of both Houses?

He then waffled on about the monitoring service, Kevin Crease, and similar matters. My reply to the question he posed is, "Yes, Opposition members, members of the Country Party, and members of the Liberal Movement can trust this Government, and so can the general public, because they have already indicated their trust at two previous elections." Our policies were clearly enunciated and the people of this State gave us their trust: they need not worry, because we will not let them down. I assume the member for Fisher will not ask such silly questions in future debates. We had a worse effort from the member for Davenport, when he said:

I also see in this Bill a great danger that the Government will try to silence the Opposition.

I refute that scurrilous suggestion. Is it likely that we would be so foolish as to take this action? It would be better to allow the Opposition to continue on its merry way by damning itself with its collective voices.

Mr. Crimes: Would they get hoist with their own petard?

Mr. PAYNE: I am suggesting that. The member for Davenport was rather more careless when he said:

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.

If the honourable member stands by that statement, I say that it is a lie: neither the Government nor the Attorney-General intends to silence the press in any way, and the Attorney has said that publicly more than once. This sort of tactic is not worthy of a member of Parliament, and the honourable member should be more careful in future. Members will realise that what I am saying—

Mr. Goldsworthy: You said I made a good speech.

Mr. PAYNE: I said the honourable member made a good opening, and I was indebted to him for the useful information he gave in 24 minutes that judges were human. Members appreciate that excellent piece of information. The member for Eyre had searched high and low for anything by which he could bolster his argument, and came across an article by Jane Swanton, "A Right to Privacy", published in the *Current Affairs Bulletin*, Vol. 51, June, 1974. The honourable member selected one part of the report, and then left it smartly. I find this an excellent article for the ordinary reader, because it clearly shows that the course being followed by the Attorney-General in this matter is one for which he should be commended, and it discusses the rights of the press, whether the truth should be published, and the rights of ordinary citizens. It suggests the press has rights. Jane Swanton states that members of the public also have rights, and that the press should not have greater rights but should have equal footing. She showed that an arrangement could be made so that people would have a remedy by way of tort. She said that it was difficult to frame legislation of this type and that, if it were framed, it should endeavour to be specific as far as possible.

In the Bill, the Attorney has gone to some lengths to list types of infringement of the right of privacy, such as spying, prying, watching, besetting, and making visual images. That is a list that can serve as a guide in the matter. The member for Mitcham did not quibble about that, but pointed out that it was difficult to make clear specifications. He said that, if we could properly legislate, we should do so. I have not gone into great detail about the Bill, as that matter has been thrashed. I am certain that the Attorney will do an excellent job in replying in this debate and will deal with many details. By careful reading, the member for Mitcham was able to come up with some errors in the Bill of a clerical type. I am sure members realise that I support the Bill.

Mr. CHAPMAN (Alexandra): I am not willing to support this Bill at any stage. Many members have referred to the legal loopholes it contains. In some cases, members have referred to intricate details. However, I have no intention of doing that, except to say that, generally, the Attorney is setting up a platform from which the legal profession can hereafter exploit the public. In my view, he has cleverly clouded the real issues in the Bill in an attempt to hoodwink us into believing that it protects the privacy of the individual.

Although, if implemented, it may achieve this to some extent, I ask the Attorney at what expense to the public this will be. I believe it will be at a cost far beyond the resources of the man in the street, and it is he that we would hope to attempt to protect in all the legislation with which we deal in this place.

The terms in the Bill are so vague that almost all clauses invite a legal argument before a determination by the court can be established. What use is a law to protect the rights and/or privacy of the public if each trivial instance must be dealt with by a court before the matter can be settled? In fact, if the provisions of the Bill were implemented, our courts would be clogged up with cases requiring those charged to prove their innocence in relation to matters not yet clearly defined. What benefit is there in introducing laws and bogging down Statutes with jargon that does not simply and specifically spell out the intention? For example, the word "privacy" is itself subject to question when one attempts to define it. The Attorney has made some attempt, including in the Bill the following definition:

"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, 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) confidential information;
  - or
  - (ii) facts, including his name, identity or likeness,
- (f) likely to cause him distress, annoyance or embarrassment, or to place him in a false light;
- (g) the use of his name, identity or likeness for another's advantage;
- or
- (g) the acquisition of confidential, industrial or commercial information;

The terms used by the Attorney in that definition substantiate my claim that his references generally are extremely vague. A few moments ago reference was made to the Younger committee. Other members have gone to some length dealing with the setting up of that committee in England in 1972. All I wish to say is that, following the efforts of that committee, it was able to include in its report the statement that, among other things, it had given up the attempt to define "privacy", which it said was largely a subjective right. The Morison committee was established in New South Wales for a purpose similar to that for which the Younger committee had been set up. However, it was unable to come up with any definition of "privacy", reporting that it preferred to consider privacy as a condition rather than a right. If, by the exercise of our existing common laws, the subsequent findings set a satisfactory precedent, why should we propose to clutter up the procedure by reaching into this field of such wide vagueness as outlined by the Attorney? I believe that the public rights of privacy appear, as the law stands, to be reasonably well protected from actions of nuisance, trespass, negligence, breach of copyright, patent libel, and slander.

Therefore, I conclude that legislation of this type is totally unnecessary and undesired in the ordinary course of living a normal life. Claims have been made that the press might or should be restricted in its practice. If an individual is genuine in his attempt to work, provide for his family, build industry, and have due respect for

others, he should not be ashamed to disclose, or have disclosed by the press or anyone else, his practices or to show his methods or publicly express his principles or have them expressed by others. My limited association with the media has been satisfactory. I believe that we receive a fair go from the South Australian media particularly. Of course, I admit that at one stage the *Advertiser* staff drifted a little and took off at a tangent when they sought to promote a minor political Party. However, lately they have recovered from that blunder. I believe that the Attorney is quite eccentric in his attempt to over-protect the public, restrict the media, and in fact encumber the easy flow of common practices and the law. I oppose the Bill.

Mr. BECKER (Hanson): I support the Bill, and I cannot understand the attitude of those members who oppose it, because I believe in the right of privacy. We are entitled to a right of privacy if we so desire it. Indeed, we should all cherish the right of privacy. Those of us in public life expect to be subjected to various criticisms but, at the same time, we are entitled to a certain degree of privilege and to the right of privacy. I believe that this legislation will go down as part of the record of the Attorney-General's performance in Parliament. I do not know whether it will be his swan song, but he is trying to achieve something which every individual in the community appreciates. In his second reading explanation, the Attorney said:

The problem of protecting the citizen's privacy by legal measures is complex.

I recognise that and I also have sufficient faith in this State's Judiciary that it will afford protection for those who seek it. We already have measures which, in various ways, protect those in the community who believe they are being smeared, slandered, libelled, etc., but it is not easy to insist on one's rights, nor is it a cheap and easy process to protect them. If this legislation will help protect people and help make for a more responsible community, it deserves our full support.

Mr. DUNCAN (Elizabeth): I support the Bill and it gives me pleasure to be able to follow the member for Hanson, following the remarks he has just made.

Mr. Jennings: It was the best speech he has ever made.

Mr. DUNCAN: Yes, and it came as a great and pleasant surprise, too.

Mr. Millhouse: You couldn't say the same about the member for Alexandra.

Mr. DUNCAN: I am unable to say, as the member for Mitcham has pointed out, the same for the speech of the member for Alexandra. His speech was the typical backwoodsman's approach that he adopts on all questions, but I will not waste my valuable time in referring to anything he has said.

Mr. Goldsworthy: Do you think that those who oppose the Bill are Conservatives?

Mr. DUNCAN: No, I do not. However, the matters raised were so trivial and so irrelevant that I do not consider them worth replying to. This Bill, which the Attorney-General and the Labor Government have introduced, has come under great fire from the press, both in South Australia and throughout Australia. I suppose that was inevitable, because the legislation in its effect may have certain consequences for the press. However, as the Attorney-General has pointed out, the Bill is certainly not about the press. If the media transgress from the standard of privacy required under the Bill, inevitably members of the media will be affected. The kind of

reaction we have had from the media has been a complete over-reaction, in my view, and I will later refer to some press cuttings that indicate the kind of over-reaction that has occurred in the press, particularly in South Australia. In all, eight editorials have been printed by the media: four in the *Advertiser*, one in the *Australian*, and three in the *News*.

It is interesting to read them to see the kind of approach the newspapers have taken, particularly the *Advertiser*, which printed its first editorial on November 22, 1973. This was a general statement concerning privacy which referred to the legislation not in detail but merely in passing. By March 11, 1974, however, the *Advertiser* had printed an editorial, headed "Problems of Privacy". That editorial, which commences by complimenting the Government, states:

The Dunstan Government, ever the innovator and pace-maker in the introduction of new laws intended to meet the changing needs of modern society, has done it again. The Privacy Bill introduced by the Attorney-General (Mr. King) last week is a prime example of its determination to provide new remedies to meet new situations. The Bill confers on individuals and incorporated bodies a general right of privacy not now recognised by law. The Bill is directly in line with undertakings given by the Premier in his policy speech.

I will not bore members with further reference to that. However, it is interesting that the *Advertiser* editorial should have begun in that vein. It concludes less enthusiastically, but it is still interesting to quote the final part, because it indicates the start of what, in fact, has been a most deceptive approach by the press to this question. The editorial concludes:

It may be that there is no other way open to the Government to deal with the matter, but the tendency to express legislation in general terms—a tendency to which some objection has been taken in the courts—can hardly be taken further than this. Parliament is saying to the courts, in effect: We cannot set out the law on this, but we want you to work it out as you go along.

That statement is perfectly correct. Every piece of legislation that has been passed by this Parliament has been passed with the intention that the courts will interpret it. I challenge Opposition members to deny that statement. That is the exact principle on which every piece of legislation enacted by this Government has been passed. We would not have the courts if it was not their duty to interpret legislation. That is precisely the reason that we have the courts. If we do not have a system of courts to do that, we would have an authoritarian system of government, but I am sure that no Opposition member would support such a system. From that view which I call reasoned opposition to the Bill, we then began to get the more emotional type of editorial. On March 13, two days after the editorial just quoted, an editorial appeared headed "How Much Privacy?" By this time, the *Advertiser's* editorial writers were saying:

So wide is the Bill's definition of the right of privacy that a mere allegation by a plaintiff that his privacy has been infringed may be sufficient to establish a prima facie case and put the onus on the defendant to justify his actions.

That, of course, is incorrect. Before that could happen, a plaintiff would have to prove to a court to its satisfaction a prima facie case that his privacy had been infringed. It is not merely a case of making allegations; that is insufficient. Some proof would have to be supplied. That is the kind of emotional approach the *Advertiser* started to take by this stage. The editorial continues:

Among the main objections to the Bill are the uncertainties associated with it. They are well illustrated by the different views taken of it by Mr. King and by his predecessor as Attorney-General, Mr. Millhouse.

Since then, the member for Mitcham has considerably altered his view on this question. By October 12, 1974 (only a few days ago), the *Advertiser* was screaming with the banner headline over its editorial, "Freedom of the Press". The editorial states:

Privacy is one of the oldest of human needs, yet, strangely, it is only within the last 100 years that it has been proclaimed to be a right. In few countries is it even today recognised in law and the invasion of privacy made a tort, that is, a breach of law for which the injured party can seek damages in a civil court . . . It can hardly be disputed that the Bill introduced by the Attorney-General must have some inhibiting effect on the press.

To my knowledge that has never been disputed. The editorial continues:

Any such restriction, unless clearly justified on other grounds, is undesirable because an unfettered press, enabling the free flow of information and comment, is essential to the health of any democratic State.

If that is the case, this democratic State must be very sick because, far from it being a probing, challenging press, the press of this State is fearful of stepping on the coms of sacred cows. It has, in my experience, been a press that has been virtually muzzled. I will not go into the reasons for that, however. For the *Advertiser* to publish editorials in such a self-righteous fashion is nothing short of a selfish, deceptive approach to the whole matter. If it had not been for the emergence of *Nation Review* in the last few years in this country, the press would be in the same sick state it went through in the late fifties or early sixties; it is only since the advent of *Nation Review* that we have seen anything like what might be described as a probing press.

Mr. Becker: It's not worth suing, because it cannot pay.

Mr. DUNCAN: Legal people may well have given advice on that matter, but that is not for me to go into now. I should now like to refer to an editorial that appears in the *Australian* of October 9 this year. Again, we get the same sort of self-righteous approach, although the *Australian*, in general, does represent a more critical and probing type of newspaper than do the daily newspapers of this State. The *Australian* makes the following statement:

The danger in setting up a "legitimate" media is that to be legitimate can be taken to mean complacent and uncritical.

If that is the case, it has long since lapsed in this country. Certainly, the Privacy Bill will not affect that situation one iota. The *Australian* continues:

While newspapers and television and radio stations exist, there will be controversy about their method of operation—that is certainly true—

and the emphasis given to different stories and opinions. That is a consequence of living in a pluralist society where differing interests and tastes are at least partly cared for. If even more restrictions are imposed, the proper function of the news industry will be wiped out.

I totally reject that point of view. It seems to me that, in making that sort of statement, the editors are speaking tongue in cheek, and are being duplicitous about the whole question. I do not wish to refer to the contents of *News* editorials on this matter. Suffice to say that there have been three editorials published in the *News*, not one of which has put forward an idea or proposal which has not already been well canvassed elsewhere. In fact, one of the editorials is a take-off in part of an *Australian* editorial, and indicates the sort of attempt that is being made by the media to influence the Government in this State not to proceed with the Bill.

The sort of crocodile tears that have been cried by the press, I believe, are completely unjustified. The problem that has developed is that a few people in the media have decided that, for their own selfish interests, they should try to enforce their views on society as a whole. The result of this avalanche of editorialising and reporting has been, I believe, completely biased in many cases. I will now refer to several newspaper clippings relating to this matter where much emphasis is placed on the use of the words "dangerous" and "danger".

Mr. Jennings: To whom?

Mr. DUNCAN: That is not stated. The *Advertiser* of April 18, 1974, states, "Privacy Bill dangerous"; the *Advertiser* of October 5, 1974, states, "Privacy Bill has danger"; the *Australian*, March 16, 1974, states, "South Australia's new Privacy Bill a threat to free press". That has been the general tone of the subheadings and headings that have been placed on articles printed in the press concerning this matter. A long feature article in the *News* of October 7, 1974, is headed, "Fear on Privacy Bill. U.K. rejected idea after long inquiry". The United Kingdom did reject the idea after a long inquiry, but the newspaper fails to state that other inquiries have accepted the concept of the Bill. The newspaper failed to report the matter fairly; in fact, I have heard members opposite agree with this statement, and I have heard members of the press say that the Attorney-General on the *Monday Conference* debate (which substantially provided the material for the article) won the debate convincingly. My view was that he did an excellent job and clearly exposed the fallacies of Opposition arguments. The heading "Fear on Privacy Bill" indicates the sort of bias that has gone on over a long period.

I will refer to a couple of points made by the Leader of the Opposition who, I believe, had a difficult job to do because he does not have the legal training to deal with the measure as the leading speaker for the Opposition. I do not wish to be too critical of him, but there are two matters to which I should refer. First, he referred to the Members of Parliament (Disclosure of Interests) Bill, which I have introduced as a private member. The Leader said that the Privacy Bill and my Bill were in conflict, but that is just not true. The Privacy Bill will in no way affect my Bill because that Bill concerns a matter of public interest, whereas the Privacy Bill does not. In any case, this Parliament is its own master and, if it chooses to pass legislation that requires members to disclose their sources of income, that is the affair of Parliament and in no way counters the spirit, policy or intention of this legislation. The Leader was completely misleading the House when he suggested that that was the case.

The SPEAKER: Order! The honourable member can only touch lightly on the matter because it is the subject matter of a Bill before the House.

Mr. DUNCAN: Very well. I have answered the point raised by the Leader, so I will not proceed further with the matter. I thought it was unfortunate that the Leader, who I saw with his legal adviser, the President of the South Australian Branch of the Liberal Party (Mr. Griffen), at the *Monday Conference* debate, had not taken legal advice of a more informed nature, because it seemed to me that the view he expressed in the House was not fully in accord with the facts, either the facts set out in the Bill or the facts as to how the Bill would be received and interpreted by the courts.

Mr. Evans: What you are saying is that one Bill can make a private matter public.

Mr. DUNCAN: It can.

Mr. Evans: And you do not believe the other Bill will do the reverse.

Mr. DUNCAN: That is a good point. It would not apply when the other Bill is a specific Bill, such as my Bill which deals specifically with members of Parliament: that is a specific Bill and would not be touched by this legislation.

Mr. Evans: But that applies to members of Parliament and their families.

Mr. DUNCAN: But it deals with a sectional group in the community.

Mr. Evans: Can you pick on any sectional group?

Mr. DUNCAN: Of course one can pick on a sectional group in the community and pass legislation in respect of it: we have dozens of private Acts on the Statutes that do that very thing.

Mr. Evans: You do not think it will have an effect on the press?

Mr. DUNCAN: I have not heard anyone on this side say this legislation will not have some effect on the press, but the press is only part of the overall community of South Australia, although I am not saying it is not an important part of it. Indeed, I accept that it is. This legislation deals with the whole of the community, and the press in that context can be treated only as part of the community. We cannot have special exemptions for the press or anyone else. In fact, the press would be a prime offender in certain cases. The situation involving Mrs. Petrov was a classic example of a breach of privacy by the press.

Mr. Becker: It was mentioned first in *Nation Review*: did you see that?

Mr. DUNCAN: In the printed press it was first reported in *Nation Review*, but the infringement went on as an adjunct of the activities of the television media.

Mr. Evans: Do you think we have too many freedoms in this place in respect of people, companies or unions? It is often detrimental to mention activities of people without any substantial proof.

Mr. DUNCAN: I do not wish to go into that, but I believe that we do not have too many freedoms in this House. I believe that this is the cradle of our democracy and I think we must as members accept the responsibilities we have. It is a ringing condemnation of each and everyone of us if the power that we have over the community is abused.

Mr. Evans: What remedy would you suggest when it is abused?

Mr. DUNCAN: I think we cannot have a remedy. I think the only remedy is the power of the Parliament to censure its individual members and I think the power of the Parliament to do that is one aspect of how this can be dealt with. Since I have been in this House I have not heard one extreme example of abuse. Maybe the reference by Senator Hall, when he was a member of this House, to a firm of accountants in business in Adelaide was such a breach. I believe it was, but apart from that I have not heard one other serious breach.

Mr. Millhouse: What about what was said about that fellow Sutherland?

Mr. DUNCAN: I do not think we have heard all—

Mr. Millhouse: He is protesting vigorously.

Mr. DUNCAN: The member concerned is not here to defend himself.

Mr. Millhouse: You would agree that it is a poor practice to mention names like that in the House?

Mr. DUNCAN: I do not think it is a poor practice to mention names in the House if the situation has been checked out by the member to his satisfaction. In those circumstances I think we have an obligation to expose these people to the public because this is the only place where that can be done. The summary of the report of the sub-committee of the Law Society of South Australia appointed to consider the Privacy Bill states:

We recommend to the council that it supports the Bill in principle and that it refers this report to the Attorney-General for consideration.

The criticisms made of this Bill were made only as regards methods to strengthen it. There was no criticism of the fundamental principles of the Bill or the need for the legislation. The report of the Law Society also states:

Careful consideration should be given to the position of the mass media. One does not wish to see a situation develop where there is any unreasonable controlling of reporting in the press. After carefully considering this aspect of the matter we are of the view that the defences set out in clause 8 of the Bill are more than sufficient to ensure that the ability of the media to report on people and affairs is not unreasonably curtailed.

An expert committee of the Law Society of South Australia examined this matter with great care and concluded, after giving due weight to the safeguards encompassed in the Bill, that it would not affect the freedom of the press in this State.

Mr. Coumbe: It was a unanimous decision?

Mr. DUNCAN: I cannot guarantee that, but I understand it was. I think an unnecessary and unfortunate campaign has been developed in the media in South Australia against the Bill. The Attorney-General has shown great courage in introducing the Bill and, notwithstanding the charges launched against him, he ought to be commended for continuing with it. This Bill is long overdue and, when it finally becomes law, it will be of great assistance in defending the rights of many South Australians who previously had no defence of their rights. I know from my own experience in practice as a lawyer of many instances where people were hounded in their private lives, not by the mass media, and where they could not obtain a remedy.

I know of a lady who had been keeping company with a gentleman for about 18 months and she told him that she desired to have his company no longer. Two years later he was still following her home, photographing her constantly, and ringing up the police late at night when she had visitors, telling the police she had visitors who had no right to be there. The police were calling on this lady late at night. Because he was able to disguise his identity, the police could not take action. This woman could have obtained an injunction against that man and been awarded damages under this Bill, whereas under the law as it stands it would be impossible to protect her from the harassment she suffered. I understand that this woman eventually ended up in Hillcrest Hospital to try to recover her health and to avoid this person. Such a law is long overdue to provide a remedy in such a situation. As this Bill provides that remedy, I urge the House to support it.

The Hon. G. R. BROOMHILL secured the adjournment of the debate.



**NATURAL GAS PIPELINES AUTHORITY ACT  
AMENDMENT BILL**

Consideration of the following message from the Legislative Council:

The Legislative Council requests the House of Assembly to give permission for the Minister of Development and Mines (Hon. D. J. Hopgood), a member of the House of Assembly, to attend and give evidence before a Select Committee of the Legislative Council on the Natural Gas Pipelines Authority Act Amendment Bill.

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

That the Minister of Development and Mines (Hon. D. J. Hopgood) have leave to attend and give evidence before the Select Committee of the Legislative Council on the Natural Gas Pipelines Authority Act Amendment Bill, if he thinks fit.

Members will be aware that a message has been received from the Legislative Council requesting that this House give leave to the Minister. It will be a matter for the Minister to decide whether he thinks it proper for him to give evidence before the Select Committee. I see no reason why this House should place any impediment in his way, if he considers it consonant with his responsibilities to attend in order to assist deliberations of the Select Committee of the other place, so I commend the motion to the House.

Motion carried.

**ADJOURNMENT**

At 4.56 p.m. the House adjourned until Tuesday, October 22, at 2 p.m.