HOUSE OF ASSEMBLY

Wednesday 5 November 1980

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

STAMP DUTIES ACT AMENDMENT BILL

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

PETITIONS: PROSTITUTION

Petitions signed by 486 residents of South Australia praying that the House urge the Government to strengthen existing laws against the prostitution trade, reject any proposal to legalise the trade, and request the Commonwealth Government to sign the United Nations Convention on Prostitution were presented by the Hons. D. O. Tonkin and M. M. Wilson, and Messrs. Ashenden, Becker, Billard, Crafter, Mathwin, Millhouse, Peterson, Russack, and Schmidt.

Petitions received.

PETITIONS: RETAIL MEAT SALES

Petitions signed by 462 residents of South Australia praying that the House urge the Government to oppose any changes to extend the existing trading hours for the retail sale of meat were presented by the Hon. Peter Duncan and Messrs. L. M. F. Arnold, Keneally, Peterson, Plunkett, and Randall.

Petitions received.

PETITION: PORNOGRAPHY

A petition signed by 11 residents of South Australia praying that the House legislate to tighten restrictions on pornography and establish clear classification standards under the Classification of Publications Act was presented by the Hon. M. M. Wilson.

Petition received.

PETITION: I.M.V.S.

A petition signed by 17 residents of South Australia praying that the House urge the Government to re-establish the Environmental Mutagen Testing Unit, to reinstate Dr. J. Coulter to his previous position, and instigate an inquiry into the administration of the Institute of Medical and Veterinary Science was presented by the Hon. Peter Duncan.

Petition received.

PETITION: RENT FREEZE

A petition signed by 253 employees of the South Australian Government praying that the House urge the Government to apply a rent freeze to all dwellings belonging to or leased by the Crown and occupied by those employees of the Crown in country employment was presented by Mr. Bannon.

Petition received.

PETITION: GOVERNMENT LAND

A petition signed by 1 418 residents of South Australia praying that the House urge the Government to place a moratorium on the disposal of Government-held land in Hindmarsh and, in particular, Bowden and Brompton, until future development plans are clearly defined after consultation with local residents was presented by Mr. Abbott.

Petition received.

PORT AUGUSTA GAOL

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Port Augusta Gaol—New Remand Wing and Inmate Accommodation.

Ordered that report be printed.

PAPER TABLED

The following paper was laid on the table:

By the Minister of Agriculture (Hon. W. E. Chapman)—

Pursuant to Statute—

South Australian Meat Corporation—Report, 1979-80.

QUESTION TIME

REMISSIONS OF SENTENCE

The Hon. J. C. BANNON: Did the Premier state, as reported in the *Advertiser* of 31 August 1979, that it was vital for our system of justice that remissions of sentence decided by Executive Council be gazetted? If so, why is his Government now not proceeding with this practice? In explaining the question, I will provide the background to the Premier's statement in 1979. On that occasion there was considerable adverse publicity surrounding a prison sentence which had been remitted by Executive Council at that time, that is, the time of the previous Government. The advice that the Executive Council had been given was medical evidence from a specialist physician which in part said:

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

Executive Council acted to remit the sentence on that individual, in the face of considerable criticism. Four months later he did indeed die, and full disclosure was made at the time to the press. The Attorney-General of that time (my colleague in another place, the Hon. C. J. Sumner) announced that future remissions would be gazetted on the ground that they were semi-judicial decisions that ought to be made public. The then Leader of the Opposition, now the Premier, stated at that time:

> The Executive Council orders should certainly be gazetted. It is vital for our system of justice that there can be no suggestion of influence being brought to bear to override the courts.

However, although the Hon. Mr. Sumner asked the present Attorney-General in June this year about 11 remissions of sentence which had not been gazetted, he

received a reply only yesterday that the Government had now decided not to publish names and details of acts of executive clemency.

The Hon. D. O. TONKIN: Yes; as far as I recall, that was the statement I made at that time (in August 1979), although I cannot recall the exact details of it.

As to why the Government has reversed its decision, I point out that at that stage this Party was not in Government. We have examined the matter carefully, and at present, until we have come to a final decision on the pros and cons (and the Attorney-General has been most articulate on this), the Government is determined to continue with the present practice of not gazetting or disclosing details of it. However, the matter is still under consideration, and a final decision will be made, hopefully, in the next few weeks.

INVESTMENT PROPOSALS

Mr. ASHENDEN: Has the Premier seen the latest report, for the year ended June 1980, of the Foreign Investment Review Board, and can he inform the House of investment proposals for South Australia as disclosed in that report? Also, has the Premier seen the results of the latest Quarterly Survey of Business Confidence conducted by the National Bank and Australian Chamber of Commerce, and can he report the results of that survey to the House?

The SPEAKER: Order! I call on the Premier to answer one of the questions.

The Hon. D. O. TONKIN: Yes, I have noticed that part of the Foreign Investment Review Board's report which lists the value and location of all investment proposals approved by the board in the year to 30 June 1980, and I am grateful to the honourable member for bringing the matter forward. I know of his great concern, and it is good that he has quoted some supporting evidence which has also appeared in another report on which I will not comment other than to say that it was most reassuring and supportive of the report of the Foreign Investment Review Board.

The values expressed in the report by the board in the year to 30 June 1980 are extremely satisfactory. They represent the aggregate of both foreign and domestic capital in joint venture projects, and are the figures disclosed by the investing companies themselves as their probable investment in approved projects. The report shows that in the year to June 1980 approval was given to 43 proposals to invest foreign funds in South Australia (the corresponding figure in 1978-79 was 36). Much more spectacularly, payments by foreign companies for the acquisition of South Australian assets, that is, the amount approved for foreign takeovers, were $85 600 000—a reduction of 25 per cent from the corresponding figure of $113 000 000 a year earlier. Even more spectacular still, expected new investment in South Australia rose to $1 179 700 000 from a recorded level just one year earlier of only $17 000 000. This is an increase of over 6 800 per cent.

So, we are looking at a comparative figure of $1·18 billion from last year's figure of only $17 000 000. That really is remarkable. Furthermore, South Australia's expected new investment, as approved by the F.I.R.B., moved from being the lowest amongst the States in 1979 ($17 000 000) to being the highest amongst the States in 1980 ($1·18 billion). Further, the total of expected investment in South Australia (that is, the aggregate of "payments for assets" and "expected new investment") rose to $1 265 300 000. The corresponding total a year earlier was $130 000 000. This represents an increase of 873 per cent. South Australia's share of total approved investment in Australia rose from 3·7 per cent in 1979 to 22 per cent in 1980.

Most people will recall the graphs that demonstrated clearly at the time of the last State election that South Australia had a particularly small share of projected investments compared to all other States. This time we can say that our share shown on a block graph of that sort would be clearly above that of many other States. In the same period the amount of foreign capital used to acquire South Australian assets expressed as a proportion of all foreign capital used to acquire Australian assets declined from 8 per cent to 5·5 per cent.

What it all means is that South Australia is attracting record levels of investment in new projects. Simultaneously, it is recording fewer take-overs of local companies and established projects by foreign capital. The latest report of the F.I.R.B. confirms the very encouraging investment trends indicated by the June survey of the Department of Industry and Commerce. That earlier survey showed that, in the eight months from October 1979 to June 1980, capital committed or likely to be invested in South Australian mining rose by more than 1 600 per cent, from $190 000 000 to $3·32 billion, and capital committed or likely to be invested in South Australian manufacturing rose by $30 000 000, or 27 per cent.

In addition to those figures, since that time, a further committed investment of at least $40 000 000 has been announced for South Australian manufacturing industry, another $50 000 000 expansion and investment programme has been announced by Mitsubishi, and a further $70 000 000 has been announced for investment in offshore oil exploration. Those are all extremely important matters for the future of South Australia, and we look forward to their development over the next decade. It looks very much as though the next 10 years for South Australia is already firmly based indeed, and holds great promise for the future.

AUSTRALIAN SHAREHOLDERS ASSOCIATION

The Hon. J. D. WRIGHT: Will the Premier provide to this House a copy of a letter, which a newspaper report suggests has been sent to him, from the Australian Shareholders Association; and, if not, why not? Members may have seen in the Business Review section of last weekend's issue of the *National Times* an item, headed: "Investors talk of ganging up on South Australia". That article, by Mr. Fred Benchley, a senior and well respected excutive of the John Fairfax newspaper group, referred to a letter said to have been sent to the Premier by the Chairman of the Australian Shareholders Association. The letter is said to contain the following comment:

> We are seriously examining whether it is in the best interest of Australian shareholders to invest in South Australian companies.

Mr. Benchley added the observation that the letter to the Premier "is scathing in its stabs at the restrictive approach of a supposedly Liberal Government". In view of the serious allegations contained in this very forthright correspondence, I ask the Premier whether he would agree, in the interests of the State, to table this letter.

The Hon. D. O. TONKIN: No. I have no real recollection of the letter and its contents and, in those circumstances, I can make no commitment.

RADIO-ACTIVE WASTE

Mr. OSWALD: Is the Premier aware of reported statements by the Leader of the Opposition regarding the Deputy Premier's visit to Sweden, especially the claim that the Deputy Premier had ignored reality by stating that the radio-active waste disposal problem has now been settled?

The Hon. D. O. TONKIN: I was made aware of the reported statement by the Leader of the Opposition on the matters raised by the Deputy Premier. The original comment appeared at page 32, and Mr. Bannon is reported to have made a comment on a statement on Monday from Mr. Goldsworthy in Europe that nuclear waste disposal methods have been proved. I find it remarkable that the Leader of the Opposition could, sitting where he does, make such comments, without having access to any sort of direct investigation. I certainly hope that, when he goes overseas (as I believe he plans to do at some time in the future), he will take every opportunity to reassure himself of the safety of the disposal methods currently in use. Once again, the Leader (and I can speak very much in the words of the Deputy Premier, if he were here) is doing nothing more or less than trying to confuse and mislead the public on what is a most important issue to South Australia. The statement made by the Deputy Premier quite specifically stated that it is appropriate now to report that, since the former Premier's overseas visit, these developments in waste disposal have been proved to the satisfaction of the Swedish Government, and a national referendum has approved the expansion of that country's nuclear power programme.

That statement reflects the Swedish legislative framework that requires that, before any nuclear reactor is fuelled its owner must demonstrate the feasibility of final storage either of high activity, high level waste from reprocessing or of spent fuel. The referendum that was held in Sweden was called quite specifically to assess attitudes to nuclear power after the Three-Mile Island incident, at a time when an election was not imminent. There were three alternatives put to the people of Sweden at that time. The first two called for the expansion of the number of reactors from six to 12 over the next 25 years—the technically assured lifetime of those reactors. The major difference between the first and second alternatives was that the second alternative called for vigorous energy conservation. The third alternative called for the phasing out of the existing six reactors over 10 years. I must emphasise that the referendum was held in the context that there were already six operating reactors in Sweden.

Honourable members will be very interested to know that the first two alternatives received 58.1 per cent of the vote, and the third received 38.8 per cent. There is no question at all that the Government of Sweden is totally satisfied as to the safety of the disposal methods now proposed. It is quite apparent that a large majority of the people of Sweden share the Government's reassurance on this matter.

I am at a total loss to understand why the Leader of the Opposition finds the Deputy Premier's statement in this matter unrealistic, when it is quite specifically related to the facts I have described. It is very much a matter of fact and of record that that was the vote in Sweden; that was the statement that was made, and I find it ridiculous that the Leader should in any way try to question or fudge the issue. I understand that in his statement the Leader of the Opposition (who seems to find it very difficult indeed to live with, or accept the facts and the reality of the matter), has suggested that the Deputy Premier visit France to examine the work that is being undertaken there. I am sure he will be very interested to know that, since the beginning of the week, the Deputy Premier has been doing just that. He has been to Marcoule, to Tricastin, and has looked at disposal methods currently in use there, and I look forward to a further report from him.

OCCUPATIONAL HEALTH CENTRE

Mr. PETERSON: When will the Minister of Health inform the public of the future structure and operation of the Port Adelaide Occupational Health Centre. We have been told that there will be a restructuring of the Port Adelaide centre, and Dr. Richie Gun was recently relocated from there, and there have been many submissions from concerned local groups about the future of this centre and the direction it will take. As we have been waiting for quite some time, will the Minister please let us know what will happen?

The Hon. JENNIFER ADAMSON: I have undertaken to inform the member for Semaphore as to progress in this regard and I am sorry that it has taken so long for the letter that I have drafted to be checked in terms of precise details. As I understand it, the Health Commission is in the process of consulting with local groups in the community regarding the precise structure and delivery of services. In response to the honourable member's query I shall give a reminder to those whom I have already asked for a report and ensure that he gets it promptly.

EMPLOYMENT INCENTIVES

Mr. RANDALL: Will the Minister of Industrial Affairs inform the House what employment incentives are being offered to encourage employment of young people and adults in our community? This morning I was present at a function where employers who have given high school students an opportunity to participate in work experience programmes were meeting. It became clear to me from comments made that some employers were not aware of what the State Government offers by way of incentives for the employment of young people. Over the past few weeks a number of adults within my district, who are in their latter years, have approached me expressing concern about their employment prospects within the community. I ask the Minister what we, as a Government, are doing in this area.

The Hon. D. C. BROWN: I thank the honourable member for his very thoughtful question, one to which, certainly, this Government has given a great deal of attention and resources.

Members interjecting:

The SPEAKER: Order!

The Hon. H. Allison: Someone has to ask good questions.

The Hon. D. C. BROWN: Well responded by the Minister of Education! When such pathetic questions are directed across the House, one has to rely on questions from Government members. However, this question was not requested by me, even though I sent a letter to the member for Mitcham along similar lines, because he showed an interest in this matter.

Specific incentives offered by the South Australian Government to encourage youth employment include, first, the pay-roll tax scheme, which contains three parts. The first part of the scheme involves lifting of the base exemption to help small businesses; the second part involves the granting of pay-roll tax remissions in the case

of any additional employees taken on who are under 20 years of age (and I indicate to the honourable member that, as at the end of August, 1 976 young people were employed under that part of the scheme); and the third part of the scheme involves an actual cash payment to the employer for his taking on one or two additional young persons ($600 for the first additional person taken on and $1 800 for the second additional person taken on). I can also indicate that, under that third part of the pay-roll tax scheme, over and above the second part of the scheme to which I have already referred, 775 young people have been taken on and cash incentives have now been paid to 543 employers in South Australia.

That is only part of what the Government has done. In addition, CITY programmes have been implemented and the State Government has not only increased substantially its financial allocation to the CITY programme, which was set up by the previous Government, but has also offered to pay half of the costs of having a CITY worker in both the north and the south of the metropolitan area, and I understand that people in the district of the member for Mawson are delighted with the State Government's offer and a youth worker will be employed under that scheme.

The Hon. D. J. Hopgood: I don't think that's right. It is my understanding that Noarlunga has a different attitude.

The Hon. D. C. BROWN: That has been my indication so far that—

The Hon. D. J. Hopgood: I can show you a letter from the Town Clerk.

The Hon. D. C. BROWN: From indications so far, they wrote and asked whether we would cover half of the costs and I have said that we will. If honourable members will listen, I will highlight some of the other schemes about which they do not know because they never bother to listen to the points raised by the Government.

Members interjecting:

The SPEAKER: Order! There is unnecessary comment from both sides of the Chamber.

The Hon. D. C. BROWN: We have developed and put a great deal of emphasis on the self-employment venture scheme, which is important, because, if insufficient traditional positions exist to remove the unemployment problem, it is important that people find the spot where there is demand and that they go out and fill it. I can cite a classic example: a young qualified hairdresser, whom I know, could not obtain a regular position and decided that there was a potential in the community in hairdressing for aged persons who do not wish to leave their home units. This young person, who had been unemployed for almost 12 months, doorknocked and, after one or two months, found that there was a substantial demand; she is now almost fully occupied in hairdressing for aged persons. That is a classic example of how young people can use their initiative when they see a demand in the community and utilise that demand to obtain useful employment.

That is why this self-employment venture scheme is operating. I am also delighted to say that we have allocated funds to the home handyman scheme. The Commonwealth Government has not only accepted that scheme in principle as an ideal way of creating employment but it has helped us to finance a pilot scheme for expanding the home handyman scheme. In addition to that, the Commonwealth Government has allocated $2 300 000 this financial year for the school-to-work transition programme. It has been decided that, under this programme, we will direct a substantial amount of that money towards increasing trade skills given to young people.

Mr. KENEALLY: On a point of order, Mr. Speaker. I ask for your ruling, once again, on the attitude of members towards the Chair. Is it appropriate for a Minister, when answering a question, to be addressing himself to a part of the Chamber to which we are not allowed to address ourselves, rather than directing his comments to you, Mr. Speaker? The Minister is actually turning his back on you, Mr. Speaker, which I think shows a gross disrespect to your position.

The SPEAKER: There is no point of order, for precisely the same reasons as those I gave previously.

The Hon. D. C. BROWN: I apologise to you, Sir, if at any stage I looked towards the honourable member who asked the original question; I thought that that was appropriate. I do stress that, under the school-to-work transition programme, there will be a new emphasis this year to ensure that people who have been unemployed for four months acquire skills or semi-skills through the Department of Further Education.

In addition to that, the Governmrnt is looking at how it can increase substantially the number of people receiving apprenticeship training. I am delighted to say that this year we have already increased the number of first-year apprentices by 15 per cent compared with the same period last year. I am delighted also to say that we have announced a scheme with the Master Builders Association whereby there will be a group apprenticeship scheme, under which all out-of-trade apprentices will be able to find potential employment with the Master Builders Association, and so complete their apprenticeship. This is important because, in the building industry, there are at present about 50 out-of-trade apprentices, people who have got part-way through their apprenticeship and have had their indenture agreements terminated because of a downturn in the industry. Also under that scheme it is expected that 80 additional first-year apprentices will be taken on next year. I believe that that will lead to a further substantial increase in apprenticeship intake next year, as compared with this year, which is still substantially greater than last year. In the adult area, in which the member for Mitcham showed great interest earlier in Question Time (he has now left the Chamber), I point out that the Government has done much—

Mr. Slater: He left the Chamber 25 minutes ago.

The Hon. D. C. BROWN: That is impossible, because we are only 25 minutes into Question Time and there have been several questions.

The SPEAKER: Order! I ask the honourable Minister to come back to answering the question.

The Hon. D. C. BROWN: The Government has also introduced the Establishment Payments Scheme which is directly encouraging all employment in this State. We have announced and introduced a new scheme of pay-roll tax and land tax concessions for country industries, that will receive about $3 000 000 this year and about $6 000 000 in a full financial year. When it came into office last year the Government announced general pay-roll tax concessions and a lifting of the base level, which is for all people and not just for youth people. I am delighted to say that the Treasurer this year has substantially increased that allocation, and that will help employment, especially amongst small businesses.

Over and above that, the Government has allocated this year $1 400 000 to the Motor Vehicle Industries Assistance Committee. This allocation and, I believe, the emphasis the Government is giving in this area, are extremely important. This State has an unemployment problem, and I would not deny that, but when one looks at the reason for that unemployment, one sees that the most important reason is the downturn in automotive industry employment over the last 12 months and, in fact, over the last six years.

When one looks at that industry and realises the fundamental change that it is undergoing as it tries to retool and re-equip for the world car concept, one sees that this direction this year by the Government of $1 400 000 is very important in creating and maintaining employment in this State. Finally, I can indicate to the honourable member that there has been a substantial lift in the allocation of resources consultancies to private firms encouraging expansion in this State, particularly to small businesses—

An honourable member: I'll say.

The Hon. D. C. BROWN: It would appear that members opposite are now criticising the Government for making available additional resources as consultancy grants to encourage employment expansion in this State.

The Hon. PETER DUNCAN: No, we are criticising you because of small businesses going broke.

The Hon. D. C. BROWN: I am referring specifically to consultancies grants handed out to small businesses.

The Hon. PETER DUNCAN: You won't tell us—

The SPEAKER: Order! The honourable member for Elizabeth is doing nothing to assist Question Time.

The Hon. D. C. BROWN: Thank you, Mr. Speaker. I am referring specifically to consultancies grants handed out to small businesses to allow them to expand and to increase their employment, and we have the member for Elizabeth criticising it. I suggest that he look at some of the comments made by his colleagues during hearings of the Estimates Committees, because they were asking the Government to make sure that what allocations were made in that direction were spent; certainly in conflict with what he has just said. The Government has done a great deal in this area. It is a record of which we are proud and we will continue with that effort.

REMISSIONS OF SENTENCE

Mr. BANNON: My question to the Premier is supplementary to the question I asked at the beginning of Question Time. In view of the statement to the contrary by his Attorney-General, why did the Premier say that there was no final decision in the matter of gazettal of remission of sentences? In his reply yesterday to my colleague the Hon. Mr. Sumner, the Attorney said:

> The matter was further examined and it was decided to make inquiries interstate and overseas. These inquiries have now been completed and in the light of the replies received the matter has been reviewed.

He further stated:

> The Government has re-examined the matter and takes the view that the interests of justice must prevail. It has therefore been decided not to publish names and details of acts of Executive clemency.

The Hon. D. O. TONKIN: The Leader is quite correct in what he has said, and the matter will be reviewed again in due course.

DENTAL SERVICES

Mr. GUNN: Would the Minister of Health be prepared to approach the Commonwealth Government in line with the suggestions made by the committee of inquiry into dental services in South Australia, which reported recently? On page 94 the report states:

> Access to specialised dental services is a major problem in these remote areas.

That is referring basically to my own electorate. As people in those areas qualify for specialist medical care under the Commonwealth Isolated Patients Travel and Accommodation Assistance Scheme, there is no provison for referral to a dentist for specialist treatment. The committee therefore recommends that the State Government request the Commonwealth to extend the Isolated Patients Travel and Accommodation Assistance Scheme to include referral to specialist dental treatment. I therefore believe the Minister, having visited those isolated parts of my electorate earlier this year with the Flying Doctor, would be aware of the problem, and I would be pleased if she would make a recommendation.

The Hon. JENNIFER ADAMSON: This is certainly a most appropriate question from the member for Eyre, who represents more than 80 per cent of the State and many of whose constituents live in very remote parts and do not have access to specialist medical services. In fact, north of Port Augusta the only dental practitioners who are practising are those located at Woomera, Leigh Creek, Coober Pedy, and the North-west Reserve. All other people living in those remote areas have to rely on once-monthly trips by the Royal Flying Doctor special dental service, which services Oodnadatta, Marree, Andamooka, Cook, Tarcoola and Kingoonya.

This is not a satisfactory situation. Representations to the Dental Committee of Inquiry indicate that such services cannot keep pace with the complexities of modern dental care. The member for Eyre will know that this committee's report has been made available for six weeks for public comment and, at the end of that period, the Government will consider the recommendations of the report in the light of public comment received. As I recall, the recommendation concerning an approach to the Commonwealth for assistance with the isolated patients' travel and accommodation scheme is the only recommendation referring to the Commonwealth Government. Whilst I would be pre-empting the Government's consideration of the report if I gave a definite reply to this question, it would be fair to say that that would be a recommendation that would be sympathetically considered by the State Government, because I believe that it is extremely important for people living throughout the State to have equal access to high-quality health care, including dental care. If that access is difficult because of remoteness special measures must be taken to help people living in those areas.

WHYALLA COUNCIL

Mr. MAX BROWN: Will the Minister of Environment ask the Minister of Local Government whether he will initiate an inquiry into whether all Whyalla city councillors have abided by the Local Government Act in respect of voting rights during all phases of decision making concerning a one-way street proposal intended for Patterson Street in the older part of the City of Whyalla and, if voting rights have been wrongfully used, will the Minister take the appropriate action? This proposal has developed into a bigger saga than the reply from the Minister of Industrial Affairs.

The SPEAKER: Order! The honourable member is asked not to comment.

Mr. MAX BROWN: The proposal intends to spend ratepayers' money on a one-way street project, whereby some councillors may have business or private interests involved. I point out that it could be questioned whether the majority of ratepayers in Whyalla support the project or are prepared to accept the possibilities of an increase in their rates over some years in order to assist the proposal financially. I believe that the issue has developed into a

delicate matter and for this reason it is important that the Local Government Act has been fully applied.

The Hon. D. C. WOTTON: I will refer the matter to my colleague.

ANZAC HIGHWAY

Mr. BECKER: Will the Minister of Transport have an investigation made into the condition of trees growing on the median strip and also into the road surface of Anzac Highway? I have received several complaints from constituents during the past five years concerning the condition of these trees. I understand an investigation into the future of the cypress pines in the centre median strip of Anzac Highway shows that the trees are dying and that practically every tree is affected to some degree by bacterial canker and borers. On 17 August 1976 (page 643 of *Hansard*), the former Minister of Transport advised me that no remedial action had been taken because the species involved could not be saved by either pruning or chemical control.

On 7 November 1978 (page 1781 of *Hansard*), the Minister of Transport advised me that there would be a replanting programme, that the cypress trees would be removed and Australian native trees would replace them. This programme was to commence in Autumn 1979, but at present only six have been planted: two are growing reasonably well, two have reached an average height for their age, and two are struggling. Can the Minister say what future activity is planned? Concerning the condition of the surface of Anzac Highway on the middle lane of the up-track from Glenelg—

The SPEAKER: Order! I indicate to the honourable member that he is asking the honourable Minister a question related to trees. He has sought to explain his question, and I would ask him to link any remarks in his explanation to the question.

Mr. BECKER: The question related to the condition of the trees growing in the median strip of Anzac Highway and to the road surface. The condition of the road surface is deteriorating; it is the worst I have known it to be for several years. Is there any relationship between the condition of the trees and the condition of the road surface?

The Hon. M. M. WILSON: I will obtain a report for the honourable member on the question of the road surface, in so far as the tree roots may have affected the surface, and I will let him have that as soon as possible. Regarding the replacement of the trees, I am pleased to inform him that the replanting will start in the coming autumn, which is the correct time to plant Australian natives, and I can assure him that considerably more than six trees will be planted.

GOLD COIN

Mr. ABBOTT: Can the Treasurer, as Minister responsible for the State banking system, advise the House when the new $200 gold coins will become available? I have had an inquiry from a constituent who has been endeavouring to buy one of these gold coins. He found that he was required to pay a $40 deposit, which he assumes was a fee of some sort, with the State Savings Bank, plus the full amount of $200. The coins were supposed to be available on 16 October, but as yet there has been no sign of them. My constituent is finding it difficult to understand not so much the delay but the reason for the extra payment and the interest being accumulated on his money.

The Hon. D. O. TONKIN: The matter that the honourable member has raised is very much one for the Federal Treasury. While I would like to have access to the funds in the Federal Treasury, I am afraid that that is not possible. (I only hope that we can get a fair share.) Should I be able to ascertain any of this information for the honourable member, I shall be pleased to make it available to him. Unfortunately, this matter is not confined to the State Bank. As I understand it, the coins can be ordered from any bank or any branch of any bank. I cannot indicate when they will become available, or what other arrangements will be made.

FIRE CONTROL

Mr. LEWIS: Can the Minister of Agriculture say what steps are being taken by the Government, through its various departments and agencies, in relation to fire control to alert people to the need to be conscious of their personal responsibility in averting the disastrous consequences that result from bush fires? As we are now entering the period known as the total fire ban season in most rural areas of the State, and that season will continue until the end of March next, many of my constituents have asked me to ascertain what plans the Government has to alert all South Australians to the need for trash clean-up, by using the chipping hoe, a slasher, chemicals or whatever other means are available to clear grass and similar vegetation around buildings and properties, to clear away flammable rubbish, and do whatever else is necessary to maximise our chances of preventing, or at least helping to control, the ever-present risk of fires this summer, including the need to clean up Government property.

The Hon. W. E. CHAPMAN: The board of the Country Fire Services has done quite a bit towards the promotion of good, sound management practices within this State and to try to educate members of the public how they might assist in the overall programme of State protection, particularly in the protection of their own assets.

For example, I am pleased to be able to draw to the attention of the House a number of specific areas in which the Country Fire Services board has implemented steps in this direction in recent times. It has secured the employment of a helicopter for fire co-ordination and aerial water trials, and that matter was referred to yesterday by the Minister of Environment, when putting forward details about the great job that his officers are doing, not only in their own right but in conjunction with Country Fire Services personnel. The board has instituted an extension of aerial fire spotting patrols on fire ban days, and the implementation of a major bush fire operation procedure for fire supervisors and fire control officers. It has expanded the major bush fire plans and procedures to be adopted by the South Australian Police Department. This means the police will work much more closely with the Country Fire Services. It has been involved in extensively improving the communication facilities, including the addition of a command radio frequency and a u.h.f. repeater station, involving expenditure of $150 000 for the purchase and installation of this equipment.

Also, it has been involved with the integration of the C.F.S. and the National Parks and Wildlife Fire Service control facilities. I think it is important to repeat that the efforts in that direction in recent times have been noteworthy and I believe that with continuing co-

operation, collectively, as two separate departments, we can —

The Hon. D. C. Wotton: Work closely together.

The Hon. W. E. CHAPMAN: Yes, work closely together. That has been demonstrated already, and we can therefore cope more effectively with the problem.

The board has been involved with C.F.S. publicity and public education programmes through the media and through local government resources. It has increased the activities of C.F.S. permanent regional officers in country areas with additional fire control and fire prevention training courses.

This year the Government, through the C.F.S. board, has issued earlier fire ban warning broadcasts than it has in the past. For example, the first of the fire ban periods commenced on 29 October. Measures have been taken by the C.F.S. board to prohibit the lighting of fires in pastoral districts as early as 1 November 1980, and this prohibition is to be in force until 31 March 1981. There has been implementation of improved fuel curing rate information systems for more accurate fire ban information. The C.F.S. research division is doing this work as a part of its overall protection programme, and it has conducted surveys throughout fire-ravaged areas to determine the factors which contribute to the rapid spread of fire, other than those already known. Surveys of 100 hours involving a lot of work have been done. As I indicated earlier, much of this work has been done in co-operation with those other organisations involved. I think that list of involvements of the C.F.S., on behalf of the Government, in the general interest of the welfare of the State demonstrates what a tremendous job the divisions are doing and that should appropriately cover the concern, if any, that the member for Mallee has in this regard.

SCHOOL STAFFING

Mr. HAMILTON: Is the Minister of Education aware of the concern that exists in the community over his policy of cutting staff in line with the decline in enrolments, and is he satisfied that the concern expressed by the Seaton High School Council in its letter to the Regional Director (a copy of which was sent to the Minister) can be alleviated? I recently received a letter from the Seaton High School Council which was dated 30 October and which stated in part:

> The Seaton High School Council, at its meeting held on 28 October 1980 was confronted with the alarming news that there woud be six teachers less on the staff in 1981 than this year.

Mr. Trainer: Another one of their savage cuts.

Mr. HAMILTON: Indeed. The letter continues:

> The council considers that such action will have an adverse effect on the school for a number of reasons. These reasons are:
>
> 1. Being a small school with very small classes at 11th and 12th year level the recommended maximum number of students per class will be exceeded in some of the year 8-10 classes and this is not considered desirable, either from the students' or teachers' point of view.
> 2. The quality of teaching at this school will suffer because of the method employed to select which teachers are to be displaced. As parents we consider this totally unacceptable. If displacements must be made, then the teaching ability of the staff to remain at the school must be the first consideration.
> 3. We consider a reduction in staff in addition to our already substandard facilities in some areas will lead to a further fall-off of enrolments, which in turn will lead to further displacement of staff, which if this trend were to continue would result in the ultimate closure of the school.
> 4. The effect of the proposed displacements is adversely affecting the morale of staff and students alike.
>
> It would appear that Seaton High is treated most unfairly in many respects.

I therefore ask the Minister to reconsider this savage cut.

The Hon. H. ALLISON: This question has arrived a little prematurely for me to be able to give the precise answer that the honourable member is seeking. However, I have a copy of the letter, and only a few moments ago I wrote on the top of it that I would like a report from the Regional Director on the needy aspects of the school, and that will be done. One thing that the letter fails to mention (and I wonder why) is the precise number of students by which the school population has been reduced. I recall that only this morning on a talk-back programme a spokesman for a group that was threatening to strike over similar alleged problems in fact admitted that his own school had reduced in population not by a few students but by over 200 students, and to oppose any staff reductions, when there is that sort of student reduction, would be irresponsible, more irresponsible, I believe, than the Government's approach.

Members interjecting:

The Hon. H. ALLISON: I am not inferring that the case at Seaton is identical, and therefore I will pass judgment after I have ascertained the full picture with the information that was not included in the letter. A number of other points were raised in the letter and they, too, will be answered by me when I have received a report from the Regional Director. I point out that we are not treating schools unfairly: all schools are staffed on a formula basis and, if needs can be established, the Regional Director is authorised to assess those needs and to determine whether additional staff appointments would be merited.

THE HEIGHTS SCHOOL

Dr. BILLARD: Will the Minister of Education investigate the methods by which the department decided which students of those who applied for entry to year 8 at the Heights School in 1981 would be accepted? If the Minister is not satisfied, will he order that more appropriate methods be adopted in future? I have been informed by many of my constituents that a number of students who applied for entry to year 8 at the Heights School in 1981 have been refused entry on the basis that the school does not have enough places to accommodate them.

In fact, one student who lives within walking distance of the school was refused entry to year 8, and instead must catch a bus to the next nearest school, whereas that person knows of other students, who have a similar relationship to the other school, who also applied for entry to the Heights School and were accepted.

It has been suggested to me that the method that was used by the department was, first, to accept for entry those students who did not properly fill in the forms and include preferences and, secondly, amongst the remainder to simply award entry by ballot, so that no recourse was made to any other factors, including the geographical relationship to the school.

The Hon. H. ALLISON: The situation is almost precisely as the member for Newland outlined. The Heights School was designed originally for 1 250 secondary students and 600 primary students and, of the

total of 1 850 expected to enrol, about 1 750 are now enrolled at the school. One of the problems was simply that the application form for enrolment specifically requested that students state their preferences for the Heights and any other adjacent schools. Many of the students simply placed the Heights as the first and only preference and, unfortunately, when the position was being reviewed by the staff who were allocating students to the school it was decided to make an allocation *en bloc* of all of those who had simply put down the Heights as first preference. The remainder of the students who had given several preferences were balloted, with the result, as the honourable member says, that some students who were living almost adjacent to the school were balloted out and have to catch a bus elsewhere, while many other students who gave the Heights as their first preference and were balloted in reside well away from the school and have to catch a bus to the school.

I suspect that one of the results will be that the western boundary of the Heights school zone will be brought in a little nearer to the Heights so that more children from that western area will be directed outwards towards the nearest adjacent school, as an alternative to the Heights school. Another positive move I think next year will be that one of the criteria will be the proximity and therefore the right of admission to the Heights school of any students making application.

HORSE TRAM DEPOT

Mr. CRAFTER: Can the Minister of Environment say what precise action he intends to take to have preserved from demolition buildings on the site of the former horse-tram depot at Maylands? Last evening in this House, during the debate on the South Australian Heritage Act Amendment Bill, I raised this matter with the Minister. Having said that he was certainly aware of the matter, he added:

> I do not know whether the Heritage Committee has been involved at this stage . . . I would be happy, as the Minister responsible, to look further into the matter.

I point out to the Minister that, as this building is to be auctioned next Wednesday, little time is left for action to be taken. I point out that there is widespread concern in the community, and that some positive suggestions have been put before the State Transport Authority to save these buildings. I would be pleased to know precisely what action the Minister intends to take in this matter.

The Hon. D. C. WOTTON: Last evening, after we had concluded debating the Bill referred to in the question, I referred the matter to one of the senior officers in the department, who was in the Chamber at the time, and I have asked him to bring down a report. I understand that the Heritage Committee has made some contact about this matter, and I have asked for a report to be brought down and also for further contact to be made with the Heritage Committee. I recognise, as does the officer, the urgency of this matter, and I shall be pleased to bring down a report for the member for Norwood as soon as I get it.

ELECTION CAMPAIGNING

Mr. SCHMIDT: Will the Premier ask the Attorney-General to investigate the activities of quasi-political groups at polling booths with a view, if necessary, to suggesting recommendations for alteration to the relevant electoral legislation? It is common knowledge in my southern area that the candidates, prior to the last Federal election, were bandying several issues, one being consumer action and another being uranium. I raised the question of that matter on a previous occasion. I bring the matter to the Premier's attention because these particular groups, whilst they were major issues for the Parties at the time, were formed into quasi-political groups as a guise to enable them to carry on the platform of the two Parties involved, namely, the Australian Labor Party and the Australian Democrats, so that these issues could be taken right up to the time of the actual voting.

I will explain how this was done. I have previously brought the attention of the House to the meeting organised by CANE. In the pamphlet sent out it was stated that the main speaker was Don Hopgood, the member for Baudin, who spoke out against uranium at that meeting, but I also believe he is on record as supporting the use of nuclear power as the energy source for Redcliff.

The SPEAKER: Order! I ask the honourable member not to comment.

Mr. SCHMIDT: I do not think I was commenting, Mr. Speaker.

The SPEAKER: Order! The Chair will make those decisions.

Mr. SCHMIDT: Thank you, Mr. Speaker; I take your point. This meeting was set up with this particular view in mind. The meeting then organised itself to set up a group calling itself the Southern Districts Residents Action Group. This group was a platform for these Parties to continue their campaigning right up to the actual day of the election, where at the polling booths they set up stalls and handed out pamphlets describing what their petition was about. The pamphlet had no authorisation on it, and it did not contain the name of the printer. These groups were inside the boundary fences of the polling booth. Political Parties were handing out their pamphlets, and inside the boundary these groups were having their petitions signed. What I find most abhorrent about the whole thing is the fact that these people were soliciting people's votes.

The SPEAKER: Order! The honourable member continues to comment. I warn all honourable members that comments will not be acceptable to the Chair. In so far as the question might relate to State matters, I refer the question to the Premier.

The Hon. D. O. TONKIN: It is not uncommon during election campaigns for candidates of one Party or another to associate themselves with particular interest groups in the community. That has certainly been done in the past and I have no doubt that it will be done in the future; that is their right so to do and no-one can criticise them for doing that. They certainly demonstrate polarised views, whether those views are well held or not is entirely for them to judge. However, I am concerned about the reports which have come to me about the activities similar to those which have been described by the member for Mawson. It seems that, where a candidate has been associated with a particularly active interest group and has indeed played a leading part in that interest group's activities during an election campaign, the setting up of stalls or positions adjacent to polling booths and supporting the same policies or asking for petitions to be signed or giving out pamphlets, could technically be not in breach of the Electoral Act but morally it could be in breach of the spirit of the Electoral Act.

Mr. Millhouse: Come on! What do you mean by that?

The Hon. D. O. TONKIN: What I mean by that is that the member for Mitcham who is so very moral on all things with which he agrees is quite prepared to be immoral about things with which he does not agree.

Mr. Millhouse: That's no answer!

The SPEAKER: Order!

The Hon. D. O. TONKIN: It seems to me that there is room for investigation of this practice. I note that the pamphlets handed out did not acknowledge the name of the printer or who authorised them, and as such they were in breach of the Imprint Act.

I think more particularly it is important that, when we hold elections in this State, whether they be Federal elections or State elections, the spirit of the Electoral Act applies. If there is a breach of the spirit of the Electoral Act, that is, that elections should be conducted free of undue influence at the place of the polling booth, and if we find that the legislation is not adequate, it should be investigated to see—

Members interjecting:

The SPEAKER: Order!

The Hon. D. O. TONKIN: A review of the Electoral Act is being undertaken at present, as honourable members will know, and I will certainly refer that matter to the Attorney-General for his investigation.

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

The SPEAKER: Call on the business of the day.

NOISE EXPOSURE FORECAST ZONES

Mr. LYNN ARNOLD (Salisbury): I move:

That this House calls upon the Federal and State Governments to enact the necessary legislation to prevent—

(i) any further residential construction in zones of noise denoted 30 n.e.f. and higher; and

(ii) any future subdivisional development in zones of noise denoted 25 n.e.f. and higher.

This situation relates particularly to the construction of airports, both civilian and military, and the terms referred to (30 n.e.f. and 25 n.e.f.) are noise exposure forecast zones. It is often common to refer to noise levels by the decibel reading that is recorded on noise reading machines, but in fact modern interpretation feels that a formula using the decibel reading, using certain environmental factors, and using responsiveness to sound, is more significant in measuring the impact of noise on people; hence, we use the noise exposure forecast definition.

In raising this matter with the House, I am personally conscious of the effect that the resolution will have upon my own electorate, because residents in my electorate are affected by flight patterns from the Edinburgh air base and from the Parafield airport. I am also aware that there are other electorates in this State that suffer impact from the effect of airports and flight patterns from airports.

It seems that there are two ways of looking at the airport problem. The first is, of course, by some means to try to control the level of traffic flying out of the airport in question. Indeed, I have a further motion on the Notice Paper today in which I intend to look at that. The other aspect is to control the development of land around airports where people can build. Clearly, if you have no-one living in the close vicinity of the airport, there is no-one to suffer any environmental noise impact from that airport. The essence of this motion is to strive to reach some solution in that direction.

The particular impetus to moving this motion came some weeks ago when there was a press report of a house being built in the District Council of Munno Para right in the flight path of the Edinburgh air base. In fact, this was in the electorate of Napier, not of Salisbury, but the same situation could well have applied in the electorate of Salisbury. I had been advised of this situation by officers at the air base some days before the press release and was quite amazed to find, from photographic evidence and from an inspection of the site, that a person had been committed to build a house right in the flight path of the air base and, in fact, right within the 40 noise exposure forecast zone. It is commonly accepted that it is totally intolerable to live within that zone: the noise levels in it are excessive.

It astounded me for two particular reasons. First, I find it very hard to understand the motive of the person who owns the house in building there. If anyone can be accused of lacking sound reason, I think that person must suffer that accusation, because he is living in an area that will be intolerable to live in. What I would worry about, and what I know the air base is worried about, is that in due course he may well be making complaints to the air base about its flight patterns. Many other people of the district, in the electorates of Salisbury and Napier, have a legitimate reason to complain about the increasing flight patterns taking place at the air base, but the person in question here has absolutely no reason, because he has been, or should have been, well aware, if he had read press releases over recent years about the expected flight patterns at the Edinburgh air base, that building in that zone would be environmentally intolerable.

There is also another reason why I find it particularly amazing that he was permitted to build there, and that is the hazard to planes that use the air base. As I say, this house is built right in the flight path. All planes taking off in a northerly direction from the air base must fly directly over this house. If any one of those planes were to get into trouble on take-off or landing, it could not be avoided that that house would represent a very serious hazard to a plane either having difficulty coming in or having difficulty in take-off. A plane taking off would be fully laden with fuel and would face the prospect of crashing straight into that obstacle, as opposed to at least some possibility of surviving a crash on open ground, and serious devastation would certainly result in the zone and, most likely, the death of residents of the house and of the pilot or pilots of the plane.

As I have said, I was amazed that a person could build there, but it appears that there are no laws or regulations of encumbrance that prevent him from doing so. Officers of the local district council admitted that, if the person abided by all the building regulations, he was quite entitled to build his house there, and that there was no other regulation that could prevent him from doing so. We know that there are regulations and rights of encumbrance in other areas. There are serious building limitations on what can be built in the path of Electricity Trust supply lines. There are building limitations on Engineering and Water Supply easements for sewerage lines.

If we can recognise the right to have the power of easement for Engineering and Water Supply, Electricity Trust and other situations, such as in relation to the Highways Department, it surely must apply that the rights of easement should exist with regard to air bases or airports that would limit the development around there. I suggest that this right of easement has two aspects—first, to ensure that people are not allowed to build there for their own future inconvenience, and, secondly, in particular with regard to flight paths, so that no safety hazard is presented to planes using the air base or airport.

I have divided the motion into two parts: first, above the 30 noise exposure forecast level, and, secondly, from the 25 to 30 noise exposure forecast level. The situation we have at the moment is that there cannot be any residential subdivision above the 30 n.e.f. level. That has been

knocked out already by the State Planning Authority by changes with regard to the Salisbury North Supplementary Development Plan, and it is not possible therefore for a developer to build houses in that area. However, it is still possible for an individual who owns land to build a house on his property in that area, and we have seen an instance of that.

Mr. Randall: With council approval?

Mr. LYNN ARNOLD: With council approval, yes. The council has little option but to allow it. Within the 25 to 35 n.e.f., a different situation applies. Members will be aware that in the second half of the seventies the Government of the day did in fact attempt to control residential subdivision above the 25 n.e.f. level. Unfortunately, that attempt was not successful. It was defeated on appeal to the courts by developers, and now it is possible for residential subdivision to take place in that zone. One of the things I am appealing for is that we have another look at the legislation that exists, see the grounds on which that appeal was lost, and attempt to reintroduce controls on future residential subdivision development within that zone.

If anyone should wonder why I make an issue of building in the 25 n.e.f. zone, I quote some evidence from a great body of it that could be quoted. First, I quote from people who live near airports in my district. In 1976, after there had been flights of Mirages from the Edinburgh base, the Salisbury North-West Primary School newsletter, in asking for reaction from parents, made the following comment:

> Even outside the 25 n.e.f. zone conversation is restricted, and during take-offs telephone conversation is impossible.

Comments by the Directorate of Air Force Works concerning n.e.f. patterns for Edinburgh air base, that were made public stated:

> In areas between 25 and 30 n.e.f. where the opportunity exists, for example, in areas currently zoned for rural purposes, joint civil aviation and town planning committees in exercising restraint and with some Australian experiences have recommended that zoning to residential should not take place and housing density should be kept to a minimum.

Clearly, we have an invitation for this Parliament to enable town planning committees to have legislation and the rights to so control development in those zones. Concerning above 30 n.e.f., the report states, "New single dwelling construction should generally be avoided." No-one would disagree with that comment. Many scientific and medical studies have been made on the effect of aircraft noise on individuals, but I refer members to the report of the overseas study tour of my predecessor, Mr. Reg Groth, in which he commented soundly on those areas and outlined some of the problems involved.

If we are to deal with encumbrances and ask the Federal Government and State Government to consider their legislation to see how they could allow encumbrances to apply, we automatically introduce other questions, and one is the matter of compensation. It is accepted that, if the Highways Department builds a road, it usually compensates for land it acquires and we accept that, if the Electricity Trust puts supply lines through a property, it will usually give some financial compensation for the loss of the use of that land. Many supply lines go through my district, and I know that to be a fact. Because of that knowledge, it was with disappointment that I first heard in 1979 of a reply to a question on the Senate Notice Paper, placed there by Senator Cavanagh, asking whether compensation would be available. Senator Carrick, representing the then Minister of Defence, said that there was no obligation on the Commonwealth's part to compensate landowners who may have been disadvantaged through rezoning decisions of State planning authorities.

That reply is important, because State planning authorities made rezoning decision in Salisbury North not out of pure whim but because of activities taking place at the Edinburgh airbase, and for no other reason. There was no other reason to limit residential development in an area that previously had been the focus for residential development. I believe that, in that situation, the Commonwealth has an obligation to pay some compensation. If it is concerned for the safety of pilots and the hazards of housing in a flight path, and if it wishes to control these matters, it must assume some financial obligation as to the meeting of those. There is an important need for the Federal Government to acknowledge its obligations and that, if anyone incorporates encumbrance rights in legislation and regulations, it should be none other than the Commonwealth. They are its facilities and they should be its encumbrances. If compensation is payable, it should come from the Commonwealth.

That being said, we must acknowledge that there is an area where the State Government also has a responsibility, and changes to State legislation can be made. The first would be to the Local Government Act and to planning laws giving the rights to local government to control planning of this nature near air-bases. Another aspect concerns land valuation, on which water rates, sewerage rates, council rates, and land taxes, if applicable, are based. It is unreasonable to expect a person whose land is encumbered or restricted from development or limited for sale opportunities to pay a high level of rates because he has a high land valuation. You may wonder, Sir, why I raise these points when this would not be so, that land within the 30 n.e.f. area, for example, would have lower values. I put it to you, Sir, that in fact land in that zone, while it has some lower value, it is not nearly substantial enough.

Last year I wrote to the Premier about this matter and he referred my letter to the Minister of Lands. One of my constituents believed he had had an excessive valuation on his land, and he had pointed out how similar his valuation was to land of a similar nature outside the zone. He felt that to be unreasonable. The Minister of Lands stated that the capital valuation had been reduced from $67 000 to $57 400, having regard to the findings of the Supplementary Development Plan for Salisbury North. Since then I have put on notice a question to which I received an answer asking how many properties have had reductions in land values. While I acknowledge that many have had these reductions, I do not acknowledge the amount of the reductions because I believe that after considering the impact of the development of facilities in the zone the reduction should be much greater. If we had greater reductions in land values, that would reduce council, water, and sewerage rates, we would be faced with the possibility that any airport may well become within the reach of economical relocation, in the sense that the loss of revenue from land in the vicinity could be recouped if the airport was resited. That is an interesting area which deserves more investigation. What could happen if a fair valuation was given to land around Edinburgh, Parafield and West Beach, resulting in the reduction of rate returns? How much income would be lost each year. We could argue that the loss of income should occur and that it provides a financial incentive to resiting a new international airport of multipurpose use further away from residential development.

These areas are, I believe, very important, for the two reasons I have mentioned: first, the amenity of local

residents and, secondly, for the safety of planes using those areas. I think it would be unwise for people to contest the points I have raised by saying that people should have known better when they moved next to airports. In many cases, developers have not been entirely honest with people who have bought near airports or air bases.

The Hon. M. M. Wilson: Who has said that?

Mr. LYNN ARNOLD: It has been said by officers of the Air Force, for example. I have a folder full of letters from people who have complained to me about the noise impact, and I will read one of them. It states:

> When I bought my house in 1976 my wife and I were concerned about noise from the nearby Air Force base. We were assured by the Rialto agent that the base was too far away to hear. Having moved in, we soon found out that the flight path comes within 1 kilometre of our house.

Dr. Billard: Were you on the council then?

Mr. LYNN ARNOLD: I had been originally, yes. The letter continues:

> The number of pure jets, including F-111's, flying and the amount of fly-overs is becoming excessive.

He goes on to point out:

> I know the Air Force needs to keep its men at combat readiness, but fair is fair. Could you use your office to try to put some sanity into this situation?

The writer suggests various options. The first thing I am trying to do is that I want to prevent others from being caught in the same trap of buying into land that is not worth buying into. I have already helped one person who has suffered serious medical problems as a result of living so close to an air base. If people are doubting the seriousness of this problem, I seek leave to have inserted in *Hansard* some statistics with regard to flight movements from Edinburgh and noise complaints. The table is purely statistical.

Leave granted.

Flight movements and noise complaints

Year	No. of Aircraft Movements	Noise Complaints
1960	8 330	*
1961	5 905	*
1962	10 457	*
1963	7 265	*
1964	7 278	*
1965	5 042	*
1966	5 815	*
1967	5 038	*
1968	6 252	*
1969	10 637	*
1970	7 380	*
1971	12 857	*
1972	8 251	*
1973	8 136	*
1974	9 210	*
1975	6 914	*
1976	7 815	8
1977	20 118	30
1978	21 531	12
1979	25 799	33
1980	18 250 (till 31 Aug. 80)	22 (till 26 Aug. 80)

*There were no records on noise complaints maintained for this period.

Mr. LYNN ARNOLD: These complaints relate to Edinburgh, but I do not want it to be taken that complaints are not also made about other airports. I am in receipt of many complaints about Parafield aerodrome, for example, and I know that other members are in receipt of complaints about Adelaide Airport. It merely indicates that some people may well have bought their house 10 years ago in the area (quite a few have), expecting that the existing flight patterns would continue, and have been greatly surprised and worried to find that the patterns have markedly increased. When the statistics are available for people to read in *Hansard*, they will see how much that is so. Indeed, I have been advised by the Air Force that these very statistics will be doubled by 1985; in other words, there will be an increase of some quadrupling over the 1977 situation. I commend my motion to the House, I call on members to support it, and hope that Federal and State Governments will respond to it.

Mr. EVANS secured the adjournment of the debate.

GROWERS' MARKETS

Mr. LYNN ARNOLD (Salisbury): I move:

> That this House calls on the Government to provide financial and planning assistance to enable the formation of growers' markets for the retail sale of fruit and vegetables in various parts of the metropolitan area and in the larger regional centres of the State.

I have been on record in the House on a number of occasions as promoting a concept of growers' markets or farmers' markets in the Estimates Committees, in comments on the Budget, and on other occasions. I take this opportunity yet again of indicating my support in this direction, and appealing for support from other members that planning assistance be given. I have had much evidence, not only since I have been member for the area but, indeed, for some time before that, of the very serious economic problems being faced by market gardeners, not only within my own area, but in many areas.

They are suffering problems of decreasing viability, and they are caught in an economic squeeze caused, in part, by the marketing arrangements that presently exist in the State. The response I am giving to that is three-fold: first, I believe that the marketing situation should be improved to the extent that growers should have access to a forum whereby they can sell produce directly to the public to help increase the return to themselves; secondly, I believe that there should be an improvement in the market analysis mechanism available within the Department of Agriculture (and that will be the subject of a separate private member's motion at another time); and, thirdly, greater facilities should be made available to improve the technical research available to market gardeners in improving their product (and that is on the Notice Paper for private members' time in a couple of weeks).

It is most important that we offer assistance to the market gardeners in this State, not only because they provide us with important produce for our daily diet but, if we do not, two things are likely to happen. The first is that many of the market gardeners will totally collapse financially, giving way either to agri-business combines, and the problems that that brings about (if members want to know more about that, I strongly recommend that they read *How the Other Half Dies*, by Susan George, which is an analysis of agri-business). It would also mean that we would have an increase in imports of fruit and vegetables from other States. Market gardeners wisely decided that,

if they do not get the support they deserve, it is no longer economically viable for them to stay in business. They get out, and sell their land, and it then becomes used for other non-agricultural purposes. One of the problems about which I am talking is that present marketing arrangements do not give a fair return to the grower.

I have spoken with many growers about this matter and have had many instances cited of how little they receive from the price the consumer ultimately pays over the supermarket counter or over the fruit and vegetable store counter. Just one example I had given to me recently was that of a grower who said that he had sold his tomatoes last year for about $1 a case, and that those same tomatoes were being sold later for 70c a kilogram (a very substantial mark-up). In another situation, a grower informed me that he had sold one case of 35 cucumbers for $2·50 for that case. Those same cucumbers were retailing at 70c each, or a return of $24·50. The grower received $2·50, whereas the final point of sale netted $24·50. So, somewhere in between, other people made $22 out of a product for which the grower received only $2·50 and for which much effort had been taken in the growing.

One may read in the daily papers the prices quoted about fruit and vegetable sales in the East End Market or hear the prices quoted each day on the *Country Hour* programme on the radio, but that bears very little relevance to the money actually being received by the growers. For a start, the price refers only to what they call fair to average quality produce; in other words, top of the range produce. In most situations, it is the opinion of the buyer that the produce is not top of the range. In recent weeks, when tomatoes were quoted at $7.20 a case, the best price some of my constituents were receiving for good quality tomatoes was $6 a case, and the average price was more likely $4 a case.

What the growers are particularly peeved about is that many consumers will say "Look, the price looks to me okay in the paper, so how come you are grizzling." The point I make is that the price printed in the paper bears very little relevance to what is being returned to the grower. If there is any doubt about the veracity of that statement, I refer honourable members to page 41 of the report on the marketing of fresh fruit and vegetables in South Australia, where that comment was in fact endorsed.

One of the other points that we should bear in mind, just as an aside, is that very often when the grower takes his produce to market he is forced to sell it; if he does not like the price offered, that is tough luck, but he must accept it, because if, for example, he has brought a truckload of tomatoes down to the market it may well not be possible for him to take it back again. He must face the prospect of taking what he can get for it or taking it back home and dumping it as waste.

The access to growers' markets would give on outlet, one option to the growers, to at least recoup some of the money they are presently losing year by year, in the sense that growers could then sell direct to consumers. Growers would pick up the advantage in that the price return they received would be higher than they are presently receiving, and the consumers would pick up the advantage in that the prices they are paying would be lower than those they are presently paying at supermarkets or fruit and vegetable shops. That finding, also, has been endorsed in other reports.

It has been suggested that the creation of farmers' markets or growers' markets would undermine the fruit and vegetable stores. When I have raised this point with market gardeners, in fact, I have been told that this is not the case, that the real people who would suffer from it would be the supermarkets, which already overcharge for fruit and vegetables but which have already made serious inroads into the fruit and vegetable market. In 1968-69, 23 per cent of fruit and vegetable sales in this city were made through supermarkets. By 1976 that figure had risen to 42 per cent, and at that time it was speculated that it would further rise to 60 per cent this year. I am unable to give the exact figure for this year, but I would be interested to hear the comments of the Minister of Agriculture on this point.

I have quite a few other points that I want to raise concerning the growers' markets, as I believe it is a very important matter for the growers, the consumers, and the State in general, but, as there are many other items on the Notice Paper today, I think it would be more appropriate if I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COASTAL SURVEILLANCE OPERATIONS

Mr. LYNN ARNOLD (Salisbury): I move:

That this House urge the Federal Government to transfer the coastal surveillance operations presently conducted from R.A.A.F. Edinburgh Air Base to R.A.A.F. Woomera Air Base.

Given the weight of the agenda before us today, and given the fact that this is a particularly important matter about which I wish to make many comments, I ask the indulgence of the House and seek leave to continue my remarks later.

Leave granted; debate adjourned.

BUDGET ESTIMATES COMMITTEES

Mr. BANNON (Leader of the Opposition): I move:

That, in the opinion of the House, a Select Committee should be established to consider and report on the operation of the Budget Estimates Committees and to give particular consideration to:

(a) the means of participation of all members, including members of minor Parties and independents, in the proceedings of the Committees;

(b) time limits on Committees' considerations and the flexibility as between various sets of estimates;

(c) the role public servants should play in the Committees;

(d) the adequacy of Sessional Orders;

(e) the role and powers of the Chairmen; and

(f) experience of committees in other Legislatures.

This is a fairly long motion which deals with a request to establish a Select Committee to consider and to report on the operations of the Budget Estimates Committees. The motion lists a number of matters to which particular attention should be given. The origin of this motion comes from the Budget Estimates Committees exercise that we have been through in recent weeks and the subsequent debate on the effectiveness of that exercise.

I must admit that I move this motion with some considerable regret, because I do not feel that it should have been necessary. The Premier made it quite clear on a number of occasions that the Budget Estimates Committees procedure was an innovative procedure that would therefore have to be subject to review, and it was on that basis, and on that understanding, that all members of the House entered on the exercise. Members knew that there were to be major changes in the consideration of the

Budget and, while the Premier made considerable claims as to the effectiveness of this new procedure, members knew that obviously there would also be some problems with it. However, we were all prepared to undertake that experiment and to ensure, as best we could that the system worked effectively, bearing in mind that at the end of the exercise there was to be a full and thorough review of it.

The first stage of that review was the debates under the headings of Estimates Committee A and Estimates Committee B. I made a considerable number of remarks about the Opposition's views of the Committees and I thought that those remarks were temperate and constructive. It is certainly true that my remarks highlighted problems that had arisen and drew attention to them, but this was done in the spirit of attempting to overcome those problems. I thought the Premier's response was a fairly churlish and uncharitable one. He chose to politicise the issue very highly and to debate it very aggressively and he suggested that my contribution was totally negative. I think it is a pity the Premier did that, because, more than anyone, he has the most at stake in terms of this procedure's working. It is largely his brainchild, something he fostered when in Opposition and put into effect in Government. I would have thought that it would be in the Premier's interests, more than those of anyone else, that the system be seen to be effective, and that, rather than attack in a political way what I believe were constructive criticisms of it, he would have responded in a more generous spirit and ensured that the full review that he had promised was undertaken.

A number of other members spoke in those Committee debates, and a number of views have been put forward. I think they are all worthy of consideration. The major question that remains is how best they can be considered. It was with this in mind that I wrote to the Premier prior to the commencement of the debate, after discussing the matter with him, suggesting that a special all-Party Committee of the House be established to review the experience of this year's procedure, to consider all relevant submissions and comments on that procedure (submissions and comments that might arise in the course of debate and also those that individual members might like to make). The idea was that the Committee would then make proposals which would form the base of any changes that were needed. I wrote that letter to the Premier on 21 October, and I am still awaiting a reply.

Even the remarks that I made in the debate on the context of that letter were not responded to by the Premier in the detail that was required, and he made no reference at all to my suggestion of a special committee, so we have had silence from the Premier as to his attitude and that is most unfortunate. My letter was constructive, proposing a procedure that I believe would be acceptable to all members of the House, and it suggested in some detail the matters that might be dealt with, some of which are contained in this motion. I am not suggesting in this motion that these matters are the only matters that need to be considered, but they are some of the principal matters that the committee should examine.

If there is to be a proper and full review, as was suggested by the Premier, it cannot be an internal exercise—a Public Service-Government exercise. This matter concerns the whole Parliament and all members of this House, and therefore all members should have an opportunity to take part in a systematic review. At the time of writing my letter, I left open the precise way in which this exercise might be undertaken. A formal Select Committee of the House may not have been necessary: perhaps the Government could have suggested some formal procedure. However, in the absence of any response from the Premier since 21 October, even in the debate on this matter, I felt that there was only one recourse, and that was to move in private members' time a motion which I hope will be considered to finality and voted upon and which will formally establish a Select Committee. Criticism could be made that a Select Committee is a cumbersome way in which to deal with the matter. If there is a better, more efficient way, I shall be happy to withdraw the motion and let that procedure be instituted, but to have nothing done is quite outrageous in view of the statements made by the Premier.

The first matter to which I referred as being of particular importance in regard to this committee is the means of participation of all members, including members of minor Parties and independent members, in the proceedings of the Committees. With this in mind, I also sent a copy of my letter to the member for Mitcham, the member for Semaphore, and the member for Flinders in order to ensure that they knew precisely what I proposed to the Premier and, of course, drawing their attention to the fact that this procedure should allow them the opportunity to have a direct say and to improve their possibility of participation in any Estimates Committee procedures.

I have received only verbal advice from the member for Semaphore, but he is quite happy with this procedure; I am not sure of the attitude of the member for Flinders; and I received a written response from the member for Mitcham, very promptly, on 24 October, in which he stated, in part:

> As I have mentioned to you in the House, I shall certainly support the proposition and should be glad to be a member of the committee, or whatever it is, to discuss the Sessional Orders.

The honourable member went on to suggest that, if I did not receive a favourable response from the Premier within a week or so, we should try to bring the matter to a head, and that is precisely what we are doing. In fact, we have probably given the Premier a further week's grace than was really necessary. I do not understand why he has not been able to reply either in the House in the course of debate or by letter, but, so far, he has not.

In fact, the only response I have received from him was that extraordinary letter of 16 October (which predated my letter by some five days but which I did not receive until the day after my letter was sent), which talked about the consultants' examination of the programme budgeting and the operation of the Budget Estimates Committees. The Premier suggested that I would be aware that the Government has engaged P. A. Consulting Services Pty. Ltd. to advise on the further development of programme budgeting and related matters, such as the revision of Treasury accounting systems. He went on to suggest that this particular consultant would make an independent assessment, which would be incomplete without seeking the views of the Opposition. Incidentally, I would imagine that the Premier had also written to the member for Mitcham advising him of this individual, and also to the member for Semaphore and to the member for Flinders.

Mr. Millhouse: I got the letter today.

Mr. BANNON: That is very interesting, and shows how thorough the examination by P.A. Consultants will be. As I said at the time, it is extraordinary that, even though professionals are employed by the Treasury and the Public Service Board whose primary task is to assess and review the efficiencies of procedures in the Public Service, we still have to go outside to hire a private management consultant to do this job, no doubt at great expense. We know how most of these consultants operate and sometimes they are useful, but, in many cases, the information that they produce is information that they

gain from public servants and others that they have interviewed which could be just as readily available if it was gained directly from those individuals by people already in the Public Service.

Of course, consultants can produce some very glossy brochures and documents, with lots of nice diagrams and maps in them, which perhaps is a little harder for the public servants to do, but, in terms of basic information, time and again we find that key chapters of consultants' reports have been written not by the consultants but by key public servants whose views are well known to the Government and whose time has already been paid for by the Government. However, the consultant is paid extra public money to produce a report on which no independent assessment or knowledge is induced. This exercise sounds very similar to that to me, and I cannot understand why it is being conducted. It is certainly no substitute for the procedure that I propose in this motion, and therefore I commend the motion to the House.

Mr. MILLHOUSE (Mitcham): I support and second the motion, and I do so with pleasure. I, too, had correspondence with the Premier and sent copies of that correspondence to the Leader of the Opposition. I also wrote during the time of the Budget Committee sittings and some of those letters turned out to be quite assertive, one way and the other. In my original letter to the Premier, which I might have quoted before, I stated, in part:

> One result, whether expected or unexpected by you, is that Peter Blacker, Norman Peterson and I have, to all intents and purposes, been cut out of the opportunity to take part in the process.

I went on:

> Why should Peter or Norman or I have to wait to take part in a Budget debate until everyone else has had a go?

I subsequently received a reply to my letter, but the Premier did not answer my question. I wrote to him again on, I think, 8 October or 10 October, and I received a letter from him only, to my great surprise, yesterday. Dated 31 October, the letter states:

> Dear Mr. Millhouse,
>
> It appears to me that our continued correspondence on the subject of the Budget and Estimates Committees is not achieving the result that I think we would both like. As you are aware the Government is prepared to consider positive and constructive suggestions on the format and procedures for future committees and I would be very pleased to receive your firm comments as soon as possible.

This speech gives me an opportunity to say that my firm comments, for which he has asked, are to pass this motion. I support the motion and I believe that, in the absence of anything else, this is the best way in which to get some consensus on a working arrangement for next year. We all hoped that the arrangements brought in would be an improvement, but they turned out to have great defects. The whole purpose of the exercise was really defeated.

Unless all four Parties that are represented in the House can have a say around a table, whether at a Select Committee hearing, as this motion suggests, or in some other way (if that is what the Government wants to do) that will be binding and effective, the system will not work properly. Therefore, I support the motion and I hope that the matter will not be filibustered. It should come to a vote so that some positive action is taken soon. The Government should not let the matter lapse until just before the next Budget, when it will be too late to get the consensus that there should be.

Mr. McRAE (Playford): I support the motion. The statements that have already been made by the Leader and the member for Mitcham are in the vein that I would follow. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PROSTITUTION BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1305.)

The Hon. M. M. WILSON (Minister of Transport): I support the Bill. This is the second time this Bill has been before the House. Both Bills followed on the Report of the Select Committee into Prostitution, and I was the first member to speak on that report when, as Chairman of that committee, I brought down the report. That report was debated for a couple of weeks and then the member for Mitcham introduced his first Bill, which lapsed, and now we have the second Bill before us.

I would like to take this opportunity of urging all members who have already spoken on this matter, especially during the debate on the first Bill (which was identical to this one) and have made their point of view well known to the House, to refrain from speaking this time, although it is their right to speak if they so wish, to enable this important matter to go to a vote as soon as possible, because I believe strongly that the second reading should be passed by this House so that we can get into the Committee stages to consider the Bill in detail. I have heard that one or two members are considering amendments to the Bill, so I urge members who have spoken before to make their remarks brief. Those members who have yet to speak must exercise their right to do so. Therefore, I do not intend to go over all the ground that has been gone over before by other members. My remarks are on record in this House in the speech I made when introducing the report of the Select Committee into Prostitution.

I would like to mention some of the things that have occurred since the report into prostitution was tabled in this House and both Bills were introduced. One of the accusations that has been made against members of the Select Committee, an accusation I refute entirely, is that members of that committee had an unchristian attitude. Members of the Select Committee into Prostitution were anything but unchristian in their attitude. That Select Committee met for 18 months and, as I have mentioned before in this place, it heard numerous witnesses and worked extremely hard indeed. Just because the Select Committee brought down a report which favoured the decriminalisation of prostitution, as this Bill tries to bring about, does not mean that members of the Select Committee approve of prostitution *per se*. I believe it was most unfortunate that such accusations were made against members of the committee.

The second accusation that has been made against members of the committee is that the report into prostitution tabled in this House was a poor report. I repeat that members of that committee worked extremely hard in producing that report. It was a consensus view of the committee and a view that was unanimously adopted by all members. That view was heartily felt by the committee members. Certainly, members have every right to criticise perhaps the attitudes and the recommendations in the report if they offend their own feelings, but I reject entirely the criticism that it was a poorly prepared report, because I know the amount of work that went into it.

As I have mentioned, I am not going to canvass all the issues, because I believe that it is incumbent on all of us

who have spoken on this matter before to keep our remarks brief, but I do ask members to be realistic when looking at this Bill. I wish to add that the mere fact that one disapproves of something does not meant that it does not happen and, of course, prostitution does happen; it is with us in the community. One of the most important things the committee found was that the present law is not working. I also add that it is wrong to think it is the role of the law to enforce any one moral view, especially when in the community there are diverse moral views on any one subject. There is no justice in the claim that members of the committee, or indeed of this Parliament, necessarily approve of prostitution. The fact that many people may consider it immoral, as most people, I would suggest, do, does not mean that the Select Committee should condone any one moral view.

There is also a need for realism in admitting problems with the present law. This matter has been canvassed by the member for Mitcham and others in this place. There are major difficulties in the enforcement of the present law, in the way it is implemented, and in equity. In other words, the present law does not force prostitution underground, and it does not stop prostitution in the community. I suggest that no law in any country has driven prostitution underground or stopped it as a practice and, of course, we must accept that that is the fact and that prostitution is with us.

Similarly, I reject the option of stricter enforcement of the present law because I take the point that there are great inequities in the enforcement of the present law and stricter enforcement would only make that worse. I refer to one of the matters that I highlighted in my speech on tabling the report of the committee, namely, that, with the enforcement of the present law, the prostitute is invariably charged in the courts and caught up in the legal process, and the client invariably gets off scot free. That is an injustice which I believe most people in the community should be able to see. Similarly, the prostitutes themselves, by the mere fact that they are prostitutes, under the present law are denied the protection of the law in cases such as rape and criminal offences of like nature. It is the very nature of the profession and the nature of the present law that causes them to be denied the protection of the law. One of the great benefits that I believe will flow from this Bill will be that prostitutes themselves will gain the protection of the law as, in fact, they should.

This Bill removes the criminal stigma but not the moral stigma from prostitution. It sweeps away some laws while still retaining safeguards to protect those in the community not wanting to be involved. Thus, of course, constraints are recommended in the legislation to do with soliciting; the reverse onus of proof in relation to living off the earnings is included; there is a ban on minors taking part in prostitution; there are increased powers for local government for zoning; and there are controls on advertising. These are all recommendations of the Select Committee, and the member for Mitcham has included them in his Bill. It is vital to remember that the present law does not touch basic causes, whether economic, social, or psychological, or the need of some men or women to demand the services of prostitutes. These people need other measures, certainly at least in the short term, and I believe probably for ever.

I believe our responsibility is to respond with the best protections for the community's interests and not to legislate beyond that point. Therefore, I urge the House to support the Bill, and certainly, at the very least, to support the second reading. I would like to finish by reading the following quotation from page 18 of the report of the Select Committee into Prostitution:

> Decriminalisation means not treating prostitution as a criminal activity. It does not mean legalisation in the sense of regulation by law. It does not indicate approval or disapproval by the State, but rather the view that private sexual morality is not the concern of the law.

Mr. GLAZBROOK (Brighton): I rise to speak against this Bill, and first I would like to quote the opening words of an essay that was written by a Scandinavian philosopher, Lars Erikson, on the charges against prostitution and his attempts at a philosophical assessment. He said:

> The debate over prostitution is probably as old as prostitution itself, and the discussion of the oldest profession is as alive today as it ever was.

It is my sincere belief, in talking to some of my constituents, that the member for Mitcham, some members of his committee and supporters of the Bill have misread the climate on the average belief regarding morality today. Indeed, what may have been quietly accepted two or three years ago would today find a differing opinion. I also believe that the findings of the Select Committee have aged and have been drawn from a changed or ever-changing trade. For instance, the increase in unemployment over the past few years must certainly have added to the pressures on some young and some not so young people looking to prostitution as a means of earning some money.

In an article on protitution that I read the other day in an Australian periodical, an ex-prostitute stated that many are unwed mothers supporting their children. Of course, the Select Committee members have been privy to evidence not readily available to us, yet the conclusions of their report leave for me, and for many others, too many unanswered questions. The report appears to be devoid of any up-to-date persuasive statistics. It does not indicate what type of prostitutes were interviewed, who they were, whence the 87 people it states were interviewed came. It does not indicate whether any brothel keepers or keepers of parlours were interviewed. It does not indicate the ages of the people interviewed, nor whether there were any people of minor age involved in prostitution. It does not indicate the sphere of ages of the prostitutes interviewed. Nor does it give any indication of how many prostitutes there may have been in Adelaide.

If the member for Mitcham were in court, he would deal only in facts and would try to convince the jury that only the facts would be considered and that any suppositions or ideas should be discounted. He now asks us, via the report of the Select Committee and indeed through this Bill, to believe the committee's conclusions without evidence of fact backed up by any relevant statistical data. I believe it is fair to say that even the media has presented this Bill as a means to decriminalise an act which in itself is already legal. It is simply a matter of fact that the act of prostitution or sexual intercourse where a fee is paid for services rendered between one person and another is, in South Australia, already legal. So, the real subject of the matter that we are dealing with is the trade of prostitution, and this Bill seeks to sweep it away under the carpet and almost to deny its existence by virtue of its acceptance as being perfectly normal, both morally and legally.

It goes further, for it seeks to commit this State to an enforced system of morality on prostitution based on the belief that a majority of people in two Houses will pass this Bill rather than to have us accept a sytem of morality based on individual community beliefs drawn from the great religions and philosophies of the world.

In my mind, decriminalisation of the trade does virtually nothing to help women who, chiefly for economic and

social reasons, resort to prostitution. I see no legal protection in areas such as wages and conditions. An article from France that I read the other day showed that pimps, the standover merchants of the prostitutes, and brothel keepers keep an average of 90 per cent of the wages earned by prostitutes, yet the Select Committee report does not indicate the percentage that is kept; it does not indicate what the girls keep. Prostitutes appear to be at the mercy of those who promote and those who use their services.

Of course, there is much more to prostitution than just sex. The girls have to cope with the constant threat of violence and the deviations of many customers. Indeed, the Select Committee report mentions and touches on that subject. Recently, a Melbourne prostitute gave an interview to an Australian periodical, and in her statement she pleaded for sympathy and help for the hundreds of girls caught up in the prostitution rackets. She said that many people feel that these girls are dirty and worthless and that what they really need is understanding, particularly from their friends and their parents. She said, "You never know when you are going to be bashed or raped, as many girls are, or imposed upon."

It is the belief of some police in this State that organised crime is seeking a toehold in South Australia. At the present time, crime syndicates are waiting offshore for this Bill to pass. Recent police reports indicate that at the time of the last session of Parliament an interstate "heavy" or "front man", was in Adelaide endeavouring to buy the services of prostitutes for an anticipated take-over of brothels by an interstate crime syndicate. He was arrested in a brothel for behavioural offences, and he had $2 500 in cash in his pocket. At the same time, a Melbourne parlour owner was ringing an Adelaide prostitute with threats of taking over her parlour. She was so concerned that she sought police protection, and she disappeared for about three months but has since returned to the scene.

At the same time, four massage parlours and one escort agency were burnt down or maliciously damaged. One was at 602 North Gilles Street, two were twice damaged at Wright Street, one at 120 Childers Street was firebombed, and there were rapes at the same address. It was the belief of people connected with the prostitution trade that these happenings occurred because it was believed that this Bill was going though this House during the last session. Thank God for South Australia that it did not, for surely this must be evidence enough. Quite contrary to the belief of the supporters of this Bill that crime would not enter into the area, the opposite now comes to light.

The basis of law and order is the preservation of the family unit. If this Bill succeeds, it will affect many families, for it touches those male and female persons who will indulge as prostitutes, brothel keepers, pimps and clients. It will be the catalyst that will further erode law and order in this State, for the cry in South Australia at the moment by responsible citizens is "Where has law and order gone?" At the moment organised crime cannot be bothered to enter South Australia, particularly in the prostitution trade, because of police harassment when they regularly visit parlours, charging prostitutes, keepers and owners of premises even under the present inadequate laws. The danger lies in removing these hassles, for once they are removed the crime syndicate will move in, creeping like a cancer into other activities. Perhaps we will see them involved in racing, bookmaking, fun parlours, restaurants and clubs.

Is this what South Australia needs? I dearly hope not. Is this the legacy we wish to leave to our children? I hope not. We should not be proud of it. If prostitution is decriminalised, organised crime syndicates will soon follow, because prostitution is a multi-million dollar business. Police records show that a new arrival to this State earned $1 000 in a week by charging $50 for half an hour or $80 for an hour. She started on her own but now employs two girls. Can anyone imagine that such a return will remain clear of any criminal element? To say it will, indicates a childish and naive belief.

In an article in the *Sunday Mail* a girl who had admitted to being a prostitute but had managed to get out indicated that in South Australia an average of $1 000 a week was normal. She said that when she was involved she became money hungry when she saw other girls making $300 to $400 a day, while she made only $100. She said that some people earned up to $400 for a half-hour show. It has been advocated that massage parlours would be havens for criminals engaged in prostitution and even drugs. An article in a Melbourne newspaper stated that drugs and violent coercion were being used to keep many prostitutes on the game. The advice of a prostitute to girls was to stay right out. For girls already caught up in this vicious business she asked, where could they turn. She advocated that prostitutes should be kept under strict control.

One could draw on many other articles. However, it must be realised that prostitution in itself is not illegal. From the modest public reaction so far, indicated by the presentation of this Bill, I conclude that people probably are unware of *(a)* the present position and, *(b)*, the actual proposals put forward in the Bill. I believe that the Select Committee's report leaves too many unanswered questions but, unfortunately, the evidence is locked away from us. Many people are taking a negative approach towards prostitution, and inclining towards the philosophy of saying, "It has always been here: it is here to stay: why not legalise or decriminalise it and accept it that way." Whilst it is not illegal, except where a third person is making money out of it, we have to consider the varying aspects of this Bill.

Habitual consorting with known or reputed prostitutes is an offence, and the Select Committee has recommended that the offence be abolished. The conclusion it has drawn from the evidence indicates that in recent years no police prosecutions have concerned this offence, and abolishing it would make little if any difference. From my discussion with the police it is interesting to note that, while the Select Committee was investigating, the police took a back seat and did not push for any convictions.

Let us consider soliciting. It is regarded as offensive and embarrassing to the public and is illegal. It was pleasing to see that the Select Committee recommended that the law still remain and should cover men and women. I am not criticising members of the Select Committee, but I am criticising and condemning the report as being inconclusive and containing little or no information for us to consider and giving no statistical data to support the arguments.

Living off the earnings of prostitution is illegal, but if the Bill were to go through a new legitimate consensus would be applied, for the committee recommended that it be punishable only where the prostitute is under the age of 18 or a minor, or where it is accompanied by threats of violence, coercion, or violence itself.

Over the past 10 years or more, our police have made many arrests and succeeded in some prosecutions because the law does assist the police in getting evidence that can be proved in court.

Procuring or enticing people to actually be a party to prostitition is a very serious criminal offence that at present carries a sentence of a maximum penalty of seven years imprisonment. The Select Committee recommends "that section 63 of the Criminal Law Consolidation Act be

repealed" thus making the act of procuring almost legal. Our present law protects the people of this State from being tricked, trapped, or coerced into becoming prostitutes. The Bill suggests that it be dropped.

The Hon. M. M. Wilson: Do you think it has worked?

Mr. GLAZBROOK: I will come to that point. Many councils have experienced great problems in the past by trying to police brothels and massage parlours under the zoning regulations, and restrict them to areas of commercial and industrial zones. Yet the Select Committee admitted the same difficulty, and this Bill endeavours to solve the problem by restricting such places to other than a residential zone. Of course such a definition is difficult to interpret, as I will explain later.

On the question of advertising of brothels, the running of a brothel is illegal but advertising is not, although a consensus of opinion by newspapers in this State will not have them advertise in their papers.

Members interjecting:

Mr. GLAZBROOK: If Opposition members when in Government passed a law outlawing it, that was great, and I apologise if I was wrong. The Select Committee is suggesting that one could advertise, provided it did not cause offence and did not include the words "massage", "masseur", "masseuse" or "health". I gather from the angry reaction from members opposite that they will vote against that part of the Bill.

Let us consider this Bill. Regarding child prostitution this Bill suggests to us that a person under the age of 18 shall not commit an act of prostitution. Yet under existing circumstances a person who has reached the age of consent, although under 18 years of age can indulge in sexual activity, and, as I have already pointed out, can do it for money and provided a third party is not involved, has not committed an offence, under the present law. If this Bill becomes law, I suggest this provision would have just as much clout as the drinking law has now on the under 18-year-olds. In regard to prostitution, one might imagine a client answering an advertisement and asking for evidence of age of the girl before he committed the act.

He would say, "Please, dear, show me your birth certificate because I am not sure how old you are." Take the case of the act being committed. There is a raid and the police find out the girl is under the age of 18. Will the man be charged on a morals count (yet the girl might be above 16, the age of consent) for indulging in an act of prostitution with a person under 18, or will he go to gaol? The girl can be fined $500, under the Bill. On whom does the onus fall to prove the age of the girl? If you ask most publicans whether they can identify those under the age of 18 drinking in the hotel, they would say that it would be most difficult to do so.

The Bill would make sex for money for minors illegal. But I doubt whether the police or the client would be given the opportunity of asking for evidence of birth, for if these people worked in an organised brothel, with all its techniques of protection, and the police having no power by law to gain entry, just how are they going to see the act of intercourse take place with a minor?

The Act does not say that a minor cannot work in a brothel doing other jobs or acts; it says simply that a child shall not commit an act of prostitution or have sexual relations with a prostitute. It further states that a person who receives any money from a child or enters into an agreement or an arrangement with a child under which he may take or share in any proceeds of acts of prostitution committed by the child shall be guilty of an indictable offence, and so on.

In Australia, it is the age of consent laws which protect young women from being exploited as prostitutes, simply because the fact of sexual intercourse can be established in court when the payment of money cannot. I find it ironic that I read in the press the other day that today in the brothels it is not illegal, as was said before, for an act of prostitution to take effect, except where a third person receives the money. Yet, if a person wants to pay with his Diner's Club card, Bankcard, or American Express card, it is not illegal. How ridiculous!

If the demand for young girls was there, both from the client demand and from an increasing number of available girls, it would be relatively easy, with the aids of detection available to brothel keepers, to breach such a law and provide the services that employ young minors. If the trade becomes acceptable by decriminalisation for adults, then it would be extremely difficult for anyone to keep minors out. Again, we need only ask the publicans whether they have been able to keep minors out of hotels.

Can we really believe the assurances given to the Select Committee that massage parlour owners would refuse to employ persons known as minors? Can we really believe that people who now run brothels illegally and employ girls from 16 years of age upwards today are now saying that they will not do so tomorrow? The suggestion of the Bill in this clause is very hollow and does nothing to protect young women from some unscrupulous operators.

I now look at clause 5 on intimidation. Can you imagine, Sir, a young woman standing up in court or going to the police and saying "Mr. So and So has coerced me into prostitution; he has intimidated me." Should Mr. So and So go to gaol and should he happen to belong to a syndicate or be part of an organisation, what of the future of that victimised girl? Would she be allowed to live a normal life and walk away from it, or would she live in fear of reprisals or, more importantly, would she live at all?

What if a pimp or standover man is employed by some nebulous interstate company to secure girls to commit prostitution, yet that man does not receive any proceeds from prostitution? Is he free to operate? The Act provides that a person who by intimidation or deception *(a)* obtains from a prostitute any proceeds of prostitution or *(b)* causes or induces a prostitute to enter into an agreement or arrangement under which he may take or share any proceeds of prostitution shall be guilty of an indictable offence.

Just as it has become a common art for people and companies to find income tax and company tax loopholes, thus it will become a predominant art that massage parlour and brothel keepers will find the loopholes to this legislation if passed in its present form. If a law is passed that permitted procuring or gave it tacit legality by the laxity in which it is formed, it gives way to a trade in flesh or the white-slave trade, as it is known. In other words, there would be nothing illegal in a person or persons who consented by fair means or foul, that is, through drugs or some other kind of coercion, from being conscripted to serve a term as a prostitute here, interstate, or overseas. This is in direct conflict with even the United Nations Convention itself.

I really wonder just how many girls would have the guts to complain to the police, bearing in mind that they could be hooked and enrolled into some type of syndicate or organisation that had habits of looking after the interests of its own, particularly its own hierarchy, by usually teaching someone a lesson. It is common knowledge that those prostitutes working as street walkers (and it is reported in the Select Committee's report) are stood over, bashed and belted by their pimps. Is this to say that it will not happen in brothels run by organised crime? If those girls point a finger at someone else, I do not think it would.

Our womenfolk deserve protection from this offence, and they know the law is on their side. Whilst the law is designed to allow freedom of choice for the women, it must not be allowed to exploit freedom of choice for women or the women themselves. I believe that this is a real danger that has been overlooked by the Bill. I was glad to see, however, that the Bill at least subscribes to the enforcement of penalties against those soliciting.

I turn now to the question of a residential zone. We all know that this has been a vexing problem to local government, and the cases of massage parlours that have caused embarrassment to residents living close to such establishments. Under some zoning regulations of councils, under the Planning and Development Act, 1966-1980, there are pockets of local shopping areas, community centres and similar areas within residential zones. I can well imagine the concern of residents about a law that will force parlours and brothels into their local shopping centres.

I can also imagine the outcry if suddenly, say, Hindley Street or Currie Street became a street of brothels and massage parlours. I really believe that we can do without this type of development in the heart of our city and, in fact, in any area of shopping or where it could well cause embarrassment to the every-day activities of citizens. I believe that such a concentration of this type of activity would in fact kill or maim some businesses in that locality. For example, how many parents would visit a shopping centre if a number of massage parlours and brothels were located there, if they were next to the toy shop, or the food shop.

Local traders would soon become very upset. The Bill would be unable to prevent parlours and brothels in many areas, so it would be feasible to believe that in some instances such establishments could be set up in shopping centres, near schools, entertainment areas, such as restaurants, discotheques and theatres. However, we may see Adelaide labelled as having streets of brothels. Of course, in London one might associate prostitution with Soho and, even closer to home, some recognise the Cross, in Sydney; Hay Street, in Perth; and St. Kilda and Fitzroy, in Melbourne. Will Adelaide's reputation hinge on Hindley Street, or will it be Jetty Road in Glenelg or even the Parade in Norwood? I sincerely hope not. If it is to be, I suggest that it might be on Unley Road, near the office of the member for Mitcham, for a trial period.

I want to say a few words on advertising, for the Act prohibits an advertisement relating to prostitution in a manner or form that is likely to cause offence. I refer to the fact that many advertisements today appear in the *Truth*. The legislation simply says that we cannot have advertising in Adelaide or in South Australian papers. It does not control in any way, shape or form any of the advertisements appearing in *Truth*. That paper is sold in almost every delicatessen and bookshop in South Australia. It lists the various places one can go to today. That means nothing in the Bill. It is completely void of any sense.

The member for Mitcham said the other day in a television interview that one body of people, by the expression of their opinions, sought to sweep under the carpet this whole question of prostitution by doing nothing to change the system. I believe that it is rather like the pot calling the kettle black, for what this piece of legislation attempts to say is that prostitution, brothels, and management of the trade should be legal, therefore removing the "im" from "immoral" to make the system legally moral and right, thus sweeping the issue under the carpet and pretending that a problem does not exist.

I must make it abundantly clear that I believe that change is necessary and should be considered carefully; it should be debated, and questions should be asked and answered. The Select Committee's report does none of these things; it gives us conclusions of somebody else's opinions, after interviewing so few people. I therefore ask members to vote against the Bill.

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

Dr. BILLARD (Newland): I approached this subject, when it was first drawn to my attention, with an open mind. I must say that I have very great respect for the members of the Select Committee, whose task it was to prepare the report, and in no way would I question their integrity and their sincerity in preparing that report. However, I have still decided, after consideration of the arguments, that I should oppose the Bill. As I understand it, three main arguments are put up in favour of the Bill. The first is that the present law is not working; that argument was pursued at great length by the member for Mitcham, and was mentioned briefly by other speakers, including the Minister of Transport when he spoke this afternoon. The second argument, and perhaps the most compelling one that I can see, is that prostitutes at present are exploited because of their association with criminal elements. This argument was put succinctly by the member for Stuart when he spoke earlier this year, when he said that the purpose of the recommendation was:

> . . . to give the prostitute the protection of the law that she or he does not currently have.

That is quite a valid argument if, in fact, it can be established that the Bill would remove the trade of prostitution from association with criminal elements. The third argument that is important is that we have no right, as Christian people, to legislate our morals on to those who may not hold our own view of moral ethics, and I endorse that view. I recognise that we live in a pluralist society; the member for Stuart referred to those arguments when he referred to a book, *The Four Gospels—an introduction,* written by Rev. Father Bruce Vawter, and the one sentence which I think is the most relevant that the member for Stuart quoted from that book is:

> For Christian man such a thing is unnecessary in the first place and a usurpation of the liberty with which God has made him free;

While I would not use such big words, my view has long been that Christ himself, when he was tempted in the desert, rejected the approach of trying to force his views on those that he wanted to follow him. Christ was specifically tempted to do the very things that we are tempted to, that is, to pass laws which will force people to follow our own moral ethics, and Christ recognised that people had to choose the right because they wanted to, and not because they were forced to do it.

In addition to that, I recognise that polls which were conducted some time ago reflected a general view in the community that private morality is not the concern of the law, and generally, I agree with that. However, private morality stops when it starts to affect other people. If we can show that one person's freedom in expressing his own morality becomes another person's burden, then we go beyond the question of simply allowing a person to pursue his own moral beliefs, and we come to an area where others are being exploited or disadvantaged for the sake of one person's freedom. That is an area where Government has a responsibility to act. Therefore, I oppose this Bill because, first, I disagree with the basic philosophy that the matter is simply a question of private morality, and, secondly, I disagree with the reasons for introducing the

Bill. I believe that some of the reasons presented are spurious. Thirdly, I do not believe that the Bill will achieve what it aims to achieve.

I refer to the basic philosophy which is, that prostitution is immoral (and I note that all Committee members agreed that prostitution was immoral). They then went on to say that it would have no wider effect, and that it was not the role of Parliament to legislate to interfere with persons' beliefs regarding private morality. I believe the most clear demonstration that the matter does extend way beyond the boundaries of private morality occurred just a few days ago by way of a report published in the *Sunday Mail*. The report contained the views of a prostitute, who spoke out about her experiences. What was reported in that article rings true to me, because it is logical, from my knowledge of what would be involved in the act of prostitution. That is, I believe that the act of prostitution would necessitate that a person would corrupt the true role of sex, which is a mutual act, a sharing act, an expression of love, and make of it a means of self-gratification. I can see that that would degrade the persons, in that they would be forced to subdue their own feelings and by so doing would be hardened towards other people. I believe the evidence is in the article, in which the girl said:

> The girls that had been around for a year or so were absolute wrecks and on drugs. They completely lacked respect for themselves and their body . . . They turned against the boys, not being able to stand men any more. A lot of them became lesbians.

To me, that is clear evidence that such persons are degraded and that they take an attitude towards people which is unnatural and which has ramifications far wider than simply a question of their own morality. Later in the article, it is pointed out how the families of women who became prostitutes were affected. When they first became involved they cared for their families, and they cared what their children thought about what they were involved in, and hid it from them, but after a while they ceased to care. This all agrees with the concept that the trade of prostitution is a trade which degrades the people who are involved in it, the prostitutes involved, and although the article I referred to does not give evidence of this, I would argue that it also degrades the clients who are involved, because they are treating the prostitutes as objects of self-gratification. This is a trend of selfishness which has become far too prevalent in many facets of our modern life.

The reasons for the introduction of the Bill, I believe, are spurious. The first argument involved ineffective policing. The member for Mitcham made great play of this in his speech, and most of his speech in the last session of Parliament related to that fact that it is simply not possible to effectively police the present laws. That may well be true if the purpose is to utterly and completely obliterate the practice, and it would be fine if that could be achieved, but the fact is that few laws in this land are absolutely and completely effective in their operation. We operate in an imperfect world; we do what we can, where we can, and I believe that it is unrealistic to expect any law to be perfect in its operation.

Therefore, I believe that the whole basis of that argument, which has been repeated by many people, is spurious. Indeed, if one looks at the statistics presented in the report, one may equally well argue that the laws are being effective. A chart shown in Appendix A indicated a very dramatic fall-off in the number of premises known to be operating as massage parlours in South Australia between a peak in 1975, and 1977, and the reasons given in the report for the fall-off were: first, increased police pressure which closed down marginal parlours; secondly, restrictions on the advertising of parlours; and, thirdly, worsening economic conditions and rising unemployment, which led to a drop in demand for the services offered by parlours. I would agree with the first two reasons, but I may disagree with the third reason, which could well be argued in the opposite direction. It could be equally said that, because of bad economic conditions, more girls were induced to earn a living from prostitution.

Nevertheless, evidence indicates that such action as has been taken over the past few years has been effective in controlling the problem and, in addition, the report stated that currently there is a low level of criminal activity within the prostitution trade in South Australia. This, to me, is not an argument that there is ineffective policing. It seems that we have a degree of prostitution in this State which is not completely controlled but which, on the other hand, is not totally out of control: it is in a middling position. While we may like to have prostitution totally controlled, I believe that that is a Utopian State at which we can simply aim but which we cannot necessarily expect to achieve with any particular piece of legislation.

The second reason, which I have already addressed, was the fact that the Bill would have no other effect, and I believe that the lie was given to that argument in the article to which I referred and in other articles. The third general area to which I now refer is that the Bill will not do what it says it will do. By now, everyone understands that the act of prostitution is not in itself illegal: the business of prostitution is illegal. It is quite clear to me that the forces operating on girls involved in prostitution are not so much legal forces once they are involved. These legal forces may act as a deterrent to their becoming involved in the first place but, once they are involved, clearly the main forces operating are economic and opportunity.

The report in the *Sunday Mail* indicated that the woman cited in the report became more deeply involved simply because money was there for the taking. She did not really like being involved, but she rationalised, and it was not until she had gone a long way down the path that she turned and looked at her situation fairly. I believe that this would be true for a great number of people; the major forces operating, once they have taken the initial step of breaking the law by becoming involved in prostitution, are economic and opportunity. These forces, I believe, will continue to operate in the future and will not be changed, although the initial forces that stopped people from becoming involved in the first place will be removed.

In that respect, I note the evidence of prostitutes who were interviewed on a *Nationwide* programme earlier this year and who were unanimous in their view that the effect of the Bill would be to greatly increase the number of girls involved in prostitution. I must confess that that rang the first alarm bell in my mind when I was considering the rights and wrong of this recommendation, because the whole matter would be pushed in the wrong direction. Honourable members and members of the committee agree that the practice is undesirable and it seems that, if the Bill goes through as it is, the incidence of that practice will be greatly increased, and that would cause me very much concern.

The Bill will half legalise the business: it does not completely legalise it. Children and minors are still excluded, as is soliciting. I recognise that the aim was to remove the need for association with criminal elements. However, recognising that the main forces are economic and opportunity, I believe that, even if this Bill is passed, economic forces will still operate and the opportunity for illegal acts involving children will continue, simply because the demand is there. Prostitution exists at present, even though the business is illegal, because the demand is there,

and there will always be those who will respond to that demand and who will want the money.

Likewise, even if this Bill were passed, illegal areas would still remain because there would be the demand. The member for Brighton dwelt at length on the involvement of children, and this matter was also referred to in the article in the *Sunday Mail*. I point out that the Bill contains, to my mind, a contradiction, in that soliciting is prohibited but advertising is not. They are different manifestations of the one thing. One may well argue that advertising is more offensive than is soliciting. (I recognise that the Bill uses the term "offensive advertising", which is prohibited, but who is to define what is offensive?)

Mr. Millhouse: Are you going your full time?

The SPEAKER: Order! The honourable member for Newland has the floor.

Dr. BILLARD: The member for Mitcham has had plenty of opportunity to talk on this issue and, to this point, I have not spoken on it. I believe that I should have the right to complete my speech.

The fact is that to a great many people any advertising would be offensive. The fact that brothels were advertised at all, itself, would be offensive. We may well argue that if prostitutes solicited in Hindley Street and people found that offensive they could at least avoid that street. However, we all buy daily newspapers and the advertising would go into every home in this State, and to my mind there is as much argument that that advertising is more offensive than soliciting, because at least the soliciting can be avoided if one finds it offensive. I believe that at least in that respect the Bill contains a contradiction.

I refer finally to what I believe is an excellent paper that has been prepared by Reverend Dr. Geoff Scott, who is the Executive Officer of the Social Justice Commission of the South Australian Synod of the Uniting Church. I would be happy to provide a copy of this paper to any member who would like one. I believe it is an excellent document. Reverend Scott summarised what he felt were some of the other dangers of the legislation. He said:

(a) It would expose even greater numbers of people to attempts by others to procure them for the purposes of prostitution;

(b) it takes little account of the dynamics of pressure exerted in procuring for the purposes of prostitution;

that is, economic and other pressures—;

(c) it would expose even greater numbers of people to attempts by others through advertising to use the services of prostitutes;

(d) it would permit even less protection from the advocacy of prostitution, since advertising through the media enters almost every home in the State;

(e) it unfairly permits brothels to operate in areas where residents are least able to act as a pressure group to prevent such operations;

(f) it does not seek to discourage prostitution, but assists the interests of those involved in such a trade;

(g) it may attract undesirable elements to South Australia.

I think some of the reports referred to by the member for Brighton support that last argument, but I will not refer to that at this stage.

In conclusion, I recognise that there are problems associated with the trade of prostitution which need attention, one of which is the inequity with which the present laws are applied. I would support any measures which would seek to remove that inequity, but I cannot and I will not support the present Bill as it stands.

Mr. BLACKER (Flinders): I strongly oppose the Bill. I do so for a number of reasons, the main one being my conscience. I do not believe that my constituents in any way want or require the decriminalisation of prostitution. I only have to think about my own district and each of the little communities that I represent and I can imagine the reaction to the setting up of a massage parlour under the control of the local government authority. Really, what we are doing now is asking every council to start setting standards for the way in which they will administer this profession.

My other reason for opposing this Bill is sheer common sense. Prostitution is a practice I think we all know should not be tolerated, and yet somewhere along the line people are looking at it for some advantage. Do not ask me what that advantage is, because I cannot say. I cannot see a moral advantage in it, but whether there is a financial advantage or some other advantage I do not know. In fact, one fails to imagine what that advantage may be.

This particular Bill is the result of a Select Committee and, whilst I can accept that the Select Committee had to act in the most clinical way, and that it may have been idealistic of the committee members to act in a clinical way, I do not believe the sole purpose of the members who represent the constituents throughout the State should be so clinical.

Mr. Millhouse: You mean detached.

Mr. BLACKER: "Detached" may be the word. This Bill accepts prostitution as being an acceptable social custom and an acceptable profession within this community. I cannot accept that; it is not on. I know for a fact that, if I were to promote the idea of decriminalisation within my district, I would be defeated at the next election, without question. I ask each member to seriously consider where he stands on this, even Government members.

Mr. Keneally: That wouldn't prevent him from making a decision on principle, would it?

Mr. BLACKER: I ask each member to seriously consider his position, because the Government may well fall on this issue alone. Strong words, maybe, but the community has got beyond the stage of looking for social reform. It is looking for social responsibility and, to that extent, every Government, whether it be the previous Government, or this one, should look most seriously at that set of circumstances.

Within our Education Department, the schools that are prospering and attracting the numbers are the schools that implement a strong element of discipline. I could quote examples in my own area that, where there is a strong disciplinarian as headmaster, that school is overcrowded. I believe we could find examples in the metropolitan area where church schools, that act on discipline, are finding exactly the same thing. Three or four years ago it was a different matter—the church schools were having difficulty in maintaining numbers but now they are embarrassed by numbers, because there is a change of attitude within our community. I do not believe any Government should ignore that fact.

I believe that any Government attempting to introduce this type of legislation is showing a lack of intestinal fortitude. We know that the previous Government had a policy of social reform. That attraction of the policy of social reform lasted for many years but it no longer exists; the novelty has worn off. It has been pointed out that that is why it is now in Opposition. I do not know whether that is the sole reason for its being in Opposition, but it is certainly one of the reasons why it rapidly lost ground, because the people were getting sick and tired of this degradation of social standards, and that is one of the key reasons for its being on the Opposition side of the House. I do not believe it is reading the political fortunes correctly, if it is attempting to support this type of legislation. I

seriously wonder about the idea of a conscience vote. Two members of the Opposition have actually spoken to this Bill (I do not include the member for Semaphore and the member for Mitcham in this context). I wonder where the member for Baudin and the member for Hartley stand on this issue. I do not honestly think they could support this measure in their full conscience, based on their previous attitudes within this House.

I think every member, out of sheer conscience for their electorate, should be required to express their attitude on the floor of this Chamber. They should make public their attitude; they should not just vote with the masses and then blame the gang.

They should stand up and say clearly, and let their electors see, where they stand on the issues. I think that if we did we might see a different result.

Mr. Keneally: Put it to a vote and you will know how people vote. That's a simple answer.

Mr. BLACKER: That is a coward's way of putting legislation through this Parliament, for it is hiding behind a group rather than having the individual voice of the person heard, and to that extent it should be condemned. The member for Henley Beach has raised the point that the member for Florey stood in this House and said, "I support the Bill because this is what my Party said," or "It is Party policy," I think he said.

Members interjecting:

The SPEAKER: Order! The honourable member for Flinders has the call.

Mr. BLACKER: Thank you, Mr. Speaker. Whilst I am not in a position now to check *Hansard,* I am sure a couple of other members are doing so at the moment, and they can clarify that point. There is no doubt that this legislation, if passed, would create more problems than it would ever solve. It has been introduced on the basis of a technicality—that we have had prostitution throughout the world for as long as humanity has been here. I can accept the statement that prostitution has been with us for that period of time, but that does not mean that prostitution is right.

It has been stated that we should support this Bill to decriminalise prostitution because we cannot control it as it is, so therefore we should decriminalise it and therefore not have the police running around chasing up a law which they cannot enforce. To me, that is just running away from the real issue at hand. If we are going to use purely the practicalities of the system, and if we are going to look at the technicalities of the operation of such a system, let me quote an example. Many members in this House probably have children in their late teens or early twenties, some of whom may even be unemployed (and if they are, my sympathies are with them). Let me give an example. We have a massage parlour starting up business in a town, country, city or whatever you like. It requires workers, young ladies, so that the person in charge goes down to the Commonwealth Employment Service and says to the C.E.S. officer, "I want four girls to work in my office." Because it is an acceptable profession, that job has to be listed. If an 18-year-old lass goes in looking for work, she could be put on unemployment benefits, but the next time she went in for work she might be told, "We have employment available for you. It is down at Madam's parlour." One can imagine the situation arising where, if that girl refuses to accept the job in that parlour, she is then jeopardising her eligibility for unemployment benefits.

Members interjecting:

Mr. BLACKER: I am very pleased that I have attracted from the member for Mitcham and the member for Napier a reaction such as that, because it is on that technicality that they are introducing the Bill. Could we get an assurance that that would never happen? I could not guarantee that, and no other member could guarantee that; it is a technicality, and it would immediately break down the Commonwealth Employment Service guidelines, because the guidelines state that, if jobs have been offered and have been refused, unemployment benefits can be removed. We are, therefore, delineating between different professions and different job opportunities, and I guess, if we like to be totally callous about it, we could say that any girl 18 years old could be considered as being suitable for that job.

Mr. Millhouse: Not if she has a moral objection to it.

Mr. BLACKER: The whole exercise revolves around moral objections, doesn't it? That is just one case. If it is an acceptable profession, where do we stand on all the other pressures within that group? Do we have the situation where a prostitute becomes old (and let us face it, we all get old) and unable to carry out the work that is demanded of her? Is there some sort of State responsibility that some retirement fund be set up for them? Are we to go into licensing of prostitutes and have an A and B class group? Are we to have unemployment benefits because the massage parlour on the corner is not doing so well and the people have to be (pardon the expression) laid off? Is there to be pay-roll tax? Is personal accident insurance to be available to these people? Whilst the excuses for introducing this Bill may be along the lines that it is a technical problem that we are trying to overcome, I certainly believe the technical problems that it would create would far outweigh any advantage that could accrue from this.

I would like to make a couple of other points. One is about this Bill, and I appreciate the opportunity of having a few words to say. I indicated when the Bill was before the House on a previous day that I wanted to speak, and unfortunately, not expecting a vote to be attempted today, I do not have my file with me and I am concerned about that. Nevertheless, I have to make a few comments off the cuff as to the way in which I believe the vote should go. I am concerned that both the Government and the Opposition have seen fit to force a vote in this matter, and I deliberately say "force" because I know full well that there must be many consciences pricking on both sides of the House as to what should actually occur on this vote. I know full well that, once this vote goes through, win or lose, there will be many constituents asking their member what he did on the issue and what he said in the House—whether he supported it or opposed it. That sort of questioning cannot be answered. It is for that reason that I believe that I had to have a say, even though I do not have my notes with me.

Mr. Millhouse: I think that is a reason why a lot of people would like to avoid a vote altogether.

Mr. BLACKER: I accept the point the honourable member has made that a lot of people would like to avoid a vote, and in many ways I guess we would all like to see this Bill totally withdrawn from Parliament. I seriously question whether the Bill has a right to be in Parliament, taking into account the Commonwealth Constitution and the rights under the international charter that we have. One could get fairly deeply involved in this, and regrettably I do not have that sort of information to hand.

Earlier in my comments, the member for Florey challenged me on some comments I made, and just to make the record correct I will say that I was not accurate in what I said.

An honourable member: And you apologise?

Mr. BLACKER: I apologise and withdraw, and I quote into the *Hansard* record the words that were spoken.

Mr. Millhouse: They are already there, of course.

Mr. BLACKER: I accept that, but I would just like to read it in conjunction with the comments I have made. I think it is even more important, seeing that no more Labor Party members are following it up. The member for Florey stated:

> I support the Bill because I am a member of the Australian Labor Party and I support the humanitarian policies of that Party, and in particular the rights of the individual.

Mr. O'Neill: That is a lot different from what you intimated.

Mr. BLACKER: An honourable member said that the Labor Party supports the Bill. That is really the implication of what was said in the first instance. When this Bill was first introduced into the House, I had numerous contacts and correspondence from many of my constituents. I think most members would have had contacts from their respective church organisations.

Most members would have had contact from many individuals, and their file on prostitution would be thick. To that extent, I am questioning what is going on. I believe that the introduction of the Bill means greater pressure on the unemployed to accept this type of employment. Prostitution would therefore become a business operation, openly. I find it morally unacceptable and against the human nature of western civilisation.

In any attempt to educate our children people would be concerned at the standards we set—whether we accept or hopefully reject this type of legislation. It is equally fair to say that children become aware of prostitution in the community but, if they recognise it as a gutter practice, the standard in the child's mind will be considered in that way. It would be totally stupid of us to believe that a child could be prevented from knowing or having contact with this sort of operation. However, so long as standards are set and Parliament is prepared to maintain them, some acceptable upbringing of families may eventuate.

It is fair to say that obscene material and pornography are circulated from time to time and fall into the hands of children. If a child knows that it is gutter material, he treats it as such, if he or she knows that, the standards are based accordingly. However, if children know that such material is accepted by the Parliament of the State, their standards are lowered. Why is it legal to operate from a massage parlour or brothel but illegal to solicit in the street? We come down to all sorts of business house operations, and as such it is an acknowledgment on the one hand that the business is shady yet, on the other hand, we give it the go ahead. Sex becomes another commodity for profit, and it is against the family way of life. If every political Party carefully considered its platform they would all say emphatically that the family way of life is the predominant part of that policy. If that way of life is predominant, how can any member support this Bill?

I think I have made my views clear. I do not intend to support this Bill, because I believe that it is degrading to the community and to individuals, and places additional pressures on councils to set standards. The council now becomes the arbiter of where and when and to what standard prostitution will be carried on in its area. To that end, the Bill should not be tolerated, and I oppose the second reading.

Mr. MATHWIN (Glenelg): I, too, oppose the Bill, because of its effect and because of the number of people who have approached me in Adelaide and the State, and especially in my own district. It is also my own opinion. I have little regard for the statement made earlier, that, because it has been happening, prostitution should be legalised. That is no excuse. Where do we stop? Perhaps we should consider legalising marijuana and other drugs. Is it the philosophy of the member for Mitcham, that, because a law cannot be policed and because it is broken regularly, that we should legalise the practice, because we cannot fight it? If that is the belief of those supporting this Bill, it is a sorry day for South Australia.

The member for Mitcham will probably know more than any other member in this place about the effects of this profession. It is the oldest profession in the world, and has been made legal in France and in many other countries. It was referred to thousands of years ago, but is it the philosophy of the member for Mitcham to state that, if we cannot beat them, we should join them? Several people have referred to different sources opposing this Bill, and one to which I draw attention is the Anglican Archbishop. A report in the *Advertiser* of 3 June 1980, under the heading "Anglicans 'don't' support Bill", states:

> Some people had wrongly drawn the conclusion that the Anglican Church supported the prostitution Bill, the Archbishop of Adelaide, the Most Rev. Dr. K. Rayner, said yesterday. This was not so, he said. Dr. Rayner's statement follows a statement by Mr. Millhouse, M.P., published in the *Advertiser* yesterday that the Social Question Committee of the Diocese of Adelaide had agreed in principle to the Bill but could not agree with it in totality because of some of its provisions.
>
> Dr. Rayner said the Social Questions Committee wanted to encourage reasoned public discussion on this complex social issue. It recognised that certain objectives of the Bill were good, such as the prohibition of minors from prostitution, the ban on soliciting and the restriction of advertising of prostitution.
>
> But the committee raised the fear of decriminalisation would have the effect of increasing the incidence of prostitution and making this State a more attractive field for criminal elements from outside.

That means from other States, and the member for Mitcham would know more about this than would other members.

Mr. Millhouse: You must think I know a lot about everything.

Mr. MATHWIN: I think you know a lot about this, because a few years ago I saw a picture of the honourable member in his army boots inspecting a brothel. He checked on the towels and then complained that there was no soap. He was looking at the health aspect, and perhaps no further. The honourable member, in introducing this Bill last year, made some points to which I draw the attention of the House. He said:

> It is my view that prostitution is morally wrong.

Later, he said:

> I do not believe that, although I might regard it as morally wrong, when obviously a large number of people in the community now do not so regard it, I should endeavour to put my stamp of moral disapproval on it.

The honourable member went on to say:

> I regard prostitution itself as evil.

At page 1278 of *Hansard*, he said:

> I do not know what any of those who have protested have ever done to try to rid this community of prostitution.

That is not a very great statement from the honourable member, because he would well know himself that, as I said earlier, it is the oldest profession in the world, and people have been trying to have some effect on it for many hundreds of years. Apparently, he is going to blame present-day society for it and say, "All right, it has come to the test. Now is the time to say, if we can't beat it, we'll condone it, because it has been going on for hundreds of years." I believe that he is under some misapprehension if he believes that some of my colleagues and I will support

the Bill (one does not know what will happen as regards the Opposition). There is no doubt that, if the Bill is passed, we will increase the number of brothels in South Australia and in Adelaide, and the number of operators, stick men, and stand-over men.

The Hon. R. G. Payne: What's a stick man?

Mr. MATHWIN: He is a pimp. The stick is for hitting, because his hands get tired and sore from belting the girls about.

The Hon. R. G. Payne: You've a lot of knowledge of this.

Mr. MATHWIN: I have, and I have been about the world, and so has the member for Mitchell, who was in the Navy and would be well aware of the pitfalls there are for young men in the services. We will have an influx of operators, and more girls will be involved in the profession. If we endorse prostitution, we will make it legal, and say that it is all right. We will decriminalise it, to use the right jargon. More girls will be involved one way or another. Several members have said that people will advertise their wares and their houses of ill repute (or *maisons de femme*, as in France), thus encouraging more people into that area, particularly young girls, because of the lure, I suppose, of big money. They will not be told, nor will the pitfalls be explained to these young people.

The member for Mitcham and other members know that, where you have prostitution, you have drugs. It is the considered responsibility of the pimp to get his young girls hooked on drugs, because he knows that, once he has them on drugs, he has them for life, and they have little chance of ever escaping from him. They descend to the depths of degradation.

An honourable member: It's exploitation of women.

Mr. MATHWIN: Of course it is. I am surprised that some of the members who appear to be supporting the Bill are in the Opposition. Opposition members do not believe in the exploitation of people, let alone the exploitation of women. Does the member for Mitcham believe that this Bill will prevent people from breaking the law? He would know, probably more than would other members, that this type of crime or profession relates to heavy crime, involving the biggies and the heavyweights. I would be surprised if he were to say that my statement was incorrect. For those who might not believe me in relation to the drug question, I have some words of wisdom in a pamphlet that give gives one case involving drugs. The pamphlet states:

> Another favourite trick of the pimp is to get his girls hooked on heroin. The U.S. actress Shirley MacLaine recounts her conversations with a Parisian prostitute in her autobiography, *Don't Fall Off The Mountain*. Miss MacLaine wanted to understand prostitutes "in depth" for her role as Irma in the film *Irma La Douce,* so she spent some time observing and talking to a girl from the red-light Les Halle district in Paris.
>
> The prostitute was reluctant to say anything except an expressionless "I like my job and it pays well," but eventually her whole sorry story emerged. She had been a nurses' aide in a Paris hospital and fallen in love with a patient who asked her to live with him. Later he revealed that he was a pimp and put her to work. She did so for a while but when she wanted to quit, her boyfriend-pimp gave her heroin. While "high" on heroin she did not mind her distasteful job, and in any case she had to continue in prostitution to pay for the drug. Her pimp had successfully "hooked" his hooker.

The hooker was a girl of 17 years of age. We know that the member for Mitcham has ensured that we will not reach this situation. With forethought on the matter, we could say that the honourable member has thought about it, because he has inserted the age of 18 years in the Bill. Nevertheless, that, to me, is a sorry situation. At page 12, the Select Committee's report, under the heading "Moral issues surrounding prostitution", states:

> Arguments were presented relating to the moral aspects of the operation of prostitution. Although these issues raise serious problems, the committee felt that they could be only dealt with on the basis of individual conscience. It was not an area in which the committee could agree.

So, the committee was not in complete agreement on this aspect. The report continues, under the heading "Living off the earnings", as follows:

> As one submission stated: Many women wish to support the men with whom they live, and they should be free to do so. No-one questions the right of a female teacher to return to her profession and support her husband/lover on either a part-time or full-time basis. Why then should anyone question the right of a prostitute to do the same?

That, I believe, provides food for thought for members in considering what they will do about the Bill. At page 22, the report, under the heading "Summary of recommendations", states:

> (8) That living off the earnings of prostitution should continue to be punishable where the prostitute is under the age of 18 . . .

I have told the House of the situation regarding the girl in Paris who was 17; girls up to 18 years of age will be covered, but for those over that age the matter will be punishable only where the action is accompanied with violence, threatened violence or coercion, and in such cases the onus of proof would be placed on those charged, and a *prima facie* case would have to be established. Therefore, we have the situation that was related by the member for Brighton: First, these young people, or the enthusiasts who take on a prostitute, would first have to ask the young lady to produce her birth certificate and then take a chance whether it is a proper birth certificate or not. Indeed, the whole sordid situation leaves a lot in the air as far as I am concerned.

The onus of proof rests on the fact that a person has to be present and has to give evidence. One would have to be a complete idiot if one does not realise what happens to these girls in relation to their pimps and stick men and how they are treated and beaten. One does not have to leave this country to find that out, but if one wants to look to worse cases one can look at the big cities in America such as Detroit and Boston where the girls are bashed up very regularly by their pimps, and those girls live in fear of their lives. Clause 2 provides:

> This Act operates to the exclusion of other laws under which offences relating to prostitution are established.

I wonder how many people realise that, if this Bill is passed by Parliament and becomes law, it will introduce a whole new legal and social situation as far as prostitution is concerned, because that is exactly what clause 2 will do.

Mr. Millhouse: Tell, me, John, are you going to talk your time out?

Mr. MATHWIN: I am going to try, Robin, but you can help me if you wish.

The SPEAKER: Order! The member for Glenelg has the call.

Mr. MATHWIN: I am just about to finish, but I will take the assistance of the member for Mitcham if he wishes to give it to me. Incidentally, for the benefit of the House and, of course, the mover of this Bill, I point out that when it was first brought into this House I was away. This is the first opportunity that I have had to speak on it, and, like the member for Mitcham, I demand my right to do that.

Clause 5 deals with the intimidation situation which was explained very well by the member for Brighton, and I endorse his remarks. Any girl who is intimidated or

bashed by a pimp would find it most difficult to give evidence against him or against the organisation for which she is working. Some people may think they are fairy stories, but I can assure all members that it is a fact that these girls have to stand up to very hard treatment from some of the organisers and pimps.

Clause 7 deals with a case where premises within a residential zone are used for the purposes of prostitution, and states that the occupier of a premises and the prostitute or prostitutes who have used the premises for that purpose shall each be guilty of an offence and be liable to a penalty not exceeding $2 000. That amount, of course, would not mean very much to organisers and the big heavies. The other point that I want to bring to the attention of the House is that cutting out the siting of premises in residential zones does not mean to say that there will be no houses about. There are many streets of Adelaide which have strip shopping areas, shopping areas along main roads, where there are odd shops here and there, and the other premises along such roads are houses. There are houses in the adjacent streets and avenues, but the zoning is allowed only in the case of premises facing a main road. As an instance, I can mention Brighton Road, which is in my electorate, where shops can be built along that road, but not down the side streets in the R1, R2 and R2A areas. So, it will mean that it is quite possible, and no doubt it will become a reality, that these brothels will be able to open within these shopping areas. Therefore, what consolation would any decent resident have about the fact that their backyard may be backing on to one of these brothels or whorehouses (it does not matter what one calls them; they still conduct the same sordid business).

I honestly believe that the Bill was ill-prepared and hastily prepared. I think it has many bad aspects to it, and I am surprised that the member for Mitcham, who is a barrister, a member of the legal profession (I cannot use the term solicitor, as he got angry with me the other day for calling him a solicitor), drafted a Bill in this manner, because it is not a good Bill. I was relieved to read the member for Florey's remarks, because of what I thought he said when I was not here. I have since read the remarks of the member for Florey, who said:

> I support the Bill because I am a member of the Australian Labor Party, and I support the humanitarian policies of that Party, and in particular the rights of individuals.

I wonder how he feels about the rights of the poor girls who are herded into this business.

Mr. O'Neill: Read the rest of the points I made and you will understand. Read all of it.

Mr. MATHWIN: I will read the rest of it, because I do not want to misquote the member for Florey. He later said:

> I support the Bill on the grounds that an individual should have the right to do as he or she sees fit. An individual should have the right to do that without being coerced or exploited. I am opposed to any kind of—

and this is a great one from the Labor Party—

> stand-over tactics in any area of human endeavour.

I agree with the honourable gentleman. They are very fine sentiments. If the honourable member is really opposed to any stand-over tactics (and the honourable member cannot be gullible enough not to know what type of a stand-over business prostitution is), I would venture to think that the honourable member is not so innocent that he does not know of the stand-over situation in relation to prostitution and drugs.

Mr. O'Neill interjecting:

Mr. MATHWIN: I am glad that the member for Florey has said that he now knows about stand-over tactics in brothels and about the stick men and the guys that run these girls. That now gives me hope that he will see right from wrong when he comes to vote for this Bill and that, indeed, he will vote against the Bill accordingly.

Eleven members from this side have spoken in this debate, and two from the A.L.P., one from the Australian Democrats and one independent, so one can see how the A.L.P. feels about the views of the member for Florey, who at least had the guts to stand up and tell his constituents where he stands on the matter.

Mr. O'Neill: You haven't go the guts to vote on it.

Mr. MATHWIN: I am paying the honourable member a compliment, but he is getting upset. I cannot please him. I am being kind to him. He refused to shake hands with me when he came into this House, because I was a Liberal.

The SPEAKER: Order! I ask the honourable member to come back to the Bill.

Mr. MATHWIN: I am being kind to the honourable gentleman, but he sees fit to abuse me. I have just lifted him from the back bench to the front bench as a good member, who speaks his mind and puts across and supports his Party's policies, a member who will have nothing to do with stand-over tactics. I know that the honourable member, with his experience in all facets of life, would know that prostitution and brothels are subject to stand-over tactics and, of course, he will not then support the Bill.

Mr. LEWIS (Mallee): It is not my intention to delay the House for any length of time. I am as anxious as anyone else to see this measure come to a vote. Prostitution is evil: prostitution is immoral. The manner in which it is presently practised leaves not only much to be desired but everything to be desired. In no way can any man or woman in this place endorse the present state of affairs, and, certainly, it is my belief that the Bill that has been introduced by the member for Mitcham, whilst it commendably draws the attention of the House to the situation as discovered by the committee that investigated the practice during the last Parliament, it does not, from where I stand, anyway, go anywhere near far enough in removing from the community the undesirable aspects of prostitution.

Nonetheless, I state here and now that, for much the same reasons as those given by the member for Baudin, I support the second reading, because I want to see what we can get out of this measure during the Committee stage. Furthermore, I commend to members the remarks made by both the member for Torrens and the member for Newland as being remarks that reflect my own sentiments in large part.

As an example of the reservations that I have about the Bill (and I will not go into all of them), I indicate that clause 7 can be amended in the Committee stage in an attempt to rectify the present situation, which is necessary. Subclause (2) should be deleted entirely. Honourable members may be interested to know that this clause relates to the premises in which prostitution can be undertaken. I believe that we can solve all of the problems that have been articulated by members on this side during this debate in relation to madams and the way in which they manage brothels, to the recruitment of prostitutes, to dependents, and to the incomes derived by people not participating in prostitution but who, nevertheless, receive incomes from it. If, in amending that clause, it is made impossible for anyone to conduct the business of prostitution in any premises whatever other than in premises which they own personally or which they own in conjunction with their spouse, we immediately remove brothels from the scene, straight out. We also remove the risk of young girls being recruited into prostitution,

because no-one can make a living from renting a room or from the efforts of the prostitute other than the prostitute and/or his or her immediate spouse, and let us face it, this Bill is not sexist.

Other measures should be introduced into the Bill if it is to do what we all want done. However, I do not believe that the Government or the Parliament at any point in time should ever do anything more than simply remove from the Statute Book that which is now regarded as an offence but which has, since time immemorial, in written history, been a practice and which will probably continue to be a practice into eternity, or for as long as the species survives on this planet: I refer to prostitution.

I do not see the desirability of attempting to licence prostitutes, as explained by the Minister of Transport. I have looked at the evidence collected by members of the Select Committee, and I remind honourable members that my predecessor was a member of that committee and I have discussed the proceedings of the committee with him, not the confidential aspects but the findings and experiences—in no way did he breach confidentiality. It has been made plain to me that it would be undesirable to attempt to license prostitutes. We should always remember that the act, whenever anyone is involved, needs to be on the basis of *caveat emptor,* that is, buyer beware: you put your money up and take the consequences, and leave it at that.

Of course, any prostitute of either sex would realise that their business is short-lived in the event that they acquire a reputation for spreading venereal disease. Having made those points and having foreshadowed what I hope will be an opportunity for the House to tidy up the inadequacies of the Bill, I conclude my remarks by reading some words written by Bob Dylan, and it behoves this House to consider what he said:

> Come senators, congressmen, please heed the call, Don't stand in the doorways, don't block up the halls,
> For he who gets hurt will be he who has stalled, there's a battle outside and it's raging,
> It will soon shake your windows and rattle your walls, For the times they are a'changing.

We must recognise that.

Mr. CRAFTER (Norwood): I intend to support this measure at the second reading stage, but I will do so with some reservations, and I share many of the sentiments that have been expressed by members on both sides of this House. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

WORKERS COMPENSATION (INSURANCE) BILL

The Hon. DEAN BROWN (Minister of Industrial Affairs) obtained leave and introduced a Bill for an Act relating to certain aspects of workers compensation insurance to establish a fund against which claims relating to workers compensation may be made in the event of the insolvency of an insurance company or an uninsured employer; and for other purposes. Read a first time.

The Hon. DEAN BROWN: I move:

That this Bill be now read a second time.

Members will all be aware that workers compensation arrangements in this State are under review following the recent release for public comment of the report of the tripartite committee on the Rehabilitation and Compensation of Persons Injured at Work, and that any consequential action will be considered by the Government next year. Notwithstanding that position, there exists a matter of considerable concern to the Government which requires immediate attention. This revolves around the protection of injured workers arising under the Workers Compensation Act in the event of the insolvency of an insurance company, or an employer.

At present, the Workers Compensation Act provides that no worker shall be employed unless the employer has obtained from an insurance office a policy of insurance for the full amount of his liability to pay compensation under the Act for all workers employed by him. However, the Minister of Industrial Affairs may exempt an employer from that requirement if, in his opinion, the employer has adequate financial resources to meet all probable claims under the Act.

Although these compulsory insurance provisions have operated satisfactorily since their inclusion in the Workmen's Compensation Act in 1924, the collapse of Palmdale Insurance Limited in November last year has emphasised the inadequacies of these provisions in cases where an insurer is unable to meet its liabilities under workers compensation insurance policies. It has been estimated that the outstanding workers compensation liabilities of Palmdale in South Australia are of the order of $2 100 000, although if reinsurance payments are applied by the liquidator to meet workers compensation claims, it is thought that the current liability will be reduced to about $500 000. It is expected that recoveries under reinsurance policies held by Palmdale will take some considerable time, even years, to be finalised.

In view of the magnitude of the outstanding liabilities of Palmdale, I held discussions in April this year with representatives of the Insurance Council of Australia, the Corporation of Insurance Brokers of Australia, the Chamber of Commerce and Industry of S.A. Inc., the Master Builders Association of S.A. Inc., the South Australian Employers Federation, the Metal Industries Association of South Australia and the State Government Insurance Commission. The purpose of the discussions was to endeavour to reach agreement regarding action which could be taken to overcome the difficulties arising from the Palmdale collapse.

Concern was expressed during those discussions that, in trying to fulfil their obligations under the Workers Compensation Act, a number of employers could be forced into severe financial difficulties or even insolvency. It was agreed to set up a working party comprising representatives from the general insurance industry, the State Government Insurance Commission, employer bodies and State Government insurance to examine two alternative proposals:

(a) the introduction on a voluntary basis of a scheme which would ultimately be incorporated in legislation;

or

(b) the advancement of funds by the Government to employees who have been unable to recover from Palmdale in respect of workers compensation claims since that company went into liquidation. Such moneys would be recouped at a later stage through the setting of an appropriate level of contribution under the ensuing legislation.

The working party reported that it considered impracticable the introduction of a comprehensive voluntary scheme without complete accord among insurers and employers. It therefore recommended the adoption of the second alternative, that is, the establishment of a statutory fund. However, opposition to the second proposal was voiced in some quarters.

The Tripartite Committee on the Rehabilitation and Compensation of Persons Injured at Work was due to report on 30 June 1980. Accordingly, it was decided to await the recommendations of that committee prior to making any firm decisions in this area. The committee's report was subsequently presented in September and, in view of the fundamental changes proposed therein, the Government decided to seek further public comment. Discussions were therefore recommenced with relevant parties in the insurance and related fields concerning appropriate action in response to the liquidation of Palmdale Insurance Limited.

Following detailed negotiations. a scheme has now been devised with which there is general consensus. I wish to place on record my appreciation of the way in which all parties have co-operated with officers of the Department of Industrial Affairs and Employment in formulating the proposed legislation.

Before outlining the details of the proposed scheme, there are one or two matters I wish to cover. It has been suggested by way of letters to the Editor in our daily press that in my role of Minister of Industrial Affairs I have conferred on me by the provisions of the Workers Compensation Act the authority to scrutinise and in some way regulate the financial viability of insurance companies operating in the workers compensation field in this State. That is not the case. The insurance provisions of that Act relate only to an employer's obligation to insure, and my authority to exempt suitable employers from that obligation. The responsibility to monitor the financial viability of insurance companies is quite clearly the province of the Federal Insurance Commissioner under the powers vested in him by the Federal Insurance Act.

The Government has been concerned for some time about the inadequacy of safeguards relating to the fluctuating fortunes of insurance companies in Australia and its consequential effect upon employers holding workers compensation policies with those companies. Related to this is the lack of control of the activities of insurance brokers who place workers compensation insurance, with almost any insurance company, without bearing any financial responsibility, if that insurance company should subsequently become insolvent.

These matters are currently the subject of examination at the Federal level, and it is understood that the Insurance Council of Australia is making repesentations to the Federal Government seeking to give the Insurance Commissioner greater powers with respect to setting industry standards and solvency requirements for insurance companies. It is also the intention of this Government to bring its concern to the attention of the Federal commissioner, at the same time expressing its belief that any regulation of insurance companies is most properly vested in that commissioner. Thus, no attempt has been made in this Bill to include any provisions to ensure the viability of insurance companies operating in the workers compensation sphere.

Turning to consideration of the main provisions of the Bill. Fundamental to the scheme is the protection under the Workers Compensation Act of workers injured in the course of their employment. The scheme contemplates the establishment of a Statutory Reserve Fund from which approved payments will be made in the event that:

(a) An insurance company becomes insolvent and is unable to meet its liabilities under the Workers Compensation Act;

(b) An employer exempted from the requirement to hold workers compensation insurance subsequently becomes insolvent;

or

(c) an employer has failed to take out insurance in accordance with his obligation under the Act and is unable to meet any claims made against him.

Claims made against the fund will be handled by the State Government Insurance Commission, which will assess whether a claim under the Act should be accepted, and, if so, whether it should be met wholly or in part. Provision will be made for appeals against assessments by the S.G.I.C. to be heard in the Industrial Court.

It is intended that, as limited common law coverage is traditionally included within a workers compensation insurance policy (and this cover can be extended through the payment of an additional premium), such claims will be met by the fund to the extent to which the employer has been covered against common law claims with the failed insurer. In all cases, the maximum amount payable of any claim which is met by the fund will be 80 per cent, with the employer meeting the remaining 20 per cent.

Arrangements have been included in the Bill to enable an employer, who has already personally met his liabilities under the Act arising from the collapse of Palmdale, to make a claim against the fund. To finance the scheme, a levy will be placed upon:

(a) Premiums paid by employers for workers compensation coverage; and

(b) An assessment by the Commissioner of Taxation of the premiums which would have been paid by employers, including the Crown, which are exempted from the requirement to insure under section 123 *(c)* of the Workers Compensation Act.

While the Bill places a statutory limit of 2 per cent on the levy, it is intended that, on commencement of the Act, a levy of 1 per cent will be imposed with a view to meeting anticipated Palmdale claims within a two-year period. Subsequent variations to the level of the levy will be determined by the Treasurer on the recommendation of the Public Actuary. In order to avoid the fund growing to unnecessary proportions, the Bill imposes a $5 000 000 limit upon the extent of the fund at 31 December of any year. To enable the fund to operate immediately, a loan of up to $2 000 000 interest free will be made by the Government to the fund to be subsequently recouped from its accumulated assets.

The fund will be self-supporting in that all administration costs will be met by the fund. In addition, the Bill provides for the recovery by the fund of amounts paid by way of re-insurance on workers compensation claims to the insolvent insurance companies.

In commending this Bill to the House, I point out that similar provisions are operating successfully in New South Wales, Victoria and Tasmania and I reiterate the need for the protection afforded by such legislation to be extended to employees and employers in this State. I seek the co-operation of the House for a speedy passage of the Bill so that these people can be covered.

I seek leave to insert in *Hansard,* without my reading it, the explanation of the clauses of the Bill.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 sets out a number of definitions required for the purposes of the new Act. It should be observed that the definitions of "policy of workers compensation insurance" and "workers compensation liability" are expanded for the purposes of the new Act to include workers' claims against their employers at common law. Thus the ambit of the Act extends beyond

statutory claims for workers compensation to include damages *in tort*.

Clause 4 establishes the Statutory Reserve Fund out of which claims under the new Act may be satisfied. It provides for a levy, by way of stamp duty, in respect of the premiums payable on policies of workers compensation insurance. The amount of the levy is to be fixed by the Treasurer on the advice of the Public Actuary. If the balance in the fund equals or exceeds $5 000 000 on 31 December in any year the levy is not to apply in the following year. Exempted employers and the Crown are to pay into the fund amounts for which they would have been liable by way of the levy, if they were not exempt from the liability of ordinary employers to take out workers compensation insurance. The Treasurer is empowered to advance moneys to the fund and to invest surplus moneys in the fund.

Clause 5 deals with claims against the fund. Subclause (1) sets out the nature of the claims that may be made. A claim may be made in respect of liabilities arising under a policy of workers compensation insurance that are unsatisfied by reason of the insolvency of the insurance company, or in respect of workers compensation liabilities that are not covered by a policy of insurance and are unsatisfied by reason of the insolvency of an employer. No claim may be made against the fund in respect of an employer or insurance company that became insolvent before 1 July, 1979. The validity of each claim is to be assessed by the State Government Insurance Commission. A claimant who is dissatisfied with the commission's decisions has a right of appeal to the Industrial Court. The Treasurer is required (subject to limitations that may be prescribed by regulation) to pay out of the fund 80 per cent of a claim to the extent that it has been allowed. When the Treasurer makes the payment he is subrogated to the rights of the claimant against the employer or insurance company to which the claim relates and also to certain rights under contracts of re-insurance.

Clause 6 deals with the effect of insolvency of an insurance company upon policies of workers compensation insurance with the company. It provides that, after the expiration of 28 days from the date of insolvency, the policy shall not be regarded as a policy that satisfies the requirements of the principal Act, and prevents claims against the fund by an employer where the claims relate to injuries occurring after the expiration of that period. The purpose of these provisions is to ensure that an employer will take steps to obtain effective insurance as soon as practicable after the insolvency of an insurance company becomes known. Clause 7 is a regulation-making power.

The Hon. J. D. WRIGHT secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL

In Committee.

(Continued from 28 October. Page 1500.)

Clauses 5 and 6 passed.

Clause 7—"Power to order inspection of banking records, etc."

Mr. McRAE: As I foreshadowed in the second reading debate, the Opposition finds this clause utterly disgraceful and deplorable. It falls on members of the Liberal Party, who would have us believe that they have some regard for the liberty of the subject, to stop and take stock of themselves and to consider the whole situation. It is amazing to find that that provision has been made by the Attorney-General of this State, via a Bill delivered to the House, that, at any time that a magistrate might be satisfied that it is in the interests of the administration of justice, he can grant an application to permit a police officer to inspect and take copies of banking records, without there being any limitation on that action. I know that, in the various discussions that have taken place, it has always been stated that this section is designed to deal with corporate crime, and the Opposition certainly would want to facilitate any reasonable measure that could help deal with corporate crime.

While it is not the Opposition's policy, in the sense of being a majority decision of Caucus, I think many Opposition members would support the concept of the abolition of trial by jury in corporate crime, but this Bill is *1984* with us! The section is framed in such a way that it is not limited to big companies or to gangsters who may be involved: it is limited to the beliefs of the police as to the dealings of any individual that might reasonably constitute a crime. That covers a vast field indeed. It means that every citizen of the State who has an account with a bank is liable, without any notice at all, to have his bank records inspected by a police officer. Will the Minister answer this: what happens to the bank in all of this? There are many cases in which those alleged to be guilty of corporate crime are guilty but, equally, there are cases where those alleged to be guilty of corporate crime are not guilty. The Hon. Mr. Sinclair, who was the Deputy Leader of the Country Party, was accused of serious corporate crime, but he was held by a jury to be not guilty. Can you image the sort of repercussions that all this has? An order is made. The police then go to my bank, for instance. Imagine that I had committed an offence, just as the New South Wales Government apparently considered that Mr. Sinclair had committed an offence. What has my bank to do with me?

Is it allowed to tell me that the police have come and are taking copies of my records? I would say that they are not. If they were able to do that, it would destroy the whole value of the clause, anyway. What happens to their civil liability to me? If the police are wrong, there are all sorts of legislation to protect them, but what happens to the bank? My name will not have any great esteem at that bank. I may be guilty or not guilty. Let us assume that I am not guilty. The police officer has come to the bank, identified himself to the manager, and asked for Mr. McRae's bank records. Every little clerk in the bank would know that. It would spread through a bank branch as quickly as you can think.

What will be the position of the innocent person, the innocent official or employee of the bank in this situation? What redress is that person going to have? According to the Liberals the answer is that there will be no redress. Such a person will not know anything about the matter and will not get to know anything about it until he is either charged or not charged. If he is charged, Lord knows what would have been done with those records, there having been no check at all and just an order made, then the police will have gone to the bank and taken such copies as required with the knowledge of the whole staff, with the man's name obviously being impugned. Take the case of an innocent man who has had an innocent dealing with a bank, like Mr. Sinclair, who is apparently wrongly accused of a serious crime. If such a person requests a loan, will he get it? Of course he will not—only a fool would suggest he would. What would happen to a bank manager who granted a loan to a customer whose bank records were being inspected by the police? He would be dismissed, or, if not dismissed, certainly he would be reprimanded by his superiors. What sort of relationship will there be between

the bank and the customer—an absolutely hopeless one. What will happen to the Judiciary of this State who to date have held in most cases (an overwhelming majority of cases) a high level of esteem and a high level of competency and proficiency and who would be involved in this secret service activity. That is all it is. This is the sort of situation that occurs with telephone tapping from ASIO. This would be a kind of secret service activity, whereby the stamp of the Judiciary is used to get—

Mr. Slater: Respectability.

Mr. McRAE: I thank the member for Gilles for that. The Judiciary would give it the kind of respectability that it would not otherwise have. All this would be done under the shadow of darkness so that a person who may be innocent may be grossly damaged and harmed in career, reputation, and business and who would have no redress at all against the Crown. That has been made quite sure of. The bank would be put into a most impossible situation *vis a vis* their own clients, and the bank officers (I would like to know what the Liberals have done about conferring with the Bank Officials Association, for instance, to get its views on this matter) would be in an absolutely hopeless situation. This is a disgrace and it again evidences what I said last night; these serious Bills are coming down to us after having been put through the Legislative Council and no matter what we say here, no matter what the merits of our arguments, no matter how justified we may be in our thoughts and suggestions, they can be just ignored and pushed aside by this Government. I note that in this case (and I know that it is not appropriate to foreshadow amendments that have not been moved) there are some amendments, and when we come to the amendments I shall be pleased to deal with what I consider to be their dubious history. Certainly as the clause stands, it is a disgrace to the Government which drafted it.

The Hon. H. ALLISON: Those comments must be replied to in so far as the honourable member seems to be up in arms over an aspect of the legislation which is already present in the existing Evidence Act, namely section 49 (2), which already empowers the judge or special magistrate to make the order with or without summoning the bank or any other party. Without referring specifically to that section, I believe there is a period of three days notice to be given, public holidays and bank holidays being excluded and that inherent in that provision is the fact that it is already at the discretion of the judicial officer authorising the obtaining of the documents to seek the views of interested parties. That is already at his discretion within the Evidence Act, as he can decide whether or not to advise interested parties. If he considers that it is desirable in the administration of justice for the bank or the customers of the bank to be heard he has that discretionary power, but he is not responsible for advising the person whose accounts are being checked. The attack of the member for Playford really concerns existing legislation as much as the powers conferred under the new Bill.

Mr. LEWIS: I move:

Page 2—

line 42—Leave out "special magistrate" and insert "Judge of the Supreme Court".

Page 3—

lines 1 and 2—Leave out "special magistrate" and insert "judge".

lines 6 and 7—Leave out paragraph *(d)*.

line 9—Leave out "subsection" and insert "subsections".

After line 9, insert subsections as follows:

(2a) Where an order is made under this section authorising the inspection of banking records relating to the financial dealings of a person, and that person was not summoned to appear in the proceedings in which the order was made, the judge shall cause written notice of the order to be given to that person within two years after the date of the order, or such lesser period as may be determined by the judge.

(2b) The Attorney-General shall, before the 31st day of March in each year, cause to be published in the *Gazette* a notice setting out the number of applications made under subsection (1a) during the preceding calendar year.

The ACTING CHAIRMAN (Mr. Russack): I point out that the amendments we are considering at the moment are not those amendments that appear on the file, but the amendments that were distributed during the dinner break.

Mr. LEWIS: I support the Bill in its broad principle, as its purpose is to reduce white collar crime and to simplify the catching of offenders. The purpose of these amendments is to ensure the converse corollary of the old adage "Justice must not only be done, but justice must also be seen to be done." I am saying that we have the converse corollary of that, namely, that it is not good enough for no injustice to be done but no injustice must also be seen to be done. That applies in these circumstances. The citizen must not only feel that no injustice is being done but must be able to see that no injustice is being done. As the Bill stands at the moment, that will not be so. The effect of my amendment is straightforward enough. It will ensure that a Supreme Court judge can issue authorisation to an inspector without knowing that he will be directly accountable for doing so.

However, he will be accountable through one of three mechanisms outlined in this amendment, two of which relate to the person who has been the subject of an inspection order and the other relates to the general public. One of the two mechanisms which relate to a person who has been the subject of an inspection order is contained in the amendment implicitly. It is simply that the person whose records are to be inspected will be summoned to appear in the proceedings for which the order is made. So, he gets a blister, and he knows that his records have been investigated, so the judge need do no more. In the second instance, however, within two years of having issued the order the judge must cause notice of his having done so to be given to the citizen who is the subject of that order. This notice must be in material form; it must be a written document and delivered by, say, registered mail, or by hand. The third mechanism is dealt with in new subsection (2b)—and I take it that we are taking them cognately.

The ACTING CHAIRMAN: If the honourable member wishes them to be taken as a whole, that is quite in order. Is that what you wish to do?

Mr. LEWIS: Yes, it is. The third mechanism which is dealt with under new subsection (2b) relates to the general public, and is a check and a balance for the benefit of the public.

It ensures that, by separate mechanism, namely, a notice in the *Government Gazette,* the number of orders is published. That thereby ensures that the police, through the medium of the Attorney-General, have the responsibility of advising the public of their part in the process so that, whether it is an officer from the Police Force or an officer from the Corporate Affairs Commission who does the investigation, or whether it is an investigation into a suspected fraud or some other criminal misdemeanor in the administration or maladministration of the affairs of a company, or abrogating responsibility in that role as the administrator of a company, or whether it is to do with breaches of the Act relating to prostitution, drug

trafficking or any similar measure—

Mr. Millhouse: I wonder why you mention that subject.

Mr. LEWIS: I can't imagine. I wonder whether, for any reason whatsoever, any officer charged with the responsibility of investigating possible crimes, once approval is obtained, would find himself accountable through the Attorney-General through this mechanism. Hence, the number of such orders in total that are issued will be readily seen, because they will be published at least once a year in the *Government Gazette*. The public will be able to detect any change in the number of orders that are issued to inspecting officers, and the public will be able to see whether such change involves an increase or a decrease, as will members of Parliament, who will be able to question Ministers of the Crown to obtain information about any change in the pattern, if, in their opinion, there happens to be any significant change.

Having explained the effects of the amendments and the way in which they will function in the public interest, I now return to the first aspect of the amendment that I discussed earlier, and I will consider it in some detail. I refer to the purpose of the amendment. The explanation that I have given further reinforces the reasons for and the benefits of this amendment, which I am sure will compel all honourable members to support it. Certainly, it is in keeping, in part, with the sentiments expressed by the member for Playford. Its purpose is to ensure that no citizen will have his privacy invaded without his knowing about it.

Most of us, but perhaps not all of us, are sensitive about some aspects of our past experiences of life, whether commercial experiences or other experiences. We have all made mistakes and judgments which, with the advantage of hindsight at some later time, we wish we had not made in quite that way. Such decisions very often relate to how we spent or obtained our money, how we might otherwise be engaged in "getting and spending" (to quote Wordsworth). As the Bill now reads, without my proposed amendments, no-one would know whether his private banking records had been investigated or even whether an application to investigate them had been made. As the Bill now stands, it simply provides greased rails through all banking records.

As I said at the outset, no-one wants to see the proliferation of white collar crime, I am sure of that; therefore, none of us would countenance a suspect being told, or, more importantly, a police officer advising his suspect, that someone was conducting inquiries and making investigations.

Even the simplest of us knows that individuals under suspicion, if guilty, would immediately cover their tracks and destroy the evidence, if they were given prior notice of an investigation. That is neither the intention nor the effect of my proposed amendment: it merely provides that, after authority to examine the personal bank records of any citizen has been given by any judge of the Supreme Court, and after the authorised officer has had the opportunity to conduct that investigation, the citizen is advised, regardless of whether or not he or she is found to be engaged in suspicious, indictable activities.

The effect of this amendment will not impede or otherwise restrict the legitimate purpose of the Bill, which is to simplify the means by which not only white collar criminals but also those guilty of other misdemeanors before they are found to be guilty can be brought to book and convicted of a crime. My amendment simply protects the rights and the interests of the citizen so that he will know that his privacy is being invaded and, furthermore, it protects the police and the investigating officers and, more importantly, it protects the Judiciary. The Supreme Court judges authorise searches of personal records, and they are protected of ever being accused of using unnecessarily or unwisely the power given to them in this Bill, and we must be mindful of the benefits that accrue to them in their position because of this amendment. The judges are protected, and even the Government of the day is protected from accusations of unwarranted invasion of privacy, which might otherwise be undertaken for mischievious reasons.

At present, the Bill does not contain any clause that accompanies those clauses that give authority without giving responsibility and accountability. As the Bill stands at present, neither the Government of the day, the Supreme Court judges, nor the investigating officers can be held to be above suspicion, or of using the powers provided in the Bill for purposes of obtaining information about individual citizens that could be unjustly leaked to the public and, thereby, assassinate the character of private citizens about whom such information has been obtained from financial records in this way. The purpose of transactions made by any individual at any time in that individual's life is not disclosed or apparent on a simple examination of the figures of the transaction. Why did we buy this? Why did we seek that advice or service? It is not apparent from a mere examination of the figures on paper.

In time, attitudes change and, hence, there is a risk that the background reasons for a simple transaction made at an earlier time may be misconstrued by mischief makers. I do not imply that officers in this State who are responsible for investigating and bringing criminals to book are corrupt, devious or incapable of exercising responsibility and discretion in the performance of their duties. I do not imply, by my amendment, that they should not have that power, nor do I imply that any special magistrate or judge in this State is necessarily corrupt or incapable of exercising his judgment in such matters of jurisprudence. I simply seek to ensure that they are not corrupted as a consequence of being given these or any other powers by this Government, at least while I am a member of it, and, what is most important, that none of the Supreme Court judges now or in the future can be tempted to become indiscreet under the terms of the amendments that I propose as they would apply by amending the effect of the Bill.

The public should know that, as responsible members of this Chamber, we have done everything possible to make the laws and thereby ensure that the public can feel that their interests and their privacy are protected, and also that we, as members of this Chamber, have, to the best of our ability, further ensured that our Police Force and the judges on our Supreme Court bench can continue to enjoy the high reputation they have established in this State since it became self-governing.

I value highly all of those conditions to which I have referred. I have seen the consequences personally of taking accepted practices for granted in other countries, and I am sure you would know, Mr. Chairman, as well as every other member in this Chamber knows, that we took for granted the practices invoked by one Adolf Hitler when he took the same powers unto himself during the mid-1930's. I have seen the situation in other countries where such officers, once given the power, whether they be police or the Judiciary, have been tempted or even coerced, by threats to their families or to their personal future, into succumbing to temptation, and they have abused the trust which the community had allowed them under the terms of the law which the Government had mistakenly, or perhaps intentionally, passed, with obscure meaning and not containing any accountability.

Under the terms of that law, they had been allowed that

trust. Those practices, as they developed, were inadequately spelt out in the law for which they were responsible, and I have personally seen and I know people who have experienced such injustices, and I have been myself the subject of those injustices. We are all fallible, all human, and the law merely ensures that, regardless of our roles and responsibility in life, we will be accountable for our actions.

This amendment will make everyone more comfortable. It will have the effect that the powers to invade our privacy and our personal liberty, which are at present intended to be changed by this Bill, will never be abused. As it stands, there is that risk, a real risk, and I have seen it happen elsewhere. I defy any member in this Chamber to tell me that it cannot happen here and that, if it did happen, we could all take to the hills. I know, Mr. Chairman, that by the time it did happen you would well and truly, Sir, along with other members and myself, have long since taken to the hills. In those circumstances, the power of this institution to protect the rights of individual citizens would long since have been taken from it.

Mr. McRAE: First, I want to correct a false belief held by the Minister of Education. He believes that legislation such as this is already present; it is not. The section he mentioned refers to legal proceedings, but this is not a legal proceeding; it is something which anticipates legal proceedings. If it is a question of legal proceedings and a judge may order that a party take copies of bankers' books, and the like, that is part of the normal transaction of inspection of documents, but this is not the case at all. I am sure the law officers would agree with this. This is a new procedure altogether, having nothing to do with the existing procedures in the Evidence Act. It is, for the first time, to enable the police, without any legal procedures at all, without any charges, but just on a reasonable suspicion that there might be an offence, to apply to a magistrate, as it presently stands, to take all these (what I consider) noxious steps.

Be that as it may, the difficulty that faces me is this. The member for Mallee, I am sure, is very well intentioned in what he is trying to do now, but a most confusing situation confronts the Opposition. If one looks at the first amendment proposed to be moved by the member for Mallee, one sees the tremendous difference between that and what he is moving tonight. The Opposition was in basic accord with what the member for Mallee was first trying to do, but it seems to me that the Liberal Party has got to him and muscled him out of a situation which his conscience had put him in and for which, I am sure, he fought hard.

The current situation is that on file we have the first amendment of the member for Mallee which provided that, where an order was made by a special magistrate under the section and the person against whom the order was made was not summoned, notice had to be given to that person within 30 days. There was also provision for publication in the *Gazette*. The Opposition was not totally happy with that, and proposed to strike out "30 days" and insert "forthwith". This is an extraordinary situation akin to that in Iron Curtain countries and the like where, under cover of darkness, an order is made which can vitally affect the rights of the private citizen, ruining his image, his career, and his reputation, and he receives no notice at all under the existing provisions.

The member for Mallee went on to provide that he would receive notice within 30 days, but the Opposition was not happy with that, and on file it placed an amendment that he should receive notice forthwith. The member for Mallee has now moved (and this was circulated only during the dinner adjournment) the complex amendment which is now before us and which he explained very well, but which makes it quite clear to me that he has been got at by the Liberal Party and has been pushed aside so that he has had to compromise his true position. How any member of the Liberal Party could support this amendment, which makes the whole situation perhaps even worse, I do not know.

This is adding horror upon horror. This last complex amendment provides that, where an order has been made authorising the inspection of banking records, and where that person was not summoned to appear in the proceedings in which the order was made, the judge shall cause written notice of the order to be given to that person within two years after the date of the order, or such lesser period as may be determined by the judge. Two years! Is there any common sense at all in that? At least in the first instance the member for Mallee had the courage to say that at least within 30 days—

The ACTING CHAIRMAN (Mr. Russack): Order! I ask honourable members to be seated.

Mr. McRAE: In relation to his first amendment, the member for Mallee had the courage to demand that at least within 30 days the ordinary citizen being investigated by the police should be told of that investigation. Now, that person could be having his bank books rifled through and checked and inspected for two years. It is almost unbelievable. Still no charges need be made, after a period of up to two years. I do not comprehend how members of the Liberal Party could ever accept that that was a just situation. In what circumstances could it possibly be that the police would need two years to determine a person's guilt or otherwise? What difficulties would there be to that person who could, like Mr. Sinclair, be innocent? What are the consequences to that person while all this goes on?

The situation, in mechanical terms, is that the Opposition wants to move the amendment originally moved by the member for Mallee, striking out the words "within 30 days". The intent of the Opposition is that the amendment just moved by the member for Mallee be amended. We agree with his suggestion, and it is a good one, that the matter should go to a judge of the Supreme Court, but we seek to provide that the person against whom the order is made be advised forthwith. As I have had this amendment in front of me only since the dinner adjournment, I move:

> That progress be reported and the Committee have leave to sit again.

Question—"That progress be reported and the Committee have leave to sit again"—declared negatived.

Mr. McRAE: Divide.

While the division was being held:

Mr. EVANS: Mr. Chairman, I withdraw my call of "No".

The ACTING CHAIRMAN (Mr. Russack): The honourable member for Fisher has sought leave to withdraw the call for a division. Is leave granted?

Leave granted.

The ACTING CHAIRMAN: The division is called off.

Progress reported; Committee to sit again.

FOREIGN JUDGMENTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 October. Page 1597.)

Mr. CRAFTER (Norwood): The Opposition supports this measure. It is the result of a request from the Government of Papua New Guinea to assist that Government in the enforcement of certain judgments of

the superior courts of that country and, in particular, judgments with respect to the evasion of taxes due to that country, particularly income tax avoidance. This matter was referred, quite rightly, to the Standing Committee of Attorneys-General, and as a result of the deliberations of that committee there has been agreement to a limited acceptance of the request of the Papua New Guinea Government. Whilst it would have been desirable for the Attorneys in their discussions with that Government to agree to a much broader principle, they have at least agreed to accept in our courts judgments of the courts of Papua New Guinea with respect to income tax avoidance.

Once again, we are seeing in this measure that the Government is bringing forward a Bill that is not in any way urgent, and this side of the House must assume that the Government is scratching around in the desks of its Ministers to find Bills to bring before this House to keep it sitting. I say it is not urgent, although it covers an important subject, because we are the first State, as I understand it, to have introduced legislation to enforce such judgments, and there was, at the Standing Committee meeting, as I understand it, considerable disagreement between the States with respect to this type of legislation.

We can now, I suppose, wait for many months (indeed, probably years) before agreement can be reached between all of the States, and this State will have this legislation enacted, no doubt, but it will not be brought into force until agreement is reached between all the States. In fact, the Papua New Guinea Government has not itself enacted reciprocal legislation, so there is indeed no urgency about this matter. When we hear that the Government has some 100 Bills to bring before this Parliament, one wonders why the time of the Parliament is taken up with a measure of this type, and one can only comment that it is a fill-in measure.

One cannot treat sympathetically those persons who go to New Guinea, earn income there and then come to Australia to avoid having to pay that tax which is due in Papua New Guinea to the Government of that emerging nation, so that it can do with that money the important things that a Government of such a country has to do. Therefore, it is important that persons cannot escape their responsibilities to that Government. One can assume that there are many Australian nationals who have gone to New Guinea, who are in this category, and whom the Papua New Guinea Government are seeking. It is undesirable, if this is to be enacted right around Australia in a very limited form (that is, with respect only to income tax), that other persons who have used this technique of change of domicile to avoid payment of or defrauding of the revenue of another country can continue to avoid meeting that obligation.

We on this side of the House would have hoped that the Attorney had had an opportunity to convince his brother Attorneys that there is a need for a much broader measure than the one we have before us this evening. It appears that he was not successful in that, and I notice that the Governments of the States where succession duties have been abolished were not prepared to enforce judgments for the avoidance of succession duties in Papua New Guinea because they thought that was a conflict of principle: if they, in their State, had no succession duties, why then should their courts enforce the succession duties of another country?

I would suggest that we are in a special relationship with the nation of Papua New Guinea in that we have quite considerable financial commitments to that country to assist it in these emerging years. The ability of that country to enforce judgments, such as those that are envisaged by this Bill and others to which I have referred, is very important to the way in which that country is considered by those who go there to work undoubtedly to assist it in that emerging status to which I have referred. By not accepting a more complete approach to the enforcement of those judgments, we are in fact lowering the status of Australians in other countries with respect to that country, and that is not a desirable situation.

There are a number of questions to be answered with respect to the way in which these judgments will be enforced in this State—questions relating to priorities in bankruptcy, from what courts in New Guinea these judgments will be accepted, and the like. I notice that these questions were raised with the Attorney-General in another place, and he has attempted to answer them. At times he has not been able to answer them fully or he has undertaken to seek further information, and I will not go over those areas of doubt again in this House.

However, I note that there are still practical questions in the enforcement of this measure that concern the Opposition. With those comments, I indicate that the Opposition supports the measure.

Mr. EVANS (Fisher): I have become concerned recently at the moves which the States are forced to take, with common legislation with other States, and at times with the Commonwealth, and this is another example of that type of legislation. Each and every one of us is elected to represent a group of electors within the community, and most of us are affiliated with a Party, but that aside, the problem we have with uniform legislation is that its structure and content are virtually a *fait accompli* before we have considered as individuals. I believe it is a trend about which Parliamentarians should be concerned, particularly State Parliaments.

With regard to this legislation the problem is only minor, compared to the position we may face with other uniform legislation, particularly under the Companies Act and that area of legislation. I am convinced that, within a short time, there will be moves through the Parliamentary process that, before Attorneys-General agree to any uniform legislation, at least by some method it comes back before the Parliament, or some part of Parliament, other than the political party or the Cabinet, so that other than those who are in control, through the Executive, have some input before it is brought before the Parliament. We all know that we can set out to amend legislation, if we disagree with it. I do not disagree with this legislation, but I know the opportunity is there to amend it. However, it is a waste of time to attempt to amend legislation in one State, if all the other States and the Commonwealth are different. The input should take place earlier.

Regardless of what the Party structure may be, in a country where there are two main Parties and another significant Party contributing to a coalition in the Federal scene and in some States, this type of legislation is really brought before Parliament with no fruitful opportunity to amend it. I was made aware of general concern about this aspect recently; I know that the member for Playford was present at the time. I know that he does not necessarily disagree with the attitude I am expressing, although he may not totally agree with it.

In supporting the Bill and recognising that it is a trend towards uniform legislation only slightly different from what other States may be intending to introduce, I point out that this Parliament should become concerned at the amount of uniform legislation being introduced and our virtually being told that, because a meeting of Attorneys-General has agreed, we should agree. I have no conflict with my own Attorney-General. I believe that the

Parliamentary process has, to a degree, been bypassed, or is being forced into a position of having to accept legislation. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

Mr. CRAFTER: In respect of which courts of Papua New Guinea will judgments be enforced in this State? This matter was raised in another place, and the Attorney-General undertook to ascertain this information.

The Hon. H. ALLISON: I have not had specific information on this point from the Attorney-General, but I understand that the existing South Australian foreign judgments legislation covers judgments from any court, with the possible exception that, in some courts, judgment is deemed to be registrable and judgment proof is not deemed to be necessary, but it has been registered.

Clause passed.

Remaining clauses (4 and 5) and title passed.

Bill read a third time and passed.

EVIDENCE ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 1828.)

The ACTING CHAIRMAN: Although the honourable member for Mallee has moved all of his amendments together, it will be necessary to put the question on the amendments separately, since the honourable member for Playford has indicated that he wishes to move an amendment to new subsections (2a) and (2b). The first amendment of the member for Mallee is as follows:

Page 2, line 42—Leave out "Special magistrate" and insert "judge of the Supreme Court".

Mr. McRAE: The Opposition has no objection to this amendment, because in our view, if this type of proceeding is not going to happen, obviously it would be better for it to be dealt with by a Supreme Court judge rather than a special magistrate. Therefore, we do not oppose this amendment.

Amendment carried.

The ACTING CHAIRMAN: The question now is the amendment of the member for Mallee, as follows:

Page 3, lines 1 and 2—Leave out "special magistrate" and insert "judge".

Mr. LEWIS: The word "judge" in this context is in clause 7 and specifically refers to that judge of the Supreme Court to whom the application was made. I am not a lawyer, but I have been assured of that by the draftsman. That is why "judge" and not "judge of the Supreme Court" is stated.

Amendment carried.

The ACTING CHAIRMAN: The question now is the amendments of the member for Mallee, as follows:

Page 3—

Lines 6 and 7, leave out paragraph *(d)*.

Line 9, leave out "subsection" and insert "subsections".

Amendments carried.

The ACTING CHAIRMAN: The question now is the amendment of the member for Mallee, as follows:

(2a) Where an order is made under this section authorising the inspection of banking records relating to the financial dealings of a person, and that person was not summoned to appear in the proceedings in which the order was made, the judge shall cause written notice of the order to be given to that person within two years after the date of the order, or such lesser period as may be determined by the judge.

(2b) The Attorney-General shall, before the 31st day of March in each year, cause to be published in the *Gazette* a notice setting out the number of applications made under subsection (1a) during the preceding calendar year.

Mr. McRAE: I move to amend the amendment, as follows:

Leave out all words after "judge" in the fifth line of proposed subsection (2a) and insert "shall within 30 days after making the order, cause notice of the order to be given to that person".

(2b) The Commissioner of Police shall, in each month, cause to be published in the *Gazette* a notice setting out—

(a) the number of applications made under subsection (1a) during the preceding month;

and

(b) the names of the judges to whom the applications were made, and the number of applications made to each judge.

I indicate that the rest of the amendments are opposed by the Opposition and we seek to reinstate, by my amendment, the original amendment that was proposed by the member for Mallee, that is, that within 30 days after the making of such an order by a judge of the Supreme Court, the person against whom the order is made should not notified of it. The reason that the 30-day period is picked is somewhat arbitrary and was decided upon basically because, while it is true that whilst most of us would like to see the word "forthwith" there, the fact is that it would probably be impossible to give notice of the order forthwith in the sense of actually making the person against whom the order was made aware of it. Accordingly, the 30-day period is to be considered as merely a shielding period within which certain things will happen.

Within that 30-day period there will be an opportunity to give the bank customer against whom the order is made notice of that order. This is not to be seen as an acknowledgement by the Opposition that there should be any weakening of the arguments that we have advanced as to leaving a situation where the records of the ordinary citizen are being investigated without his knowing about it and a situation where that person can incur all the injustices to which I referred earlier. The member for Mallee is to be congratulated on his earlier amendment. I think he was perfectly correct. I think the conduct of the Liberal Party has been deplorable, because obviously the member for Mallee has been forced to deviate from what was the proper course of conduct which he established in the first place. This is even worse coming from a Party which seems to advocate liberty of the subject and seems to advocate the free votes of its members. We have proof tonight that that is a comedy.

In fact, so far as the Opposition is concerned, this whole area deserves a great deal more consideration. I suppose the effect of this matter is that, whichever of these amendments is carried—and hopefully one of them will be carried, because it would be a total disgrace if neither were carried—this House will have been able to intervene and demonstrate to the other place (which hopefully will soon be abolished) that it will not idly stand by while the rights of the citizens are trampled on in this fashion. The member for Mallee is to be congratulated for taking the initiative that he did, and the action of the Liberal Party is to be deplored for forcing him away from his very correct judgment.

Dr. BILLARD: I am utterly amazed at what the Opposition is doing tonight: it proposes a complete and utter reversal of what it has stated throughout the past several years. Members opposite have paraded themselves

in front of the community as being most concerned about white collar crime, which is very difficult to track down and very difficult to pursue. The member for Elizabeth, who has said so much on this issue over the years, is not in the Chamber tonight.

The Hon. R. G. Payne interjecting:

Dr. BILLARD: He must surely be embarrassed at what is being said here tonight by the Opposition. It is a complete and utter reversal of its stand. Instead of wishing to assist those who pursue white collar crime, members opposite want to tie their hands so that their task will be impossible. Let us pursue that subject. Members opposite well know that at this very moment officers are pursuing matters that affect some companies and have been doing so for over a year, but still they cannot get their hands on the information, because the processes are so slow. Some of my constituents have contacted me, asking why the Government has not done something about this matter if it knew that something fishy happened over a year ago. The law is such that it is difficult to obtain the evidence, and that is the whole point of this Bill—to give the officers the power to obtain the evidence before it can be destroyed.

What does the Opposition do? Because members opposite believed that they might have been able to divide the ranks of the Government or somehow exploit a division of opinion within the Government, they have reversed their stand; they have thrown their stand out the window. I wonder how they can go back to their supporters and the trade unions and say, "We will pursue white collar crime." It would be impossible for them to do so if they pursue this amendment, which aborts their previous stand. The amendment would bind those who wish to pursue these matters, and members opposite know full well that it would take a lot longer than 30 days to pursue matters of this kind because many of them are very complex and take a long time to pursue.

While we wish to preserve the rights of people as much as possible, we also wish to preserve the rights of those in the community who are being exploited by people who practice such crimes. In all cases, we must strike a balance point, and in this case, we know, and members opposite know, that it takes a lot longer than 30 days to pursue these matters. The Opposition knows jolly well that, if its amendment was accepted, the whole effect of the Bill would be so diminished that we might as well not have it. I cannot understand what the Opposition is doing, unless it is simply trying for the short-term gain of embarrassing the Government and trying to exploit a supposed division of opinion within the Government ranks.

In the long term, the Opposition has undermined its own stand in regard to its attitude to pursuing white collar crime. I believe that the amendment that has been moved by the member for Mallee is a fair amendment, which strikes a reasonable and proper balance between the two competing rights—the rights of those whose activities are investigated, and the rights of the public to ensure that such crimes are pursued through to their rightful conclusion. Far from weakening the Bill, the amendment is proper, but the amendment to the amendment, which has been moved by the member for Playford, is an abrogation of the Opposition's stand.

Mr. PETERSON: I always thought that our system of justice allowed that a person was innocent until proven guilty, and therefore it seems odd to me that a man who is innocent but who is under investigation is not told about this investigation for two years. There is no justice in that. I assumed that there would be automatic notification in two years, and this is not covered in the amendment.

I point out that white collar crime is on the increase—we all know that. It is becoming the big crime of the 1980's and it will become bigger. If a person is a criminal and if people are being disadvantaged or robbed because of his activities, and if he is told within 30 days, he will know that he is under suspicion, but if he is not told of an investigation for two years, how many more people will he rob and disadvantage? Some people have been disadvantaged because of the collapse of finance companies in which they truly believed. I question the words "notification forthwith", but I will be guided by the legal people in this Parliament. I cannot support a two-year leeway for anyone who is a criminal.

Mr. CRAFTER: The remarks of the member for Newland were absolute nonsense and must be corrected. The honourable member attempted to be mischievous and to attribute to the Opposition motives that just do not exist. This measure has nothing to do with power or effectiveness of investigative officers of the Government, particularly officers in the Corporate Affairs Commission. I have worked in that office and I have prosecuted in this regard and, therefore, I understand some of these issues.

This amendment concerns the rights of an individual who has had his banking books investigated. It is a question of whether that person has a right to know that officers have investigated his financial affairs. The Opposition believes that such a person has a right to know at some time after the event that authorisation has been given by a judicial officer. Presumably, sufficient evidence would have been given to that officer for him to authorise the investigation of the financial affairs of a person or corporation.

The Hon. R. G. Payne: It's an investigation.

Mr. CRAFTER: Yes, it is an investigation and a fact-seeking exercise. Anyone who has had that indignity, as it may well be, forced upon him has a right to know about it, and the Opposition believes that very sincerely. Advertisements in the newspapers a few weeks ago told people that the Labor Party would initiate an inquiry into wealth tax and that it would look at people's bank books. The Liberal Party was outraged by that. Here was a Government authority wanting to obtain information about people's wealth, and here are members of the Government who say that they want to do exactly the same thing, but they do not want to tell anyone about it for two years. This shows the hypocrisy of the Government in respect to this matter.

The person whose affairs are being inquired into is not given an opportunity to come before the judge and state his case. That is important, particularly in the investigation of corporate crime. The member for Newland has suggested that, if a person is given notice that his bank books or his records contained in the bank vaults or elsewhere in the banking system have been seized, somehow he will be able to come along and falsify that evidence or obstruct the course of justice. These days, most records are contained in computers or on microfiche, or in some other way, and are not accessible to the client of the bank. They cannot be destroyed, and it is contrary to the Banking Act and other laws to do so. It is nonsense to suggest that a person who is being investigated could go to a banking institution and in some way obstruct the course of an inquiry. Those records are there for all time.

Undoubtedly, there are some problems where groups of companies are involved that flow from one to another and the investigation leads from one to another. So, it appears that members of the Government are prepared to forgo the rights of people to pursue matters. If that was the case, and if we add two years to each of these investigations, it would go on for many years.

The member for Semaphore raised what I consider an important point. Once an investigation has reached the

stage where bank books are seized (and I suggest that that is getting towards the final stages), a great deal of work has been done before the seizure of the books, and certain information has come to the Corporate Affairs Commission regarding the areas in which an investigation can be conducted. The information available to the Government in relation to multiple directorships and involvement in other companies, and other affairs, is known before the seizure of the books.

It is no doubt the practice of the commission to obtain as much information as possible at one time. It is not going off on a wild goose chase, getting the bank books, going off and carrying on like that. It is much more scientific, more properly planned. Once all the known books of a possible offender have been seized, I would suggest that that is a great deterrent (and that is the point the member for Semaphore raised) to a continuation of perpetration of crimes of this nature. These crimes are not committed like armed holdups or some other offences of the moment; they are carefully planned and conducted scientifically over a long period.

Once the whistle has been blown, the game is usually up. I suggest to members opposite that one of the greatest difficulties the Corporate Affairs Commission faces is finding the person it believes to be the perpetrator of these offences, because inevitably those people flee the country. This is one of the great problems faced in white collar crime. These people accumulate large sums of money because they realise that, once the Corporate Affairs Commission or the police find out that a fraud or some other offence has been committed, there will be a long proceeding, which will bring their business activities into some degree of disrepute. They know that, if they have been defrauding their shareholders or other people in the community, that will be found out. I think that the heavyhanded attitude of members opposite is quite inconsistent, and it will not be effective.

Mr. Oswald: How would you catch the Barton family with your attitude?

Mr. CRAFTER: I do not understand.

Mr. Oswald: It took two years to catch the Barton family. If we go along with your philosophy, they would have complete immunity.

Mr. CRAFTER: I am saying that the biggest problem that investigators have in this area is that, once people have an inkling of what is happening, they flee the country.

Dr. Billard: So, support our amendment.

Mr. CRAFTER: I would have thought that a notification of one month would alert these people much more quickly to the fact that they were being investigated, and therefore injunctions could be taken to stop them from leaving the country. If it is left for two years, these people have no criminal charges laid against them, they are free to leave, and they do so. When official notice is given, two years later, they are in some other country.

Mr. Ashenden: You are supporting our views, then?

Mr. CRAFTER: No. I am saying that this is a totally impracticable approach.

Mr. Ashenden: What if there is more than one company involved?

Mr. CRAFTER: I thought I had explained that clearly. The attitude of the Government in relation to corporate crime has been deplorable. In the late 1960's, it closed down the Commercial Investigation Section of the Prosecution Branch of the Crown Law Department, when the member for Mitcham was Attorney-General. It was an unpopular section of the Government, and it was closed down. I would not be surprised if the work done by the Corporate Affairs Commission is not given a great deal of priority in years to come, and we see with like Governments in other states not very much enthusiasm for the prosecution of white collar crime.

Dr. Billard: I suppose that is why we are passing legislation to give it more teeth.

Mr. CRAFTER: I suggest that this legislation, like all the other legislation we are receiving, has been in the pipeline for a considerable time. We are finding in times of economic downturn that we see more clearly the effect of white collar crime. Officers in the Administration who are working in this area would be demanding of the Government that the laws in this area be tied up. I suggest that members opposite should look at the history of their Government's approach to white collar crime, because it is not a very pleasant one. I think the member for Newland clearly does not understand how this sort of crime operates and how the criminals work. To try to justify this denial of notice and no doubt this public alerting, not just of that person but of the whole community, of that investigation is quite contrary to basic criminal justice as we know it in the common law world.

Mr. EVANS: The member for Norwood amazes me. He is saying that he supports the Government's point of view but that he will vote against it. The member for Playford is attempting to amend the amendment of the member for Mallee, which provides that a person, within two years after the date of the order, must be given notice that an investigation is taking place. That is the maximum period. The member for Semaphore and Opposition members have been talking about the maximum period when they know that there is provision for any lesser period that may be determined by the judge. If a judge believes that after a month, 20 days, or 15 days there is no need to withhold from the person the information that an investigation is taking place, the judge can say that the person can be informed.

The reason why 30 days is not satisfactory is that it is just not long enough. It is not possible, as the member for Norwood has suggested, that an injunction can be taken out within that period against a person who may be planning to leave the country. The Government is trying to suggest that, in 30 days, there might not be sufficient evidence to warrant the taking out of an injunction. Once a person is informed that an investigation is taking place, he can skip the country. There is no chance of pinning him down; he has gone.

There is then the great problem of trying to catch up with them somewhere else, and difficulty is experienced with some countries which will not extradite them to Australia. We all know that my Party's philosophy basically is one, as much as possible, for the preservation of the individual's rights, but which individuals are the most important in the community—the 40, 50, or 100 individuals who may have been taken for a ride by some corporate criminal or even some person who may be suspected of such crime? Let us be honest: a judge has to have it proven to him or her first that there is a necessity for the department officers to get their hands on that investigation.

Mr. McRae: That is not so.

Mr. EVANS: Of course he does. He has to give that order before it can be done. We know that the departmental officers will not move into the area of trying to get access to people's private papers unless they can be reasonably sure that something is wrong. They will make mistakes, we know, but on average they will be reasonably accurate in their assessment. If we do not give them that opportunity, we know that, with white collar crime, people operating in that field now are so clever, so cunning, so intelligent as shysters that through normal

processes we cannot catch them. We all know that. In particular nowadays, in the field of the computer, all sorts of things can go on, even in bank structures, and we need to be sure that we give the opportunity to these officers. The member for Norwood admitted quite clearly, that, where more than one company is involved, there may be some problems. He knows, and, we all know in this Parliament, that that is exactly where the major problem lies—where there is a multitude of companies, 20, 30 or more, not all within one State because they are interlocked, with more than one bank account in the name of an individual or individuals.

We all know that in the community now there are people in the corporate area of crime, about whom we have some doubts because of the complaints of constituents, that departmental officers are trying to investigate, but that they are running into a blank wall because they cannot get access to papers quickly enough. If persons about whom the department is suspicious get any inkling, they start shifting things from one company to another, and even from one country to another. As much as it may appear to be an infringement of individuals' rights that his papers are investigated, that is not disclosed to the public, as was suggested in a way by the member for Playford when he was talking about the Sinclair case. If he wants to talk about a situation where people are accused of something and the evidence is published in the paper before they are found guilty, and the press more or less sets out to condemn the person first by the evidence given to convince the community that a person is guilty before the final evidence is taken and a decision is given, that is a different field, and I would support any member who brings into Parliament a Bill to deny the press the right to publish any evidence until a person is found guilty or innocent.

Mr. McRae: Good idea.

Mr. EVANS: I will support that. That is the sort of thing the member for Playford was talking about when he mentioned the Sinclair case. That is a different field from that which we are talking about, and that is where we need to amend the law. In this case, the information is not being made available to the public; it is being made available to departmental officers to carry out an investigation into what may be considered a serious white collar crime. I believe that, if somebody goes through our papers and finds we are innocent and there are no public statements about it, no harm is done, but if you are wrong you pay the penalty. We are protecting the overall majority, and to some degree infringing on the individual's rights, but I believe there is absolutely no alternative, and the 30-day provision is doing exactly the same thing.

I ask members what is the difference with the investigation and not telling the individual for 29 days, 30 days, or two years? Why do we not leave it to the judge to make the decision, if there is a necessity to inform the individual, and no risk in informing the individual earlier? The person can be informed in five days if the judge so wishes. There could be a maximum of two years, if the crime is so serious and the complication so great that the officers need that time to carry out the investigation to protect a multitude of people, not just one or two involved in the suspected corporate crime. I support the proposition of the member for Mallee quite strongly, and I believe that he has gone as far as possible in covering both aspects of the two principles involved.

Mr. LEWIS: I oppose the amendment to my amendment, wherein 30 days would be the limit imposed, within which time a judge would have had to advise the citizen concerned of the fact that he had authorised an investigation of that citizen's account. My reasons for doing so are fairly simple.

In the first instance, I concede that I overlooked the nature of the judicial officer as delineated in the Bill, knowing little about the relationships and roles of judicial officers. They are simply described as a special magistrate or judge. We now have this situation where it is a Supreme Court judge, and that is important in the context of the length of time that is allowed, because it is more likely that a Supreme Court judge will attend to those matters that relate to civil liberties of the citizen about which they are allowing an officer of a law enforcement agency to sift for evidence.

Everywhere else in the criminal code we specify maximum sentences or maximum penalties, other than in the Road Traffic Act, but, as a matter of general principle, we leave the discretion to the judicial officer. This is more particularly the case in all matters that can come before a Supreme Court judge where an alleged crime is being tried. They are, therefore, not only exemplary officers but also well skilled and experienced in exercising that discretion, and that discretion, as it relates to the amount of time, less than two years, within which they will decide when to advise a citizen, is to my mind fair when it is balanced against the need for this detailed unravelling of corporate white collar crimes.

I have earlier referred to the necessity for this Bill and the amendments that I have proposed to make it possible for crimes other than white collar crimes to be investigated and the criminals brought to book, where it will be possible as a consequence of the amendments that I have moved for criminals who have been involved in drug-running to be brought to book, where they have been involved in illegal activities of being a pimp, or in any other such malpractice that relates to transactions of money. I have no doubt whatever that, if a Supreme Court judge is exercising that responsibility of determining how long he or she shall take before advising the citizen, the judge will do it within no longer a time than is necessary and justified.

I doubt that it would take two years in any but a very few cases for the advice to be given to the citizen in the event that an action is not brought against him. This measure is essential, nonetheless, to ensure that we do not get a crook Attorney-General in any future Government at some future time (certainly not in this Government) who sets about appointing a tame magistrate, gets a bent cop and slops greased rails through everyone's bank records, obtains that information illicitly, and leaks it to the public selectively and unofficially where it is possible to impugn the character of the private citizen. That has happened elsewhere in the world to date, to my knowledge, and as part of my experience. That is why it is necessary to amend the Bill, but it is nonetheless necessary to give discretion to the Supreme Court judge to decide how long he ought to allow the investigating officer before advising the citizen that he has authorised an examination of the citizen's personal records. That is why I have decided to include in my amendment two years, and not 30 days.

Mr. CRAFTER: I repeat again the importance of the amendment moved by the member for Playford and say to the Committee that, when charges are being considered against a person who is alleged to have committed an offence, those charges relate to a date that has passed, and that is necessary before any successful prosecution can be launched. So, we are talking about a time that has passed, and investigators are seeking information about the events surrounding that time. The prosecution is built around the events that have taken place in the past. So, an investigation of bank books is not a fishing expedition to

find out evidence for offences in the future. Although I imagine that the member for Newland thinks that banking books can be tampered with in some way, they are permanent records which cannot be tampered with by a client, for example, or even by people within the banking system itself.

Mr. Lewis: You can get them all back.

Mr. CRAFTER: I doubt that very much. The situation we are referring to is the collection of evidence by investigators about events in the past. By the time the investigators come to inspect and seize banking records, they have a substantial amount of evidence in their possession. They are looking for precise information. The banking books do not contain information about interlocking directorates or companies or anything of that nature. They contain the banking transactions conducted by an individual or by a company. I cannot see the great evil that Government members see that will obstruct these investigators in the course of their duty. They are investigating circumstances of events that have happened in the past. So, I think it is very important to see that the bank records are not the panacea, as such, of a successful prosecution of bringing in all the evidence. They are necessary evidence that must be brought before the court in order that the prosecution can proceed. They are an element in the investigation. They are a basic or primary document in the proof of an offence, but they are not the source whereby a great deal of information is found. They do not tell the investigators—

The Hon. H. Allison: You've got to be joking.

Mr. McRae: He has worked in that department.

The ACTING CHAIRMAN: Order!

Mr. CRAFTER: If the investigators are going to rely on evidence contained in banking records to obtain prosecutions, they will never get any prosecutions in the court, because 90 per cent of the investigative work is done surrounding those transactions or the affairs of the company. Because of the very nature of white-collar crime, the records of banks are meant to appear to be normal legal transactions. Who, if a criminal, will leave tracks behind him in bank records, which, on investigation, will show that a crime has been committed? Of course he will not. These are highly skilled technicians who are evading the law. They do not leave footprints through bank records, and the investigators know that. That is not the panacea of all the information being sought. It is a primary document which helps the courts to understand one of the steps in the process of the commission of a crime.

Government members have perhaps not understood the prosecution process or where banking records fit into these investigative processes. To let these matters run for two years, which is the maximum under the Bill, will aid, rather than stop, the offender. I know that Government members think that, in order to take out an injunction to restrain a person from going overseas, you have to have charges laid, but that is not the case. A person can be restrained by injunction from going overseas, without charges being laid.

Dr. Billard: You have to have sufficient information to obtain the injunction.

Mr. CRAFTER: Yes, you have to have sufficient information before you go searching people's bank books or company bank books. That is just one of the primary steps in the proof of an offence. By the time you have reached that stage, and collected your evidence, you no doubt have sufficient evidence to convince a court that this person can have charges preferred against him, and there is a prima facie case. One of the values of a notice being given within 30 days to a person whose books have been checked is that it is a deterrent, because of the complicated nature of white-collar crime. That, in my mind, would be sufficient justification, without the very practical things I hope I have explained with some clarity to the Committee.

The Hon. H. ALLISON: I find it difficult to believe that the member for Norwood can come up with two such diametrically opposed arguments. The first time he spoke, I believed that he was literally taking the address I was about to give some time ago. His entire argument was almost completely supportive of the argument that the Government was presenting. I believe he has had a rethink of his position, and come up with a slightly different point of view with his latter expressions. Surely, the whole point of this amendment, which the Government is pleased to support, lies in the intention of the—

Members interjecting:

The ACTING CHAIRMAN: Order!

The Hon. H. ALLISON: I remind the member for Unley that the man who never changed his mind never changed anything.

This piece of legislation is addressed not towards the everyday private citizen but towards the people who are liable to perpetrate those very complex white collar crimes. I think it is significant that here we are arguing against one another when in fact an Attorney-General of the former Government drew the attention of the House to the fact that white collar crime was increasingly prevalent, and that his Government was on the lookout across the world to obtain and devise ways and means of slowing down and preventing white collar crime. The Liberal Party was quite clearly pledged to do that and guaranteed that when it came to office it would take steps to crack down on the wealthy white collar criminal who was being aided and abetted by legislation which delayed people who were investigating to such an extent that it was increasingly easy for such a criminal to skip the country, given the sort of notice that investigators must give at present.

It is significant that such organisations as the Corporate Affairs Commission employs highly qualified lawyers, accountants and Commonwealth policemen on secondment, policemen who are sworn to secrecy under the terms of the existing Evidence Act. They cannot disclose those things they have learnt in the course of their duties.

Mr. McRae interjecting:

The Hon. H. ALLISON: There is no way of establishing word-of-mouth leaks, irrespective of where they come from. It is essential that these Corporate Affairs Commission employees have the right of swift access to those important documents that are the very basis of investigation into modern corporate crime, namely financial records. Whether the bank records are of the significance that the commission suspects will only be evinced after inspecting them. Perhaps some companies are sufficiently aware as not to leave footprints through the banking records; we acknowledge that. The Corporate Affairs Commission should have access, not just through a magistrate who would be placed under tremendous stress had we left it to the magistracy as the decisive body, but through Supreme Court judges, people who are among the most highly respected persons in the land, the heads of one of the three tiers of Government. We place the responsibility in their hands, and they would obviously have to be convinced by a sound argument that it was in the best interests of justice that such an order be given by them. They would not take such things lightly. Therefore, to say that the man in the street should be afraid of this legislation is grossly exaggerating the situation.

Mr. Langley: He should be afraid.

The Hon. H. ALLISON: He should not. Even if a

Supreme Court judge looked at my records, I could not give a damn, and I am prepared to make a statement of interests to the Committee.

Mr. Langley: Why should they be able to do it?

The Hon. H. ALLISON: It all depends just how guilty or innocent a person is. There was another fairly snide comment (it was probably more of an open comment) that was made in reference to the fact that any number of Sinclair cases could come before the public. I would suggest that that is a bit of a red herring, because the Sinclair case was not in line with the legislation we currently have before us. The background to that is that a private document was leaked, for whatever motive, to a senior member of the New South Wales Cabinet. That person, the Attorney-General, used his Ministerial discretion; he used the privilege of the House to decide (and surely there was some presumption of guilt in that instance)—

Members interjecting:

The Hon. H. ALLISON: There, Ministerial discretion was used to bring a case before the courts.

Mr. Langley: Now you are definitely joking.

The Hon. H. ALLISON: I am not joking at all. The cases are not aligned. This is a case where a Supreme Court judge (not an Attorney-General politically appointed), someone aloof from politics, is given the authority to decide. I suspect that the member for Unley is smirking at my inference that Supreme Court judges are aloof from politics. Let me say that I believe that very often an appointment of that nature makes the man and removes him from politics. That is my estimate, irrespective of which side of politics made the appointment. The position makes the man.

Mr. Langley: You're joking again.

The Hon. H. ALLISON: No, I am not joking at all. As I said yesterday, I have great faith in Australia's judicial system. The member for Playford is seeking to place an obligation on the judge who makes an order for inspection and the taking of copies of banking records, to notify the person, whose records are being inspected, that the order has been made. In other words, he is instructed to notify the person, to alert him to the fact, that probably, the Corporate Affairs Commission has good grounds for suspecting malfeasance.

Mr. McRae: Has a ground, not necessarily good grounds.

The Hon. H. ALLISON: The Supreme Court judge would have to be satisfied.

Mr. McRae: Not to that extent.

The ACTING CHAIRMAN: Order!

The Hon. H. ALLISON: My faith still rests with the Supreme Court judge. If the honourable member knows his colleagues in the courts better than I do that is his privilege. I have said that section 49 (2) of the Evidence Act already empowers the judge or the special magistrate to make the order with or without informing the bank or any other party.

Mr. McRae interjecting:

The ACTING CHAIRMAN: Order!

The Hon. H. ALLISON: If the Supreme Court judge considers it is desirable for the administration of justice, for the bank or the bank's customer to be heard, he presently has that power, and built into the amendment that the member for Mallee has brought forward is still that power to decide within two years (it is mandatory within two years) whether to advise the person or persons that their records have been the subject of search. That order is made only if the judicial officer considers that it is in the interests of justice, and I think that is a critical point. The Government opposes the amendment to the member for Mallee's amendment.

Mr. McRAE: We have reached a point of total impasse. One of the reasons is that there is no Government member with any legal experience or judgment. The Attorney-General is not in this Chamber, and he sends out directions at long distance through his couriers, placing the Minister of Education in a most invidious position in having to deal with legal matters in which he has no legal training or experience. The member for Norwood has admission to the Supreme Court of South Australia and also the tremendous advantage of having worked in the Corporate Affairs Commission. He has explained that the Opposition's position is totally justifiable. To defeat the Opposition's amendment tonight will be a deplorable act on the part of the Government, and it will have to take the consequences of the things that will inevitably occur to innocent citizens. With regard to the position of the Supreme Court judge, I think he would be the very first person to say (and I, too, have respect for our Judiciary in this State) that the adversary system is the best. How, when every case has two sides to it, can one make a proper judgment when only one side of the case is put forward? Surely any honourable member would accept that.

The Committee divided on Mr. McRae's amendment to Mr. Lewis's amendment:

Ayes (17)—Messrs. Abbott, L. M. F. Arnold, M. J. Brown, Crafter, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae (teller), O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, and Wright.

Noes (20)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, Chapman, Eastick, Evans, Glazbrook, Lewis (teller), Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Wilson, and Wotton.

Pairs—Ayes—Messrs. Bannon, Corcoran, Duncan, and Whitten. Noes—Messrs. D. C. Brown, Goldsworthy, Mathwin, and Tonkin.

Majority of 3 for the Noes.

Amendment thus negatived.

The Committee divided on Mr. Lewis's amendment:

Ayes (20)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, Chapman, Eastick, Evans, Glazbrook, Lewis (teller), Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Wilson, and Wotton.

Noes (17)—Messrs. Abbott, L. M. F. Arnold, M. J. Brown, Crafter, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae (teller), O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs. D. C. Brown, Goldsworthy, Mathwin, and Tonkin. Noes—Messrs. Bannon, Corcoran, Duncan, and Whitten.

Majority of 3 for the Ayes.

Amendment thus carried; clause as amended passed.

Remaining clauses (8 and 9) and title passed.

Bill read a third time and passed.

ADJOURNMENT

The Hon. H. ALLISON (Minister of Education): I move:

That the House do now adjourn.

Mr. HAMILTON (Albert Park): I should like to direct my remarks to the matter of petrol sales in South Australia, a matter on which much has been said over many months in this State and Federally. Regarding the problems facing petrol resellers in South Australia, I should like to refer to a report in the *Advertiser* on 31 October, under the heading, "Plea for petrol sanity to save jobs", which states, in part:

"In the past 2½ years, more than 5 000 service stations have been forced to close. Those yet to go to the wall have been forced to sack their staff of five or more to one or none," he said. "This industry alone could cut our national unemployment by more than 75 000 full-time or part-time jobs". The secretary of the service station division of the S.A.A.C.C., Mr. Ray Smith, said he estimated more than 600 service stations in South Australia would have dismissed at least one of two full-time workers each and thousands of part-time workers.

Only last week I received a letter from a commission agent detailing his problems. I will not quote the company for which he is a commission agent, but his letter, dated 3 November, states:

It is practically impossible to exist today on the profit derived from the sale of petrol. The workshop in fact subsidises the driveway in most service stations. This, of course, tends to force up the hourly labour rate which must be charged for mechanical repairs.

In my site, I am fortunate that at the moment I can still employ a young girl (18) on the driveway and still maintain a small profit. However, I do not apportion any of the service station rent against the driveway. The rent is charged completely against the workshop. The following figures show the income and expenditure for the petrol sales part of my business for the month of September and October.

His income for September was shown as $1 260·40 for petrol, $60 for oil, $39·09 for kerosene, and $320 for distillate, a total income of $1 679·49. On the expenditure side: driveway wages (girl) $550, Saturday casuals $160, early morning casual $180, wife (petrol accounts and D/W) $220, 30 per cent electrical and insurance $200, cleaning materials $30, 50 per cent of telephone $10, motor vehicle $100, interest on bank $50, stationery and postage $50, and accountancy fees $50, giving a total of $1 600.

We see from these figures that the September profit for this commission agent was $79·49. In October, his income from petrol sales was $1 328·06, for kerosene $7·71, for distillate $368, and oil $72, giving a total of $1 775·77. His expenditure for October was driveway (girl) $550, Saturday casuals $160, early morning casual $180, wife (petrol accounts and D/W) $230, 30 per cent of electrical and insurance $200, cleaning material $30, telephone $10, bank interest $50, motor vehicle $100, stationery and postage $6, staff amenities $20, and accountancy fees $50, giving a total of $1 586, so that his profit for October was $189·77. These figures are related to all rent being against the workshop and his income out of the workshop. The letter continues:

This is from a 5.30 a.m. opening till 6 p.m. Monday to Friday, and a 5.30 a.m. opening till 2 p.m. Saturday. The reason for the early morning casual is that my main customer from Port Adelaide has a fleet of trucks which I maintain and I have to be free to go to any breakdowns at any time. The early morning casual knocks off at 9 a.m., the starting time of the driveway girl.

A major problem for many service station operators (and myself) is that the oil company maintains total control over the wholesale and retail prices charged at individual sites. Therefore, they also have absolute control over the dealer's profit margin and income. In today's market it would be a rare occurrence for the dealer to sustain a business on petrol sales alone, for the simple reason that the oil companies simply do not allow any excess of staff or any excess of profit.

There have been many cases reported where the oil company has reduced the dealer's income, thereby forcing a reduction in staff. The majority of dealers' wives now actively assist in the day-to-day operations of service stations by necessity—not very good where young families are concerned.

In February this year, the Premier stated that the petrol companies would stop their price war or else—and they are doing the "or else". In August (I think), the Premier stated that, if the Fraser Government did not act on the Fife package, he would—a cover up behind Big Mal. The petrol package passed by the Government has helped the lessee with its three-year leases.

But the commission agents 29 Ampol sites have nothing except that they get first offer on the site when and if it goes back to a lessee station, that is, if it has not already gone bankrupt. Many of us held on to our staff hoping the Bill would assist. Like hell it has. People say, "Why stay on?" Well after 20 years in service station land what becomes of your equipment when the petrol companies are on the squeeze and at least trying to make an income is a little better than being on the dole. If profit margin does not increase within a month I will be forced to retrench the driveway girl.

I might add that it is all right for members opposite to jest about this, but it is certainly not a jesting matter as far as I am concerned. The letter continues:

In October I sacked the mechanic because of workshop bad profitability mainly caused by the rent and all my income coming from those sources. I now have to do the workshop repairs with the apprentice during the day and bookkeeping after closing at night and weekends.

It is signed by the person who sent that to me. He goes on to say:

My taxable income for the last year was approximately $120 per week.

The SPEAKER: Order! The honourable member's time has expired.

Mr. RANDALL (Henley Beach): I have a little bit of advice for the member for Albert Park: he would have been better to table the letter and get on with what he wanted to tell us. I want to talk about an article published recently in *Australian Politics* No. 5 which was written by Don Lawson and Vance Merrill and which was headed "What should unions be doing?". I believe this will encourage members opposite to listen and maybe encourage some debate in the future. There are four questions that I would like to quote here postulated to unionists and non-unionists. The first is, "Do you think trade unions have been a good thing in Australia or not?" The answers detailed were "Good", "Not Good", or "Undecided". The figures were: 82 per cent of unionists believed they were good; 64 per cent of others believed they were good; 13 per cent of unionists believed that unions were not good; and 26 per cent of others believed they were not good for Australia.

The second question was: "Generally speaking do you think trade unions in Australia have too much power or not enough power?", and the detailed answers were "Too much", "Not enough", "About right", and "Undecided". The figures were: 58 per cent of all trade unionists believed that trade unions in Australia have too much power; 73 per cent of all other people, that is non-unionists, believe that trade unions have too much power; "About right" was given by 27 per cent of unionists; and 17 per cent of other people believed it was about right, also. Quite clearly there is concern among the majority of people in the community that trade unionists have too much power. The third question was: "Which line best describes your feelings about strikes?" The choice of answers was: "Too many", "About right", "More often" and "Undecided". The figures were: 76 per cent of unionists believe there are too many strikes in Australia; 87 per cent of non-unionists believe there are too many strikes in Australia. At this stage in this evening and in this week that point is relevant, bearing in mind the number of

strikes now increasing in South Australia. I intend to speak about that later.

Mr. O'Neill: We had the best record for industrial tranquillity in Australia until you lot took over.

Mr. RANDALL: I will talk about that in a minute; I will tell you why it has changed since we took over. You just listen. The fourth question was: "Speaking generally, do you think trade unions should or should not support a political Party?" The figures were: 28 per cent of trade unionists believed they should be supporting a political Party; 22 per cent of non-unionists believed there should be support for a political Party. But here is the crunch: 66 per cent of unionists disapprove of support for political Parties, and that includes the A.L.P. And 68 per cent of all others disagree with support given to political Parties by trade unionists. The member for Florey said that since the Liberal Party has come to power strikes have increased. I say that the reason for that is that the Trades and Labor Council is telling the unions to strike and cause this Government embarrassment. Members opposite, as part of that council, are manipulating those unions, and are part of the railway strike already, because they are telling people to take up petty issues, such as those raised in the past few days, and embarrass the Government. The workers are being manipulated into going on strike. That is the problem of being an employee in a union today. They are being manipulated from the top by the Trades and Labor Council, by the shop stewards. They are being told what to do as an employee. They do not have an opportunity to tell the union what they want to do. They are told to strike, because that is what happens at strike meetings. The recommendation to members of unions is that they go out on strike, and the reason is that the A.L.P. wants to embarrass the State Liberal Government. That is the reason.

Mr. Langley: Haven't you got a vote?

The SPEAKER: Order!

Mr. RANDALL: Yes, we have a vote. In South Australia at the present time, according to tonight's *News*, there is transport chaos as a new strike hits. This is one of the new strikes orchestrated in the past week. There are the prison officers' strike, the hospital workers' strike, ticket collectors' strike, and now the air refuellers' strike. These strikes are being orchestrated to embarrass the Government in South Australia. Members of these unions are being manipulated by the A.L.P.

Members interjecting:

Mr. RANDALL: I know what it is like. I was a Government worker. I was a member of a trade union. I know the tactics unions use: they want to embarrass the Government of the day.

Members interjecting:

The SPEAKER: Order! The honourable member for Henley Beach does not need assistance from either side.

Mr. RANDALL: What better way to cause embarrassment to the Government than to get employees out on strike. The problem for any employee in a trade union, when he is told to go out on strike—

Members interjecting:

The SPEAKER: Order!

Mr. RANDALL: They do not want to hear it. The problem is that, when employees are told to go on strike, they are told to do so, and that if they dare to disobey the directive all sorts of pressures are brought to bear, even a black ban.

Mr. Langley: Is there a vote on it at all?

Mr. RANDALL: Yes, there is a vote on it. If you vote against the general move in your union, all sorts of pressures are brought to bear. I know what sort of pressures they are because they were brought to bear on me, because I dared to defy my own union in some cases. I was told that, if I did this action, I would be taken before the rules committee of the union and under the union rules I would be black-banned.

Members interjecting:

The SPEAKER: Order!

Mr. RANDALL: If I did not go out on strike when I was told to do so, I would have to pay a fine, as would other members who might have decided to support me on that line. Many times I did that—

Mr. O'Neill: You're saying that under Parliamentary privilege. You don't say it outside the House.

The SPEAKER: Order!

Mr. Hamilton: No guts.

Mr. RANDALL: You can say I have no guts. You forget that I did stand against my union publicly on some issues. My union took no action because it was scared to do so. It did not want to highlight the fact that it had a rebel unionist amongst its number. In fact, it had a significant number of rebel unionists who wanted to see the union changed. They wanted to stop being manipulated by the executive. That is the sort of problem we find here today.

Mr. Langley: Would you take the benefits if you weren't a member?

The SPEAKER: Order! The honourable member will resume his seat. I have already given sufficient warning to members on both sides of the House, particularly on this occasion members on my left, and I ask that there be no further interjections.

Mr. RANDALL: That is the problem the Minister of Transport faces today when he is trying to conciliate a working agreement with the railway workers. He is trying to get that union to agree to get back to work. The people in the electorate of Henley Beach have complained to me because their normal mode of transport to the city, being rail, has been cut off.

They have been deprived of that normal public service that has applied to them over the past months. They can no longer board the train in the morning and travel comfortably into the city of Adelaide to work. I believe that, if the union members knew what the Minister was doing, that he is prepared to put their case before Cabinet, and that a special meeting is being called for next Thursday to discuss staffing problems, they would be happy to go back to work, because they would have confidence in what the Minister is attempting to do. I wonder why they continue this strike, and why they are continually facing this hardship whereby they have lost a week's salary. Have the members of the Railways Union lost a week's salary? I ask the member for Albert Park: Have the members of your former union lost a week's salary, and for what cause? Let us look at the cause. Why should members of the Railways Union lose a week's salary?

Members interjecting:

The SPEAKER: Order! I warn the honourable member for Unley and the honourable member for Albert Park.

Mr. RANDALL: The member for Albert Park believes that the strike is democratic. I believe that the executive has decided to strike, and that the union does not have the support of its membership. Unfortunately, I have almost run out of time, but I turn now to hospitals and look at the staff situation there, where a strike is being manipulated and workers are being encouraged to strike to embarrass the Government.

The SPEAKER: Order! The honourable member's time has expired.

Mr. SLATER (Gilles): I was surprised and rather disappointed this afternoon when I read a report in today's

press which stated that the Federal Minister for Transport (Mr. Hunt) had announced a programme for spending $43 000 000 on the Perth Airport. The report, headed "Uplift for Perth Airport", states:

> The air traffic services centre and the control tower are part of a $43 000 000 modernisation program for the airport.
>
> The Federal Transport Minister, Mr. Hunt, said the program included a new international terminal and conversion of the existing terminal for domestic use at a cost of about $26 000 000.
>
> The new international terminal was scheduled to be completed in 1984, but to provide relief until the new terminal was operational, works were currently under way on improvements to the existing international terminal . . .
>
> A further $2 000 000 would be spent on extending the runway for international operations, expanding paved areas and servicing sites to allow expansion of aviation activities.
>
> Mr. Hunt said Perth airport was becoming an increasingly important terminal in Australia's busy international and domestic aviation system. In 1974, Perth air traffic control handled 52 988 aircraft movements in controlled airspace.

I do not deny the people of Western Australia the opportunity to improve their airport facilities, but I remind the House, and particularly the Premier, who is not present in the Chamber, that Adelaide is the only mainland capital that does not have the facility of an international airport. I refer again to a report in the press of 28 April that states:

> The Premier, Mr. Tonkin, is to make further submissions to Canberra on international air travel facilities for Adelaide as a "matter of urgency".

It would appear that the announcement made today by the Federal Minister (Mr. Hunt) has been a complete slap in the face to South Australia and the Premier. It appears that priority has been given to Perth, which already has facilities for international flights, whereas Adelaide has no such facilities. Last April, the Premier, when making his representations to the Federal Minister, is reported to have said:

> However, he intended to follow these up immediately with a claim for international status for Adelaide Airport.

He said that, if his proposals failed in that regard, submissions had been lodged for an international airport north of Adelaide. I am rather confused, and I am sure that the public are confused, by the attitude the Government has adopted on this matter, because a further report on 17 June, headed "Airport to stay as is: Wilson", states:

> The State Government will not develop an international terminus at Adelaide Airport.
>
> The Minister of Transport , Mr. Wilson, said last night it was not the Government's intention to disadvantage West Beach residents by allowing such a development.
>
> If Adelaide were to have an international airport, present proposals were to build outside the metropolitan area where traffic curfews would not have to apply and noise levels would cause minimal discomfort.

Personally, I could not agree more with the comments of the Minister of Transport which, no doubt, are not in accord with the comments made by the Premier previously.

I have been advocating for the past 12 months or more, and have backed that advocacy by presenting a petition through my Federal colleague, Mr. Jacobi, to the Federal Minister for Transport, that serious consideration should be given to Adelaide's having an international airport located on the northern Adelaide plains. I believe that this is the only long-term alternative to having an international airport. I believe, as Mr. Wilson has said, that the problem that exists with the location of the airport at West Beach relates to the curfew and to airport noise, with aircraft sometimes having to break the curfew in emergencies. I do not live in that area, but I am sure that members who represent people who live in that area would be able to tell me that they have had complaints from residents about the frequency with which the curfew has been broken.

I believe, as I have said, that the priority now being afforded to Perth is unfair. After all, we have seen that the Brisbane Airport, which also has the opportunity to have international arrivals and departures, has been upgraded, I understand, to the tune of well over $100 000 000. I also understand that Townsville, in northern Queensland, will be developed as an international airport. I believe that the Premier ought to make further submissions on South Australia's behalf, on behalf of the State that he claims he represents so well, and that those submissions should be made to the Federal Minister to ensure that Adelaide and South Australia get a fair go in relation to airport facilities. I notice that the member for Morphett is nodding. I hope that he will support me, and I hope that the members who represent people in the western suburbs will support me, because I think that the only solution is to resite the airport outside Adelaide on the northern Adelaide plains.

I refer to the northern Adelaide plains because of a committee that was set up in the early 1970's, which took some five years to report and which was comprised of, if I remember correctly, representatives of Federal, State, and local government authorities. The committee reported quite conclusively that the best alternative site for an airport within Adelaide was the northern metropolitan area, in the Two Wells and Virginia locality. The building of an international airport would provide the opportunity for extensive employment, not only in the actual building of the airport but in all the associated road works, the tarmac and all of the work involved with a large structure of that nature. I hope that the Premier will protest on behalf of South Australia to the Federal Minister about the fact that Perth is to receive preferential treatment at the expense of Adelaide, and to the detriment of travellers of this State and, of course, the tourist industry in South Australia.

Motion carried.

At 10.21 p.m. the House adjourned until Thursday 6 November at 2 p.m.