HOUSE OF ASSEMBLY

Thursday 20 November 1980

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

PETITION: MEAT TRADING

A petition signed by 51 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 was presented by the Hon. Jennifer Adamson.

Petition received.

PETITION: PROSTITUTION

A petition signed by 20 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 was presented by Mr. Mathwin.

Petition received.

QUESTIONS

The SPEAKER: I direct that the written answer to a question, as detailed in the schedule I now table, be distributed and printed in *Hansard*. I also indicate that questions relative to agriculture or forestry will be directed to the honourable Minister of Industrial Affairs.

GOLD COINS

In reply to **Mr. ABBOTT** (5 November).

The Hon. D. O. TONKIN: The Collector Gold Coins have a face value of $200 but were offered for sale by subscription at $240, being the assessed gold content value at time of application, plus a small charge for packing, safe delivery and insurance. As agents for the issue to the public, banks were required to give value to the Reserve Bank prior to delivery to subscribers. Consequently, they obtained payment in advance. Some delay occurred in despatch of coins from the Australian Mint. Delivery to bank branches began on the week commencing 27 October 1980 and was expected to be completed over a period of three weeks.

HIGHGATE PRIMARY SCHOOL REDEVELOPMENT

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Highgate Primary School Redevelopment.

Ordered that report be printed.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (The Hon. D. O. Tonkin)—

Pursuant to Statute—

Police Regulation Act, 1952-1978—Directions to the Commissioner of Police—Order-in-Council by His Excellency the Governor.

MINISTERIAL STATEMENT: SPECIAL BRANCH

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

Leave granted.

The Hon. D. O. TONKIN: On 18 January 1978 certain directions relating to the operation of Special Branch were issued by His Excellency the Governor-in-Council to the Commissioner of Police in accordance with section 21 of the Police Regulation Act. That Order specified the grounds on which records may properly be kept by Special Branch, directed the destruction of records which did not comply with those criteria, and appointed His Honour Mr. Acting Justice White as the person responsible for supervising the culling and destruction of non-compliant records.

Further provisions of the order related to staffing of Special Branch, and the relationship between Special Branch and the Australian Security Intelligence Organisation. On 11 June 1980 the present Government requested Mr. Justice White to audit the reconstructed files of Special Branch pursuant to paragraph 5 of His Honour's terms of reference dated 7 November 1977. Mr. Justice White has now completed that audit and reported that the records currently held by Special Branch are in conformity with the criteria established by the former Government.

Today, His Excellency the Governor-in-Council revoked the order issued on 18 January 1978 and issued a new order relating to the scope of activities which may properly be undertaken by Special Branch. The essential differences between the present and former orders are as follows:

1. The purposes and objectives of Special Branch have now been specified, whereas this reference was not contained in the earlier order. In general terms the task assigned to Special Branch requires that it shall be concerned with persons or groups whose activities are directed to terrorism, sabotage, or the overthrow, undermining or weakening of democratic government by unlawful means.

2. The manner in which Special Branch shall exercise its functions, which also was not included in the former order, is now specified in the new order. These provisions relate to the gathering, assessment and dissemination of information, and are explicitly limited to persons or groups who may reasonably be suspected of engaging in the activities already described.

3. Access to the files of Special Branch is now explicitly limited to designated officers of the Police Force, and mandatory provision is made for periodic inspection of the files by both the Officer-in-Charge of Special Branch and the Assistant Commissioner of Police (Operations). The purpose of these periodic inspections will be to cull and destroy those files which are redundant or no longer relevant.

4. Use of Special Branch files for the purpose of providing security assessments of persons seeking employment is now explicitly limited to situations in which there is a statutory power to provide such information or, in the absence of such a power, upon receipt of a written application from the employer together with the written consent of the person seeking employment.

5. Finally, the audit of Special Branch files by a person other than a police officer, which was included in the order of January 1978, has been retained. However, the person so nominated is no longer to be a judge of the Supreme Court.

The Government has made this change upon the advice of the Chief Justice, which was expressed by His Honour in the following terms:

The Government has indicated that it was considering the institution of a procedure for the future whereby there would be a continuing judicial audit of the records of Special Branch for the purpose of ensuring their conformity with criteria to be specified by the Government. On behalf of the Government you requested me to make a judge available for that purpose on a continuing basis.

Having considered all aspects of the matter, I have reached the conclusion that it would not be appropriate to do so. The considerations which apply to a continuing audit are quite different from those which applied to my predecessor's decision to make a judge available for a specific inquiry and for duties in connection with the implementation of the recommendations of that inquiry. The Police Department is part of the executive branch of government and the Special Branch is an executive operation. In my view, the continued involvement of the Judiciary in the supervision or auditing of an executive operation would tend to impair the separation which ought to exist between executive and judicial functions. Public confidence in the Judiciary's independence of the executive Government might be diminished. Moreover, the activities of Special Branch have been attended by considerable public controversy, and controversy of a Party-political nature.

There is no certainty that controversy will not attend the future activities of Special Branch. It is essential to the respect with which the Judiciary ought to be regarded by all sections of the community that judges should not be involved in functions which might result in such controversy, unless the public interest renders such involvement inescapable. For these reasons I regret that I am unable to accede to the Government's request.

In the circumstances the Government has sought the services of another person whose probity is beyond question, and is pleased to announce that the Honourable David Hogarth, Q.C., formerly the Senior Puisne Judge of the Supreme Court, has accepted the Government's invitation to inspect and report on the files of Special Branch at least once each year. The Order-in-Council has been tabled.

QUESTION TIME

QUARRY INDUSTRIES LIMITED

Mr. BANNON: Can the Premier say whether the Government has contacted the rival interstate groups struggling for control of the South Australian based company, Quarry Industries Limited, to tell them that the company's 550 jobs must not be put at risk and to require an undertaking that South Australian employment will be maintained when the company is taken over? What other contact has the Premier had with these groups.

It was reported in the *Advertiser* on 7 November that Boral Limited had made a major takeover offer for Quarry Industries and that Boral had guaranteed that no jobs would be lost. Yesterday, the *News* published an article under the headline "Has Quarry board made a tactical error?" and the article pointed out that the quick recommendation by Quarry directors of Boral's offer had left the company with no alternative but to accept the highest bid in the market place. The *News* article continued:

> Now, Quarry directors have little choice of whose hands the company passes into, because of their obligation to obtain the best deal for shareholders.

Other reports indicate that Pioneer Concrete Services Limited, Readymix Concrete and Bell Basic Industries all could be bidding for Quarry Industries.

The Hon. D. O. TONKIN: It is not the Government's intention to enter into any properly conducted takeover offer of the sort that has been undertaken. However, I can report to the Leader of the Opposition and to all members that I have received an assurance from the Chairman of Quarry Industries, who would be known to the Leader, that he has in turn received an assurance from Boral Industries, at least, that it intends to continue on with the activities of Quarry Industries in South Australia, and that indeed, there is prospect for expanding other activities. The jobs to which the Leader refers are, of course, vital to South Australia and I am well aware of the importance of them. At this stage I have been informed of no reason for any intervention by the Government. The matter is being kept under close watch by officers of the Department of State Development, and that will continue to be so. I repeat, at the present time it appears that the operations of Quarry Industries will continue on and, indeed, there is every prospect that they will expand and that further employment will be created.

TOURISM REPORT

Mr. OLSEN: Has the Minister of Tourism had any response from regional tourist organisations to the report of the review into the Department of Tourism, and its recommendations for the establishment of a strong professional regional tourism structure? Concern has been expressed by some members of regional associations that the report recommending the establishment of a professional structure will undermine or render ineffective the significant voluntary contribution made by individuals within those regions.

The Hon. JENNIFER ADAMSON: Yes, yesterday there was a presentation of the review report to SARTO, that is, the South Australian regional tourist organisations, and also to the Government Tourism Advisory Committee by the tourist consultants, Rob Tonge and Associates. I understand that the presentation was extremely well received and that the regional tourist associations are delighted that at long last the enormous amount of honorary voluntary effort that has been put in by people working in the tourism areas in the regions has been recognised as being extremely important. I can assure the honourable member that the voluntary input, if the recommendation of the report is adopted by the Government, will continue to exert its considerable influence by virtue of the establishment of regional boards.

However, it has been demonstrated that, with the best will in the world, the regional organisations are really pushing uphill without any professional back-up, and of course the recommendation of the report to establish regional managers will provide that professional back-up and will take a great deal of the load off those people who work in an honorary capacity.

In referring to people who have worked in an honorary capacity in the past, I would like to pay a tribute to the work of the late Mr. Harry Dowling, who was President of SARTO, and who died early this week. He will be very sadly missed in the tourist industry. Harry Dowling spent a large part of his life in recent years working for the development of regional tourism, and he did this through sheer effort, enthusiasm, and determination to demonstrate to people in his own locality, namely, Yorke Peninsula and, in the wider sphere, Eyre Peninsula, and

subsequently throughout the whole of the State, that parochialism must be subdued if tourism is to be effectively promoted, and that people must work together in the regions.

His colleagues recognised this when they elected Harry Dowling as President of the association, and in that capacity he did a great deal to motivate voluntary effort, to encourage people to be more professional in their approach, and he provided an example of enthusiasm and determination which has definitely helped regional tourism in South Australia to get its act together. It is sad that he did not live to see this recommendation or to see it adopted and implemented, but I feel sure that the recognition given by the report to the importance of regional tourism would have meant a great deal to him. I hope that those who worked with him in the South Australian regional tourist organisations will next year have more good news in terms of the willingness of the Government to adopt some, if not all, of the recommendations. Already, the association welcomes the $120 000 grant provided to the regional organisations. If the boards are to be established, and if regional managers are to be appointed, then I think regional tourism will take off in South Australia in a way that would have made Harry Dowling very glad indeed.

PRIVATE CONSULTANTS

The Hon. J. D. WRIGHT: Will the Premier initiate an inquiry, either by the Auditor-General or the Ombudsman, into the huge sums of money being paid by the Government to outside consultants and, if not, why not? I have been informed that, since the Liberal Government was elected in this State, large sums of money have been committed to paying outside consultants, often only to duplicate the work of public servants. I have had reported to me several instances where public servants are virtually doing the work of consultancy personnel, who are often ill-equipped and ill-qualified for the work they are undertaking.

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

The Hon. J. D. WRIGHT: Certainly, I am trying not to. One senior public servant told me that the Government's pay-out of taxpayers' funds to consultants amounts to gross waste and extravagance. The number of consultancies offered to one firm, which I am told has ties with the Government, is particularly worrying to me. I am told that some of the fees are staggering and unjustifiable. The Government has been reticent on this matter and has yet to reply to specific questions asked about two weeks ago about amounts paid to consultants. Will the Premier allow a special inquiry to look at the books so that we can assure the public that taxpayers' funds are not being frittered away to pay off old debts?

The Hon. D. O. TONKIN: Yes, I will certainly deal with the Deputy Leader's question in some detail, and I shall be happy to do so.

The Hon. J. D. Wright: And you will agree—

The SPEAKER: Order!

The Hon. D. O. TONKIN: He has not yet made clear whether the inquiry he seeks should be carried out by departmental sources or by consultants.

Members interjecting:

The Hon. D. O. TONKIN: I would have thought that he would want departmental officers, because otherwise it would have cut across the direct thrust of his question. I am amazed that the Deputy Leader can stand in this House after we have seen tabled this week the most damning report on tourism produced by outside independent consultants, a report on tourism that was totally damning of his Government's activities during its time in office.

If there was ever any justification for this Government's moving into the use of private consultants to look at matters that are very necessary to be looked at in the public interest, that report on tourism shows clearly that it was necessary. The Deputy Leader cannot really be serious about this matter.

The Hon. J. D. Wright: I am, quite.

The Hon. D. O. TONKIN: It reflects badly on him, and that is all I can say. We have had the report on tourism, a major report which will be of enormous benefit to South Australia and which will be paid for over and over again in increased return not only directly to the Government but also to the people of South Australia.

The Hon. J. D. Wright: That's rhetoric.

The Hon. D. O. TONKIN: That is not rhetoric: it is the truth.

The SPEAKER: Order! This is Question Time. Questions of a serious nature have been asked of a Minister of the Crown, and it is my intention that there will be no interjection from either side of the House while the answer is being given.

The Hon. D. O. TONKIN: Thank you, Mr. Speaker. Obviously, there is a great need to tidy up much of the mess that was left by the previous Administration. The tourism report is a perfect example of what can be achieved. For the Deputy Leader to say that the return to South Australia on the money spent in preparing that report does not signify anything, and is only represented as rhetoric, is absolutely without foundation. It gives some indication of the lack of sensitivity that the previous Government showed to matters of responsible government that it should properly have undertaken, and the employment of experts and outside consultants is one such evidence of responsible government that it did not show.

Members interjecting:

The SPEAKER: Order! The honourable Deputy Leader has asked this question. There is no need for interjection from the honourable member for Gilles.

The Hon. D. O. TONKIN: We have had a number of inquiries and a number of consultants' reports which have been of inestimable value. We have had the Engineering and Water Supply Department corporate plan, which is now being put into operation; another one was for the Department of Agriculture, and the racing industry is another case that comes to my mind. Is the Deputy Leader suggesting that those matters have not been worth while or that what was done was not necessary? We have at present a consultancy into programme and performance budgeting. I know perfectly well that the Leader of the Opposition has shown clearly, by his statements in the House, that he does not understand what it is all about. Work will be done by Mr. Geckeler. I hope that the Leader will avail himself of the invitation I issued in the House yesterday to go along to a presentation on programme and performance budgeting that I hope will be made for all members. I hope that he accepts the invitation and, if he does, he may better understand what the Government is about and what programme and performance budgeting will mean to the financial affairs to this State.

The Hon. J. D. Wright: Will you have an inquiry?

The Hon. D. O. TONKIN: The Deputy Leader is, in my view, simply trying to make some sort of political capital out of his question. I was asked after this matter by a journalist, because I understand that the text of the question was released at about 12.30 today, as a statement

from the Opposition, so I had some warning that the Deputy Leader was probably likely to ask the question. I did not think that he would, having tipped his hand beforehand. The proof of the pudding is in the eating of it. The money that this Government is spending on consultancy fees is more than justified by the results coming out of it. There is no need for any specific inquiry.

Mr. Trainer: Donations!

The Hon. D. O. TONKIN: I resent and take great exception to the suggestion made by the member for Elizabeth.

The Hon. PETER DUNCAN: I rise on a point of order, Mr. Speaker. I made no imputation or allegation, nor did I open my mouth except to laugh at the Premier. I made no imputation at all, and I seek your protection in having the Premier withdraw the allegation that he has made.

The SPEAKER: I can assure the House, and the Premier, that the honourable member for Elizabeth on this occasion made no interjection, and I ask the honourable Premier to withdraw unconditionally the imputation on the honourable member for Elizabeth.

The Hon. PETER DUNCAN: I rise on a further point of order. There was the implication in your comment, Sir, that on this occasion I did not do something, as though there was another occasion on which I did, and I take objection to that.

The SPEAKER: Order! I do not uphold the point of order, and I ask the honourable member for Elizabeth not to be facetious.

The Hon. D. O. TONKIN: In that case, and following your assurance, Mr. Speaker, I am happy to withdraw the imputation and I transfer it to the member for Ascot Park. I resent very much the suggestion that was implied by the Deputy Leader and the comment of the member for Ascot Park about donations, which implies that, in some way, some improper practice is involved in the appointment by this Government of consultants. The Deputy Leader knows perfectly well that the appointment of consultants will be subject to scrutiny by the Auditor-General in the normal course of events, and that is properly as it should be.

For the Deputy Leader to suggest that these appointments are being made without thought of scrutiny by the Auditor-General is totally without foundation, and I reject that suggestion utterly. As to his suggesting that there is some form of consideration passing in the way of donations is a suggestion that I find, even for the member for Ascot Park, lower than usual. The Auditor-General will examine these matters in the normal course of events, but I point out to the Deputy Leader that, if he were properly to examine the programme and performance documents when they are brought in in the next Budget in a better form as the result of a good deal of work by consultants (and the Opposition's record in this regard so far is extremely poor), he may find all the information that he needs. Certainly, that is the aim of that particular consultancy.

WATER SUPPLY

Mr. ASHENDEN: Will the Minister of Water Resources advise the House of the present situation regarding the holding of water in reservoirs that serve the metropolitan area and say whether it is anticipated that substantial pumping of water from the Murray River will be required? Concern has been expressed to me that, in view of the apparent early start to the summer with the very hot weather we have already had, insufficient water may be available for a long and extended period of hot weather, and I would like to reassure my constituents on that point.

The Hon. P. B. ARNOLD: The present level of water storage in the metropolitan area is 71 per cent of the capacity, compared to 87 per cent of capacity at the same time last year. While the capacity is less than it was last year, I can assure the House that the metropolitan Adelaide water supply is safe in that pumping has already occurred from both Mannum and Murray Bridge. Once again, this highlights the dependency of not only South Australia but also of the metropolitan area of Adelaide on the Murray River as a key source of its water supply and from a quality point of view. It can be anticipated that substantially more water will be pumped from the Murray River to the Adelaide metropolitan area this financial year.

ABORIGINAL LAND RIGHTS

Mr. CRAFTER: Will the Premier tell the House whether he or any of his Cabinet Ministers have had communications with the board of the *Advertiser* about that paper's coverage of the Aboriginal land rights issue, and can he explain why he chose to go to the board, or whether his Ministers chose to go to the board, instead of to the editor, who is responsible for journalistic coverage?

Mr. Richard Yeeles, who, I understand, is the Executive Assistant to the Deputy Premier, in a recently reported speech said that the *Advertiser* had unfairly reported the land rights issue. I quote directly from what Mr. Yeeles is reported to have said:

> The *Advertiser* got right behind the former Government's proposals on land rights and took a very idealistic point of view.

The report also says that he gave the journalists off-the-record briefings, asked them to be patient and reasonable and tried to explain that the Government had the best of all intentions. Mr. Yeeles said that journalists covering the land rights story would not accept this, so eventually it had to be taken to a higher level, the editorial level, and in this case the board level. I ask the Premier whether this is true and does he agree with Mr. Yeele's description of the *Advertiser's* coverage of this important issue?

The Hon. D. O. TONKIN: Let me say at the outset that there was a period during which the Government was engaged in negotiations when rather more of one side of the story about the Aboriginal land rights negotiations was reported than another. That was largely because the Government had entered into an agreement that it would not publicise various matters until agreement had been reached, so that I cannot see the point of the honourable member's last question. In any matter relating to the newspaper, in any issue at all which causes us concern, we, as a matter of course (and I am sure the Leader of the Opposition follows this course; I know that his predecessors did and my predecessors did)—

The Hon. H. Allison interjecting:

The Hon. D. O. TONKIN: We certainly do not go to the length that one of my predecessors in this office is reported to have done. If we have any concern we normally go to the journalist concerned, sometimes to the Chief of Staff or the editor, but to my knowledge very rarely indeed have we discussed anything with members of the board. In fact, the honourable member should know that the board would say it has no control whatever over editorial policy, and I think that is probably a wise and desirable thing, the independence of the press being what it is.

I note that the member for Norwood talked about remarks having been recently reported. I think that what he should have said is that they were recently reported in

the Labor Party *Herald*, a journal which does not enjoy the same status and undoubted repute as that enjoyed by the *Advertiser* or the *News* or, indeed, the *Australian*. Mind you, honourable members on the back bench opposite might not totally agree with me there, but in my view the Labor Party *Herald* does not enjoy the same high reputation as those other journals, and I therefore find myself unable to take great cognizance of the matters raised by the honourable member.

MARION SHOPPING CENTRE

Mr. GLAZBROOK: Can the Minister of Planning say what stage has been reached in the Marion Shopping Centre draft supplementary development plan? I understand that the release of this plan is imminent, and many people in my district are anxious about and interested in this development plan, as it includes the provision of many additional facilities and trades which will add to the creation of and stimulus for additional jobs in my district. It has been said that this development will also greatly enhance the overall development of the area, which is bounded by Morphett, Sturt and Diagonal Roads. Can the Minister therefore indicate when this plan will be authorised?

The Hon. D. C. WOTTON: Yes; I am hoping that the supplementary development plan will be authorised soon. I am aware from discussions that I have had with the member for Brighton recently that he, along with members of the council and the community generally in that area, is keen to have the centre's draft plan authorised as soon as possible. The Marion council submitted its draft supplementary development centres plan to me, as Minister of Planning, back in August, and the draft plan was referred to the State Planning Authority for a report, as is the usual practice, following the usual period of public participation and comment that has taken place. The plan was referred to the State Planning Authority for a report whether it was in conformity with or was a suitable variation of the authorised development plan. I am pleased to say that at its October meeting the authority recommended that the plan be authorised, and I am hoping that in a matter of weeks this important plan (because it is an important plan, as the member for Brighton has stated) will be authorised and made available.

SPECIAL BRANCH RELATIONSHIPS

Mr. MILLHOUSE: Can the Premier say what, in future, is to be the relationship between the Special Branch of the Police Force and other Government bodies carrying out similar functions (and by that I mean other Government bodies outside South Australia, and, in particular, ASIO)? I refer to the document which the Premier tabled earlier in the afternoon, the directions to the Commissioner of Police made by an Order-in-Council this morning, to his statement, and also to the directions of 18 January 1978 which have been revoked by the Order-in-Council this morning. In his statement, the Premier said only this about ASIO (and he was referring to the previous, now revoked, order):

> Further provisions of the order related to staffing of Special Branch and the relationship between Special Branch and the Australian Security Intelligence Organisation.

He did not, in his statement, say any more about that matter. Looking at the directions themselves, I see that paragraph 2.2.6 is as follows:

> The Special Branch of the Police Force shall exercise its functions by maintaining liaison with other Government bodies carrying out similar functions to the Special Branch of the Police Force.

There is no other mention in the new instructions of ASIO, whereas in the old instructions, which have been revoked, paragraphs (7) and (8) are as follows:

> (7) The approval of the Chief Secretary shall be obtained before information gathered or held by Special Branch is made available to the Australian Security Intelligence Organisation, the Special Branches of other Police Forces, or any other organisations, group or individual.
>
> (8) Special Branch shall cease recruiting, paying, servicing or otherwise acting as intermediary for agents of the Australian Security Intelligence Organisation or any other organisation and shall act in all respects only as a branch of the S.A. Police Force established under South Australian Statute to serve the interests of the people of South Australia.

So, there were in the old instructions specific directions with regard to the relationship with ASIO.

Finally, I remind the Premier that one of the burning questions which arose over the controversy as to Special Branch was the supplying of information to ASIO, the relationship between the two, how close it was, whether there was an exchange of information, and so on. So far as I can see, that matter is left very much open and therefore open to abuse, depending one one's point of view, I suppose, under the present instructions. I ask the Premier, therefore, specifically what the relationship will be with ASIO and these other organisations.

The Hon. D. O. TONKIN: I am grateful to the honourable member for the opportunity of clarifying that position, if clarification it needs. I think, indeed, that, in reading out the section that he read, he has in fact answered his own question, inasmuch as there will be liaison and close co-operation in the exchange of information between the various bodies, moving from Interpol down through the Federal police to other State police bodies, and ASIO. I think the best way of explaining it to the honourable member is by saying that, if he reads through the guidelines for Special Branch, the Order in Council which have now been tabled, he will find without any doubt at all that the emphasis is entirely on terrorism and anti-terrorist activities. So, rather than those guidelines having been left wide open, the scope of the Special Branch activities has been very much narrowed down to specific anti-terrorist activities.

I think it is important to recognise (and I am afraid that we will see more evidence of terrorism in this country, regrettably, if we follow world trends, and there is no reason why we should not) that there is a great need to combat anti-terrorist activities. I certainly hope that we will be spared from them for many many years. Nevertheless, we must be ready. The activities of Special Branch will be directed specifically at anything at all which may indicate that terrorist activities are being planned or that people are under threat from terrorist activities. So, basically, the activities will be centred on terrorism as such. I think that probably answers the honourable member's concern. There will be an exchange of information between all of those bodies in regard to terrorist activities and anything that might suggest them, which I think is a very necessary thing in today's world.

GRAFFITI

Mr. OSWALD: Will the Minister of Transport issue an instruction to his department that will ensure that

pornographic graffiti which is adorning the waiting areas in metropolitan railway stations is removed as a matter of urgency? Common decency will not allow me to say here today what is written on those railway stations, except that I would perhaps suggest that what one sees nowadays in beachside toilets would be comparable. The graffiti depicts filth and is in areas where women and young children have to wait for trains, and I think public standards deserve something better. I ask the Minister whether he could get his department to investigate this matter urgently.

The Hon. M. M. WILSON: I thank the honourable member for bringing this matter to my attention. I will certainly have it investigated and, depending on the report I get, I will institute the instructions that he has sought.

RAIL DISPUTE

Mr. HAMILTON: Is the Premier aware of the remarks made by Commissioner Walker of the Australian Conciliation and Arbitration Commission concerning the handling by the Minister of Transport, Mr. Wilson, of the recent rail dispute? Does the Premier agree with the substance of the Commissioner's remarks, and, if so, will he ensure that in future the Minister is kept away from industrial matters.

On Monday of this week the parties in the rail dispute appeared before Commissioner Walker. A report of the hearing in the Adelaide *News* of 17 November began with the following statement:

> An arbitration commissioner today attacked the Transport Minister, Mr. Wilson, over his handling of the South Australian rail dispute.

The article went on to report that the commissioner told the hearing that the Minister needs to be told a few things. The Commissioner was also reported as saying:

> I object very strongly to being dragged out of very important talks in Sydney because the Minister, after two weeks, suddenly thinks it is a crisis.

Further, the commissioner said that he was upset that the Minister had gone over his head in going to the commission's President, Sir John Moore.

The Hon. D. O. TONKIN: A number of matters were raised in the honourable member's question, and I am grateful to him for bringing them forward, because there have been many misapprehensions, not the least of which have been those held by Commissioner Walker.

Mr. Hamilton: Are you saying that Commissioner Walker was wrong?

The Hon. D. O. TONKIN: Commissioner Walker was indeed in error when making that statement, and I think that this is an appropriate time to put the record straight. Commissioner Walker was in error when he said that it was the Minister of Transport who contacted Sir John Moore and thus went over the head of the commissioner. It was not the Minister of Transport but the Minister of Industrial Affairs, and it was a right and proper thing to do—one with which the honourable member might not agree, but certainly one with which most sensible and reasonable people would agree, because we have no resident commissioner; therefore, some action had to be taken to make contact and to make sure that something could be done to help resolve the dispute. In fact, the matter had become urgent. There was a great deal of concern in the community, not only about the fact that the trains were out but also about the fact that guerilla tactics were being used, with trains being taken out and brought back, some train services not running, with no warning, and the South Australian community in the metropolitan area was being put to considerable inconvenience and, in many cases, to considerable risk.

In those circumstances, I can think of nothing more urgent, and it was entirely proper for the Minister of Industrial Affairs to contact Sir John Moore and to seek urgent action on the issue. I regret that Commissioner Walker was not perhaps in possession of all the facts but I believe that there was a responsibility lying on him, if he intended to be critical of one of my Ministers, to acquaint himself with the facts before making such criticism.

PETRO-CHEMICAL PROJECT

Mr. BLACKER: Does the Premier consider that the statement attributed to Santos and appearing in last Saturday's *Advertiser* to the effect that Stony Point was being considered as an alternative site to Redcliff Point is an indication by industry that Redcliff Point is fraught with environmental hazards and, if so, what action is being taken by the Government to promote a site more acceptable to industry? The report in last Saturday's *Advertiser* states, in part:

> Initially, the coastal facility was being planned alongside the proposed Redcliff petro-chemical plant site on the east side of Spencer Gulf. But senior Santos officials told Mr. Anthony at Moomba they were now looking at another site on the western side at Stony Point, about 15 kilometres north of Whyalla, because of environmental problems and delays at Redcliff.

I ask this question to find out what Government assistance is being given to industry, not just to Santos but to other respected companies, in its quest for suitable sites for the establishment of new industries in South Australia.

The Hon. D. O. TONKIN: I regret that perhaps the member for Flinders was not in the House yesterday when I answered a question, I think from the Leader of the Opposition, on the matter of the report in Saturday's *Advertiser* relating to Stony Point. Perhaps I could refer him to the *Hansard* record, from which he would see that I had dealt at some length with the misunderstanding that was obviously the cause of the *Advertiser* report.

As to the specific point raised, there is as yet no decision whatever as to the siting of the l.p.g. terminal or any other. It could be at Stony Point, or Redcliff, or Port Stanvac. Studies are still going on in that regard. I am aware that the honourable member is concerned about the siting of any activity at Redcliff and that he is at variance with some of the expert opinion given to the Government in the form of environmental impact statements and assessments.

Nevertheless, he can be assured that the Government will not make any decision as to the siting of an l.p.g. terminal, a petro-chemical plant, or any other industry at Stony Point, Redcliff, Wallaroo or any other point on the gulf waters without taking into account all of the necessary environmental impact statements and assessments.

TOYO TYRES

Mr. SLATER: Is it the Premier's practice to give official patronage to industries that set up in contravention of local planning regulations? I understand that he was advised, before officially opening the Toyo Tyre premises at Dry Creek, that a local government land-use certificate had been refused by the Enfield council. Without such a certificate, occupancy of the premises is illegal. It has been

reported in the local newspaper circulating in the area that the council's senior planning officer advised the Premier that Toyo's occupation was illegal. There is also some suggestion in the report that the council might necessarily have to turn a blind eye, otherwise the Toyo concern might become offended and leave the State. This is a serious question, and I hope that the Premier does not carry on with his usual buffoonery.

The SPEAKER: Order! The honourable member must not comment.

Mr. SLATER: Does the Premier agree that laws and regulations that prove temporarily inexpedient should be ignored and, as Leader of the State, does he give his personal blessing on such occasions?

The Hon. D. O. TONKIN: I am grateful to the honourable member for asking this question, because this also gives me an opportunity to put a few facts on the record and, indeed, to make certain that the misrepresentations, which I now can understand are being promulgated perhaps by the honourable member, can be put right.

Members interjecting:

The SPEAKER: Order!

The Hon. D. O. TONKIN: If the honourable member wants to ask a procession of questions, no, of course I do not condone breaking the law, because that is what it comes down to. What I did, when I was asked to officiate at the opening of the Toyo tyre warehouse, which is quite a fine building and will be an asset to South Australia, was to take specific care, as is usual, to consult with the Mayor of Enfield, His Worship Mr. Amor, to ascertain exactly what was the situation.

I am reliably informed that the concern which had been expressed by a number of people in the Enfield area was misplaced. The activity was not one of retailing tyres, as has been suggested; it is a store, warehouse and depot for off-road and heavy-duty tyres. The reason for its establishment is that the Toyo company has a great deal of confidence in the future of the mining and resources industry in South Australia and in the Northern Territory: indeed, it is so convinced that the future of mining development in Australia will be centred on the North of South Australia and the Northern Territory itself that it believes that it has taken a very wise step indeed by moving to and establishing a depot in this State for that purpose.

Mr. Mathwin: That's probably why the member for Gilles is angry.

The Hon. D. O. TONKIN: I know that Opposition members do not like to see the sort of development that is going on in this State, because they thought that they had a monopoly on development, but they did not have a monopoly. It ill behoves him to make the sort of snide remarks he has made, implying not that I have been in error but that the local government of the area has been in error; that was the gravamen of his complaint. If he believes that local government in the area has been in error, he should say so, and take up the matter with local government direct. He should not make those vague imputations in this House.

NATIVE FAUNA

Mr. GUNN: I direct a question to the Minister of Environment in his capacity as Minister in charge of national parks and permits to destroy native fauna. In view of the large number of various species that are currently in plague proportions in South Australia, will the Minister consider allowing people to trap these animals and birds for commercial sale? The Minister would be aware that certain people have been illegally trapping, particularly birds, for some time, and it has been very difficult to prevent this occurrence. In view of the demand overseas for a number of species, will the Minister urgently consider my suggestion, because I understand that large numbers of kangaroos, galahs, and wombats could be suitable for export?

The Hon. D. C. WOTTON: We have no intention of considering that at present. I point out that the previous Minister of Environment, through CONCOM (that is, the Conservation Ministers Council), made some inquiries about this matter, which was also taken up at a Federal level. Many difficulties were found in regard to this process. I am aware that the honourable member is concerned about some of the animals and birds to which he has referred, and I assure him that we are aware of the situation and we are taking the necessary action to cull, where necessary, some of those animals and birds, but the National Parks and Wildlife Service does not intend to consider overseas export at present.

FORESTRY WORKERS

Mr. PLUNKETT: I direct a question to the Minister of Industrial Affairs in the absence of the Minister of Agriculture. Will the Minister explain why the Woods and Forests Department is advertising in the *Border Watch* for operators who wish to register their interest in carrying out forestry work, such as clearing, logging, debris, weed growth, ploughing, ripping for plantation establishment, forest road work and firebreak maintenance, when sufficient personnel are available within the Woods and Forests Department to carry out these tasks?

I had a lot to do with the forests in the South-East, and I know that the workers operating in the forests, who are members of the Australian Workers Union, come from places such as Kalangadoo, Tantanoola, Mount Burr, Penola, Comaum, Nangwarry, Tarpeena, Kingston S.E., and Mount Gambier. It may be that 200 to 300 members of the union from those towns will be thrown out of work, because contractors from over the border may be engaged to do the work. Could the Minister give a sensible answer?

The Hon. D. C. BROWN: Despite my newness to this portfolio (it is about four or five hours old), I will answer the question. It has been suggested that, if I give a traditional answer, no other questions will be asked today.

The SPEAKER: Order! I ask the Minister to come back to the answer.

The Hon. D. C. BROWN: It has also been suggested that we could not see the wood for the trees, anyway. I point out that the Government gave an undertaking before the last election, and it has given that undertaking on dozens of occasions since then, that no Government employee who is a permanent long-term employee will be retrenched.

I find it incredible that they cannot come up with an example of our having broken that promise, yet they are prepared to stand up in this House, as the member for Peake has done this afternoon—

Mr. PLUNKETT: On a point of order, Mr. Speaker, I asked the Minister a question. I asked why they put that advertisement in the paper.

The SPEAKER: There is no point of order. The honourable member, having asked his question, will receive the answer which the honourable Minister desires to give.

The Hon. D. C. BROWN: The honourable member's question and explanation of the question have been

characteristic of the Opposition's questioning throughout today, in that members opposite have not bothered to get their facts right. They spin a bit of imagination together, stand up and throw an accusation across this House, and hope that outside people will be foolish enough to listen to that accusation. The latest accusation we have had today is that hundreds of employees (at least dozens of employees if not hundreds) of the Woods and Forests Department are about to be sacked.

Members interjecting:

The SPEAKER: The honourable Minister does not need any assistance.

The Hon. D. C. BROWN: There has been an increase in the amount of work being done by the Woods and Forests Department, and it would appear that the honourable member opposite does not realise or appreciate that. Obviously, he has not researched his question well. As much of that work as possible is being done as efficiently as possible; part of it will be done by contract, and part of it will be done by the Woods and Forests Department.

I will get the specific details for the honourable member, but I know from the time when I was acting Minister only several weeks ago that the Minister gave a detailed reply in the Upper House to the Hon. Mr. Chatterton. It would appear that the member for Peake has not even bothered to read that reply, which dealt specifically with contracting for the Woods and Forests Department.

Mr. Plunkett: I know more about forests than you will ever know about industrial affairs.

The SPEAKER: Order!

The Hon. D. C. BROWN: I would love to comment on that, but I should not answer interjections across the Chamber. I make a plea to honourable members opposite that, before they stand up and throw wild allegations across this Chamber, they at least should do some research to find out the facts and find out what information has already been supplied to the House. Otherwise, they will simply make fools of themselves.

COORARA KINDERGARTEN

Mr. SCHMIDT: Can the Minister of Education elaborate on his department's attitude towards allowing kindergartens provided by the Kindergarten Union to be established on departmental school properties, and say whether the Education Department has submitted proposals to the Childhood Services Council for the establishment of a child-parent centre at Coorara Primary School?

It has come to my attention that some time ago the Kindergarten Union made a submission to the Childhood Services Council to have its holding kindergarten, which is now established on Coorara Primary School property, continue there as a permanent kindergarten in the future. This is in response to a large demand which has existed in that area for some years. The Kindergarten Union estimates indicate that there is a future need for three kindergartens in the area. This demand is being alleviated by the possibility now that a second kindergarten will be built, and now this third one, which is currently housed at Coorara, is being sought by parents to remain there as a kindergarten operated by the Kindergarten Union and not as a child-parent centre, as some parents are trying to promote. Parents are concerned that there may be some people in the Education Department who might be trying to override this demand of the parents by having a child-parent centre established there, because some people may be wishing to expand their own areas of interest.

The Hon. H. ALLISON: As the honourable member has said, it is true that originally a kindergarten was proposed to be established at Morphett Vale East Primary School, and that plan was subsequently shelved a couple of years ago. The decision was then made to establish a holding pre-school facility at Yetto East Primary School, which is now referred to as Coorara, and that, when the Morphett Vale East Primary School was subsequently decided upon as the site also for a pre-school facility, the Yetto East staff and accommodation would be transferred back to the original site. That, however, does not appear to be transpiring at present. The intention of the local parents is that, because 22 youngsters are currently attending Yetto East, that facility should remain, and that a new pre-school facility should be constructed.

At present, as the honourable member has indicated, there is some dispute between the Kindergarten Union and the Education Department as to which of those two bodies should have responsibility for and control of the soon to be constructed facility. The Childhood Services Council, which normally adjudicates on such matters, has quite wisely in this instance suggested that the two bodies get together and negotiate. At present, I believe that the honourable member may have additional information which I might be able to put before the Kindergarten Union and the Education Department. It appears that parents are firming up at least towards one of those bodies, and if that is the case I shall be quite prepared—

Mr. Millhouse: They have been in touch with me, too.

The Hon. H. ALLISON: You missed the tram; you did not ask the question. I will be pleased to take it up with the honourable member for Mawson, to put his parent council's point of view and to see whether we can arrive at some suitable compromise without the necessity of the Childhood Services Council having to come in as an umpire.

CHIROPRACTIC SERVICES

Mr. TRAINER: Can the Minister of Health say why she or her department has not approached the N.H.S.A. to ascertain why that fund does not provide ancillary benefits for chiropractic services, and when the legislation enacted in 1979 by the previous Government will be proclaimed so that a statutory register defining who is a chiropractor will exist to facilitate payment by private health funds of benefits for chiropractic services?

In the reply on 21 October to Question on Notice No. 474, the Minister may have misled the House with respect to that section of my question which asked:

> Which health funds are declining to provide ancillary benefits for chiropractic services on the basis that there is no statutory register defining who is a chiropractor?

The reply was as follows:

> The other health funds decline to provide ancillary benefits for chiropractic services, but do not give specific reasons for doing so.

After bringing this to the attention of the N.H.S.A. on 28 October, I received a letter dated 3 November from Mr. Bill Cousins, the General Secretary of the N.H.S.A., which contained the following statement:

> The Minister has not, to my knowledge, ever asked this organisation as to why we do not pay benefits for chiropractic services. If such a question were put, the reply that was readily given to you would also have been afforded the Minister.

The SPEAKER: Order! The honourable member is now starting to debate the question. The honourable Minister of Health.

The Hon. JENNIFER ADAMSON: I can only assume that the Health Commission must have determined by

some means or another the answer from the N.H.S.A. and given it in accordance with the information that was provided. In respect of failure to provide benefits for chiropractic services, as the honourable member would know, the Chiropractors Act has not yet been proclaimed, the reason being that, although the board has been established, it has yet to prepare all the final regulations and matters which need to be taken care of before the Act can be proclaimed. When that is done, chiropractors will start to be registered in South Australia, and when that occurs, if N.H.S.A. or other funds have declined to provide benefits on the basis that there is no register of chiropractors, that situation will have been corrected, and they will be in a position to choose to do so if they so wish.

MINISTERIAL STATEMENT: PRIVATE CONTRACTORS

The Hon. D. C. BROWN (Minister of Industrial Affairs): I seek leave to make a statement.

Leave granted.

The Hon. D. C. BROWN: On 21 October 1980, the member for Salisbury asked a question of me concerning contractors being asked to move furniture within Government offices. In explaining his question on 21 October, the honourable member stated:

> I have been advised that on at least three occasions in the last month contractors were used to move furniture within the confines of Wakefield House.

Mr. Millhouse: Are there any copies of this?

The Hon. D. C. BROWN: No. I quote further:

> In one instance, the contractor charged $150 to move one desk and one chair over a distance of some floors. It has been reported that in another instance the contractor charged $200 to move two desks and two chairs over a distance of a few floors. In the most recent incident, which occurred last week, a contractor removed a desk down one floor via the elevator and charged $75. I am advised that that task took less than 30 minutes.

In the past four weeks, under a great deal of pressure from the Minister, I can assure you, the department searched for the details of these contracts. The department has stated (and I was speaking to the Director-General this morning) that the department has taken considerable time in searching through all contracts and searching through all movement of office equipment within Wakefield House. They have very carefully tried to isolate every major movement of significant furniture within Wakefield House over the last couple of months. The department has come back with the following reply given to me by the Director-General this morning:

> An extensive search of records of the Public Buildings Department indicates that no contractors were engaged to move furniture within the confines of Wakefield House as described by the honourable member. Private contractors are in fact only utilised when departmental resources are unavailable.

Again this afternoon we have had evidence in this House that suggests that the honourable members opposite—

The Hon. J. D. WRIGHT: On a point of order, Mr. Speaker. The Minister has asked leave to make a Ministerial statement, not to comment on what members opposite in this House this afternoon have said.

The SPEAKER: Order! I do not uphold the point of order. The honourable Minister sought leave to make a Ministerial statement on matters relating to public interest. The honourable Minister is making a statement relative to that matter in the way which suits his own particular delivery.

The Hon. J. D. WRIGHT: I advise the House that I am now withdrawing leave.

The SPEAKER: There is only one occasion on which leave may be refused and that is when the question is asked. Leave was granted to the Minister. A perusal of the Standing Orders and the practices of this House and of the House of Commons will indicate that the Minister, having been given leave, may conclude the statement which he has been given leave to make, within the limitations of the 15 minutes which are allowed.

The Hon. J. D. WRIGHT: This will be the end of it. This will be the end of Ministerial statements.

The SPEAKER: Order! So that there may be no misunderstanding, it will not be an individual member who will determine whether a Ministerial statement will be given or will not be given. It will be the House that will make the ultimate decision. I call on the honourable Minister of Industrial Affairs.

The Hon. D. C. BROWN: Thank you, Mr. Speaker.

The Hon. PETER DUNCAN: I do not seek at this stage to dispute your ruling, Mr. Speaker, but I presume I interpret your ruling correctly to mean that the House ultimately can suspend Standing Orders to allow a Minister to make a statement, but surely leave to make such a statement can be granted by the House and can be refused by any individual member. Then, of course, it is open to the House at that stage to move that he be heard, I presume, by a suspension of Standing Orders.

Mr. Millhouse: That means a suspension every time, and a division.

The SPEAKER: Order! The honourable member is correct in the statement that he made. If he looks at the impact of the statement which I just made, it was that there was a procedure whereby a Minister would not be denied the opportunity of making a Ministerial statement, if he had the support of the House. That is the point which needs to be made. I call on the Minister of Industrial Affairs.

The Hon. D. C. BROWN: Thank you, Mr. Speaker. I point out that the facts speak for themselves. I am concerned that considerable time has been wasted within my department in a search for this information. I am concerned that the honourable member, in making these allegations, has not been willing to supply me with any specific details to substantiate his claim. If the honourable member can supply me with that information, I might have some basis on which to work and carry out further investigations. So far, after four weeks of investigation, we have not been able to substantiate the claims made by the honourable member.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Received from the Legislative Council and read a first time.

The Hon. D. C. WOTTON (Minister of Environment): I move:

That this Bill be now read a second time.

The principal object of this Bill is to effect sundry amendments to those sections of the Local Government Act that provide for the making of parking regulations. As members will be aware, the Act was amended in 1978 to allow for virtually the whole parking system to be dealt with by way of regulation, instead of by way of individual council by-laws, and thus achieving uniformity in the parking laws throughout all council areas. Parking

regulations were accordingly made on 24 May 1979, but were subsequently disallowed on 4 June 1980 on the ground of purported technical errors in the regulations. Regulations in substantially the same form were made on 5 June as a "stop-gap" measure, and a working party drawn from the Crown Law Office, the Adelaide City Council and the Department of Local Government was set up for the purpose of drafting a new set of regulations. Useful consultations were held with the Local Government Association, the Royal Automobile Association, the Police Department and the Road Traffic Board. In the course of drafting the new regulations, which have now been completed, it has become apparent that various amendments to the regulation-making power in the Act would be desirable, in order to put beyond doubt that the regulations are *intra vires,* and to facilitate the administration and enforcement of the regulations. This Bill must, of course, be in operation before the new regulations can formally be made.

I seek leave to have the explanation of the clauses inserted in *Hansard* without reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Act. Clause 3 amends the regulation-making power in a number of ways. It is intended that the powers given to councils to create areas, zones and parking spaces, etc., may not be delegated to officers of the councils, and a regulation under section 50a of the principal Act will accordingly be made to that effect. In view of this, the words "by resolution" are deleted generally from section 475a, as they serve no useful purpose. New paragraph *(d)* clarifies the fact that the regulations may set out various parking prohibitions, etc., in relation to areas, zones and parking spaces created by councils, or the councils may impose their own prohibitions, limitations, etc., in certain circumstances. The word "specified" is taken out from various places as it may be too restrictive in some situations. The regulations may provide that the clerk of a council may authorise any other officer of the council to exercise his powers of temporary control of parking.

It is made clear that the regulations may, if necessary, not only provide defences to persons charged with parking offences, but may exclude defences, and may impose, modify or exclude evidentiary burdens, or provide any evidentiary aids that may be needed from time to time. New paragraph (1a) enables regulations to be made permitting councils to fix their own fees where they are required by the regulations to make certain council resolutions available to the public. New paragraph *(n)* empowers the making of regulations that provide for the normal transitional matters where regulations are revoked and substituted by new ones. New paragraph *(o)* provides for the making of regulations for any ancillary or incidental matters.

Clause 4 makes it clear that a council can only grant exemptions from the regulations within its own area. Clauses 5 and 6 extend those evidentiary provisions to cover devices (i.e. parking meters) as well as signs and road-markings. Clause 7 adds two new definitions. It is provided that "owner" means not only the registered owner of a motor vehicle but also any other person who may not be the registered owner but who has possession of the vehicle under a consumer lease, a hiring or leasing agreement, or a hire-purchase agreement. The intention is that, where possible, finance companies should not be prosecuted for parking offences involving vehicles financed by them. The definition of "registered owner" provides that where a person has transferred ownership of his car to another person, but the formalities of registration have not been completed, the transferee will be held to be the registered owner for the purposes of the parking regulations. The definition of "public place" is amended so as to exclude from the operation of this Part of the Act any areas that come within the meaning of the Private Parking Areas Act.

Clause 8 provides that prosecutions for parking offences may be commenced by members of the Police Force or by authorised council officers. No other person may lay a complaint in respect of a parking offence unless he has the approval of the Commissioner of Police or the clerk of the council in whose area the offence was committed. New subsection (2) provides that the complaint itself affords sufficient evidence that proceedings were duly commenced, either by the appropriate person, or with the required approval, if it appears from the complaint that the complainant is a member of the Police Force or an officer or employee of the council. The defendant can of course rebut this presumption if he has proof to the contrary.

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

At 3.18 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

STATE DISASTER BILL

The Hon. D. O. TONKIN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to make provision for the protection of life and property in the event of disaster and matters incidental thereto. Read a first time.

The Hon. D. O. TONKIN: I move:

That this Bill be now read a second time.

In July 1975, Cabinet gave approval for the formation of a State Disaster Committee to develop a plan to deal with a major disaster or emergency in South Australia. The committee included representatives of the Premier's Department, the Commissioner of Police, the Joint Services Local Planning Committee, the Engineer-in-Chief and the Director-General of Medical Services. For the purpose of looking into arrangements, a major disaster/emergency was defined as "a serious disruption to life arising with little or no warning causing or threatening death or injury to numbers of people in excess of those which can be dealt with by the Public Service operating under normal conditions and requiring the special mobilisation and organisation of those services together with support from other bodies".

The purpose of this resultant Bill is to make provision for the protection of life and property in the event of a disaster by providing for a State Disaster Organisation clothed temporarily in adequate powers. Experience in dealing with disasters elsewhere highlights the necessity for legal backing for those who have to shoulder the burden at a time of emergency. Not only do responsibilities need to be clearly defined but the extent of powers temporarily vested in combatants also needs to be set.

The remainder of the explanation of the Bill deals with the various provisions that have been made, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

A preliminary survey had already assessed that most departments and large organisations were adequately prepared to meet emergencies within their own area and other organisations such as the Salvation Army and the South Australian Country Women's Association said that they could quickly summon help and assistance from their members. Indeed, it will be remembered that during the emergency arrangements to assist refugees from the Darwin cyclone disaster, it was found that considerable help could be mobilised on an *ad hoc* basis. In that instance, however, the disaster itself occurred in a remote area and we were not faced with the problems of the area itself.

Local disasters will vary in intensity, loss of life and property and many other factors so that the prime object of any State plan should be to provide the maximum information on what is available to mitigate a disaster and provide some strong authority which can call up what is needed quicly. Obviously, an effective plan must provide for quick communication to facilitate arrangements and to avoid unnecessary duplication.

The basic concept is for one authority to be responsible for the co-ordination of effort, and the State emergency plan provides for a State Co-ordinator who will assume command in a declared disaster area. The Bill provides for emergency declarations of disaster areas for periods of up to 12 hours by the Minister. Longer periods are to be declared by the Governor in Executive Council.

The State Co-ordinator is to be the Commissioner of Police. His function will include the execution of all disaster relief measures. There are state controllers to be appointed in regard to the armed services (which will give support to other function services), catering services (to provide for the mass feeding of victims and the provision of meals for field combatants), communications, engineering aspects, fire control services, health and medical services, law and order, State Emergency Service (reconnaissance, search and rescue, registration of volunteers and short term welfare services), supply of materials, transport services, medium term welfare services and media relations.

Each of these State controllers would establish headquarters for their function and the State Co-ordinator would use headquarter facilities which exist in the Police Building in Angas Street until an emergency operation centre is constructed. There is provision for alternative headquarters under certain circumstances.

The metropolitan section of the State Plan has been completed and the organisation arrangements have been settled. So, too, have country plans and arrangements.

Because the major hazard in South Australia is probably an earthquake, exercises have already been held to test the efficacy of the organisation arrangements. The necessity to keep personnel aware of their duties in regard to disasters will require similar exercises from time to time. It will be possible of course for the State Disaster Organisation to call upon the Natural Disaster Organisation in Canberra for help. No doubt similar organisations which are being set up in other States would also provide assistance on a reciprocal basis.

A State Disaster Committee is provided in the legislation as a body responsible for reviewing the State disaster plan from time to time. In country areas it is planned that police regional commanders will act as co-ordinators in areas which will be synonymous with the police regions.

This Bill, therefore, provides for the setting up of a State Disaster Organisation which will furnish as effective help as possible should a natural disaster occur. Obviously, arrangements would be of assistance in the event of hostilities, too.

Clause 1 is formal.

Clause 2 provides that the Act shall come into operation on a day to be fixed by proclamation.

Clause 3 sets out the arrangement of the Act.

Clause 4 sets out the definitions necessary for the purposes of the measure.

Clause 5 provides for the scope and application of the Act. The Act binds the Crown. Its provisions prevail over any inconsistent Act or law. Powers conferred are in addition to existing powers: for example, a police officer who becomes an authorised officer retains his usual powers as a police officer. The provisions of the Act are not to be used to bring a strike or lock-out to an end or to control civil disorders, other than civil disorders resulting from, and occurring during, a state of disaster.

Clause 6 provides for the appointment of members of the State Disaster Committee.

Clause 7 provides for the conduct of business by the Committee.

Clause 8 sets out the functions of the Committee.

Clause 9 provides that the Police Commissioner shall be the State Co-ordinator and also provides for the appointment of a Deputy State Co-ordinator.

Clause 10 provides for the delegation by the State Co-ordinator of any of his powers or functions under the Act.

Clause 11 provides for the appointment of authorised officers.

Clause 12 provides for an interim declaration of a state of disaster by the Minister because it may not be possible to bring Executive Council together at very short notice. The declaration would remain in force for twelve hours.

Clause 13 provides for a declaration of a state of disaster by the Governor. Such a declaration, unless sooner revoked, would remain in force for four days and would not be renewed or extened without the authority of Parliament.

Clause 14 provides for the expenditure by the Government of sums of money necessary for counter-disaster operations and for the relief of distress.

Clause 15 provides that during the continuance of a state of disaster the State Co-ordinator may take any necessary action to carry the State Disaster Plan into effect. In particular he may requisition any property, real or personal, within a disaster area and he may direct the evacuation of any area. Subclause (3) sets out the powers that may be exercised within the disaster area by authorised officers in carrying out the directions of the State Co-ordinator. Subclause (4) provides for compensation to be payable to people who suffer injury, or damage to property, as a result of the exercise of powers under the section.

Clause 16 makes it an offence to refuse to carry out the directions of an authorised officer during the continuance of a state of disaster, or to obstruct counter-disaster operations. The maximum penalty for each offence is five thousand dollars.

Clause 17 provides an exemption from liability in the case of a person who has exercised his powers under the Act in good faith.

Clause 18 provides that a person who is absent from his usual employment while engaged in counter-disaster operations shall not be prejudiced in his employment. Subclauses (2) and (3) provide for the reimbursement by the Minister of employers who have paid wages or salaries due under this clause.

Clause 19 provides that the Workers Compensation Act applies to a person who is injured in the course of counter-

disaster operations undertaken pursuant to the Act. The Workers Compensation Act will apply as though the person were an employee of the Minister and in receipt of a prescribed wage. Generally, the prescribed wage would be the same as the usual weekly earnings of the person concerned, but special provision will be necessary for those who are self employed or unemployed.

Clause 20 provides that a certificate of the Minister relating to counter-disaster operations shall be received in any legal proceedings as proof of the facts certified therein, in the absence of evidence to the contrary.

Clause 21 provides for the summary trial of offences against the Act.

Clause 22 provides that where a corporation is convicted of an offence under the Act a director or manager may be convicted of a similar offence.

Clause 23 is the general appropriation provision. It is in addition to the special appropriation under clause 14.

Clause 24 provides for the making of regulations.

Mr. BANNON secured the adjournment of the debate.

WORKMEN'S COMPENSATION (SPECIAL PROVISIONS) ACT AMENDMENT BILL

The Hon. D. C. BROWN (Minister of Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the Workmen's Compensation (Special Provisions) Act, 1977-1978. Read a first time.

The Hon. D. C. BROWN: I move:

That this Bill be now read a second time.

In 1977, the South Australian Parliament passed the Workmen's Compensation (Special Provisions) Act to provide that a sportsman who receives payment for playing sport is not to be classed as "workman" for the purposes of the Workmen's Compensation Act, 1971-1974, as that Act was then called. Its purpose was to protect sporting clubs in this State from the necessity of providing workmen's compensation insurance cover for those players in the event of death or injury while participating in sport. The Act was to expire on 31 December 1978 unless repealed earlier.

The Act was amended in 1978 to exclude from its ambit full-time professional sportsmen or those receiving an annual income in excess of prescribed amount (which was subsequently set by regulation at $10 000 per annum) from participation as a contestant in sporting or athletic activities. The amendments also extended the life of the Act until 31 December 1980. Honourable members will realise that that date is almost upon us.

In August 1978, the then Minister of Labour and Industry referred to the Chairman of the Committee of Inquiry into the Rehabilitation and Compensation of Persons Injured at Work the report of the tripartite committee which he had earlier appointed to inquire into and report on the desirability, feasibility and scope of workmen's compensation and accident insurance cover for persons injured while participating in sporting activities. This was considered appropriate in the light of the comprehensive review of the whole question of compensation and rehabilitation of injured workers which was under consideration at that time.

The Rehabilitation and Compensation Committee has now reported and that report has been publicly released seeking comment by 15 December 1980, prior to a final decision being made on the recommendations therein. I should point out that Cabinet, this morning, has agreed that that period for public comment be extended to 31 March 1981.

As a result, it is necessary for the life of the Workmen's Compensation (Special Provisions) Act, 1977-1978, to be extended for two years (unless repealed earlier) pending the outcome of the decision.

The Bill also brings up to date references to the Workers Compensation Act and substitutes the word "worker" for the word "workman" wherever it appears. This will bring the terminology used in the principal Act into line with that of the Workers Compensation Act.

Clause 1 is formal.

Clauses 2, 3, 4, 5 and 6 are all concerned with bringing terminology and references in the principal Act into conformity with the Workers Compensation Act, 1971-1979.

Clause 7 provides that the principal Act must expire on or before 31 December 1982.

Mr. PAYNE secured the adjournment of the debate.

SHOP TRADING HOURS ACT AMENDMENT BILL

The Hon. D. C. BROWN (Minister of Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the Shop Trading Hours Act, 1977, and to make consequential amendment to the Second-hand Dealers Act, 1919-1971. Read a first time.

The Hon. D. C. BROWN: I move:

That this Bill be now read a second time.

The issue of shop trading hours has been the subject of considerable debate in this House over the years. In particular, attempts have been made in recent times to ensure that the prescribed times, while responding specifically to consumer demand, are also compatible with employer and employee interests in the retail trade.

The extension of shopping hours in 1977 has generally been well supported by all sectors of the retail industry and the community. Although the original extension was proposed by the now Opposition, the final Act strongly reflected the views of the present Government. I think one could say that it was through the action of the Party now in Government that the introduction of that Bill was forced upon the Party now in Opposition. However, it has now become increasingly apparent that some shopkeepers are seeking to further extend trading hours well beyond the original intention of the Act. Indeed, in many instances, the actual legal provisions of the Act are being adhered to, although in practice the intention of the Act has been blatantly circumvented.

I would point out that the reason that there is so much dissension within the community regarding shop trading hours is that when certain loopholes became apparent in the Act, and they were used by some traders to circumvent the clear intention of the Act, the Government of the day, the now Opposition, failed to take action—it ignored the problem, it ignored the consequences that have now become apparent. In the light of these current practices, the Government is anxious to ensure that full and meaningful effect is given to the intention of the Act, both by tightening up certain loopholes which have become apparent in its wording, and also by specifying certain additional trading times for particular shops in recognition of consumer demand.

In order to obtain maximum understanding and consultation on the matter, I have held lengthy discussions during the last few months with interested organisations and people in the retail field. To this end, opportunity has been given for all points of view to be presented to the

Government, both in respect of the principles behind the Bill and of the detailed provisions of the Bill itself. There has been consultation with representatives of numerous organisations, including the Retail Traders Association of South Australia Inc., the Shop Distributive and Allied Employees Association, the South Australian Mixed Business Association Inc., the South Australian Automobile Chamber of Commerce Inc., the United Trades and Labor Council of South Australia, and the Holden Dealers Group of Adelaide. In addition, nearly 1 000 submissions and letters from concerned individuals and retailers have been received and considered. It is pleasing to see that the Government's intentions have received a high degree of consensus.

The amendments contained in the Bill reflect the Government's view that small business should not have placed upon it the burdens of restrictive legislation, such as that which controls the hours which they may trade. Equally, the Government does not support large corporations parading as small business by artificial means, and thus obtaining a competitive advantage due to their greater purchasing power, advertising budgets, etc. In addition, the amendments are designed to meet the obvious demand by consumers for certain goods on weekends, such as food, hardware and building materials.

In particular, the Bill provides for any shop (other than a shop specifically mentioned in the Act as having different trading hours) to be exempt if:

1. the floor area of the shop does not exceed 200 square metres;
2. Not more than three persons are physically present in the shop at any one time to carry on the business of the shop;
3. The shop is not adjoining another shop leased or operated by the same or an associated person, selling substantially related goods; and
4. Any store room adjoining or adjacent to the shop does not have a floor area greater than 50 per cent of the area of the shop.

This will mean that, with some specific exceptions, only small businesses will be able to open after 6 p.m. on weekdays (or 9 p.m. on the appropriate late night trading day) and between 12.30 p.m. on Saturdays and 12 midnight on Sundays. In addition, this amendment will close the existing loopholes by which quite large businesses have been gaining exempt shop status by artificial subdivision of shops, or by having three or fewer employees on the premises at any one time.

There are several areas where there is an obvious demand for trading beyond the normal trading hours. One such area is foodstuffs. Shops selling foodstuffs will be able to trade after normal hours, providing that the floor area of the shop is not greater than 200 square metres, and the floor area of any store room adjoining or adjacent to the shop does not exceed 50 per cent of the area of the shop. There will continue to be no restriction on the number of persons who can be in the shop at any one time for the purpose of carrying on the business of the shop.

Where the floor area of food shops is greater than 200 square metres, but not greater than 400 square metres, in addition to the requirement that the store room must not exceed 50 per cent of the area of the shop, it will also be a requirement that the shop must not have more than three persons physically present at any one time for the purpose of carrying on the business of the shop.

The Bill contains special provisions relating to the sale of petrol from food stores and food from petrol stations. Food will not be able to be sold from a shop in the metropolitan area which is predominantly a service station, unless the area from which food is sold is less than 200 square metres, or the food is for consumption on the premises, or is prepared in the shop for consumption off the premises. This will ensure that there will be no restriction on roadhouses. In addition, petrol and oil will not be able to be sold from a foodstuff shop in the metropolitan area which is larger than 200 square metres.

Another of the areas where there has been an obvious expression of demand by consumers for weekend trading, and where retailers have responded to that demand, is hardware and building materials. In recognition of this, the Government has decided that shops, the business of which is solely the sale of hardware and/or building materials, and which are not otherwise exempt, will be able to trade until 6 p.m. on weekdays (or 9 p.m. on the appropriate late night trading day), 4 p.m. on Saturdays and, in addition, such shops will be allowed to trade between 10 a.m. and 4 p.m. on Sundays, except Easter Sunday, and public holidays except Good Friday, Christmas Day, and Anzac Day.

Before hardware and building materials stores, which have a floor area greater than 200 square metres, can trade on weekends a special permit will be required. The permit will be renewable annually, but no fee will be payable. If at any time it is found that a registered hardware and/or building materials store is trading outside of permitted hours, or is selling goods other than those properly classified as hardware and building materials, the registration may be cancelled immediately. There will be no size or staffing restrictions on hardware and building materials stores with a floor area of greater than 200 square metres.

The items which hardware and/or building materials stores can sell will be defined by way of regulations under the Act. It is anticipated that the regulations, which will be derived from the Australian Standards Industrial Classification published by the Australian Bureau of Statistics, will include timber, builders' hardware, certain garden supplies, locksmith services and swimming pool supplies.

One area which has caused the Government concern is the potential for shops, which trade beyond normal hours as exempt shops because of the type of products which they sell, to sell a large proportion of non-exempt goods. To ensure that exempt shops which trade outside of normal hours are observing the spirit of the Act, the Bill provides that such shops will be required to derive at least 80 per cent of their retail sales from the sale of the goods specified in section 4 of the Act. This amendment will prevent any radical change of the existing position.

At present, exempt shops may in the one advertisement advertise that they are open after normal trading hours, as well as promote goods which, if the store was solely or predominantly selling these goods, they would be unable to sell after normal trading hours. This will not be permitted in future.

Another area of major concern and controversy is the issue of trading hours for shops selling motor vehicles, caravans or boats. Since the passing of the existing Act in 1977, extreme difficulties have been encountered in attempts to police the legal trading hours of such stores. For example, difficulty has been experienced in attempting to prove that a sale has taken place outside of normal trading hours. Since the Act came into operation, only two prosecutions for actually selling motor vehicles after hours have been upheld in the courts. This has largely rendered the Act ineffective, a fact which is reflected in the growing number of car yards trading on Saturday afternoons and Sundays in blatant breach of the Act.

I have held lengthy discussions with the major industry organisation representing the motor vehicle industry, the

South Australian Automobile Chamber of Commerce, which represents over 450 dealers. In a recent survey of the membership, 92 per cent of the members who responded indicated total support for the amendments incorporated in the Bill. I have also received representations from the Professional Car Dealers' Association of S.A., who have indicated their total support. They have presented me with letters from 157 dealers, who have indicated support for the amendment. I would point out that many of those dealers who have indicated their support are currently trading illegally on weekends, not because they or their staff want to, but because the few dealers who are willing to break the law could achieve an unfair trading advantage if they had no competition.

In the light of the overwhelming consensus of motor vehicle dealers that weekend trading should not be permitted, the Government has decided that the sale of motor vehicles, caravans and boats will not be permitted on Saturday afternoons or Sundays. However, the Government believes that there is both consumer and dealer support for some rearrangement of trading hours for motor vehicles, caravans and boats.

Accordingly, in respect of the closing times for shops selling motor vehicles or boats, the Bill provides for the repeal of the current provision which enables car dealers to open to 9 p.m. on weekdays during daylight saving and 12.30 p.m. on Saturdays. It is replaced by a provision which will enable such shops to trade on both the Thursday and Friday late shopping nights throughout the year and until 1 p.m. on Saturdays. As I have said, the Government has been informed that these proposals have been "very well received by the industry", both by dealer principals and employed sales staff. I believe that they will be equally acceptable to consumers. With respect to the past difficulties of proving that an offence under the Act has been committed, the Bill proposes new provisions which will correct this situation.

One further problem is that at present it is not an offence to advertise that a shop will be open for trade at a certain time or on a certain day, even though it is illegal for that shop to open during those times. The Bill provides that any person, not being a proprietor or publisher of a newspaper or magazine, or the holder of a licence under the Broadcasting and Television Act, who publishes or causes to publish an advertisement that a shop will be open during any period when the shop is required to be closed, will be guilty of an offence.

Several other machinery and drafting amendments to the Act are included in the Bill. First, in respect of the requirements for the closure of the car yards and other exposed areas of a similar kind, the Bill tightens up the rquirements which must be met before shops are deemed to be closed and fastened. Secondly, the Bill enables the Governor, by proclamation, to change the late trading night in any proclaimed shopping district or any part thereof. This will, for example, allow Gawler, which is part of the metropolitan area, to have a different late trading night from the rest of the outer metropolitan area.

Thirdly, the existing Act only allows for the alteration of closing times for shops. This effectively prevents a proclamation being issued to close all shops on a certain day, or to allow a particular shop or class of shops to open on a day when normally such shops cannot open at all. Circumstances have arisen in the past which have indicated that more flexibility is needed. The amendments in the Bill will achieve this. Similarly, provision has been made for the Minister to declare any shop to be an exempt shop, subject to such conditions as the Minister sees fit. Again, particular cases in the past have indicated that such a power would provide flexibility in the application of the Act. Therefore, before any outside group reacts violently against the provisions of this Act, I draw to their attention that power of the Minister, because I believe that it is the Government's desire that that power be used, where appropriate.

Finally, the penalty provisions of the Act are strengthened so that there is an effective deterrent to breaches of the Act. First, the existing three-tier penalty structure of $250 maximum for a first offence, $500 maximum for a second offence and $1 000 maximum for a third or subsequent offence will be replaced with a single maximum penalty of $10 000. Secondly, where a court imposes a penalty for an offence in respect of a shop not being closed at a time when it should be, the court may fix, by way of additional penalty, an amount determined or estimated by the court as being the amount by which the convicted defendant benefited from trading illegally.

The amendments which I present to this House today have been drawn up after extensive consultations with interested parties and consideration of nearly 1 000 submissions and letters from individuals, retailers, employees within the retail industry and the general buying public. It would never be possible (and I am sure that you, Mr. Speaker, would appreciate this) to satisfy completely all the views held by members of our community in respect of shop trading hours. (As Minister over the past six months, I have come to realise that.) At the one extreme you have those who want trading only on weekdays until 5.30 p.m. and on Saturdays until 11.30 a.m. with absolutely no late trading whatsoever, regardless of size or product-type of the store outside of those hours. At the other extreme, you have those who want the total repeal of all laws restricting trading hours. In between, there is a *pot-pourri* of views which no Government has ever satisfied or could ever hope to satisfy in one single piece of legislation.

The amendments which the Government has decided on represent the best consensus possible. They are generally supported by all parties; by the majority of retailers, of employees in the retail industry and of the consumers.

That is not to say that there is total agreement. Several of the parties with which I have conferred would have preferred additional or alternative proposals to be incorporated into the Bill.

I commend the Bill to the House as a rational and reasonable approach to the vexed question of shop trading hours, and as being in the best interests of South Australians as a whole.

The Government desires that this Bill be passed before the House rises for the Christmas recess. However, it is not the intention of the Government that the Act will be proclaimed until early in the new year. Accordingly, the existing Act will remain in force during the pre-Christmas period.

I seek leave to have inserted in *Hansard* without my reading it the Parliamentary Counsel's detailed explanation of the clauses.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 makes a number of amendments to the definition section of the principal Act. The definition of "building" ensures that part of a building is included where there is reference to a building in the substantive provisions of the Bill. A consequential alteration is made to the definition of "closing time". The concept of the "declared shop" is no longer necessary and the definition is struck out. Paragraph *(a)* of the definition of "exempt shop" is tightened so that it cannot apply to a

shop with a floor area that exceeds 200 square metres. The requirement that no more than three people serve in the shop remains. Paragraph *(d)* of the definition is replaced with a new definition of "exempt shop" selling foodstuffs. Under the new definition the shop must have a floor area not exceeding 200 square metres or a floor area not exceeding 400 square metres and be a shop in which not more than three people serve.

In either case it must not have a storeroom that exceeds one-half of the area of the shop. Paragraph *(e)* is replaced with a new paragraph that provides that a shop in relation to which a certificate of exemption is in force under section 5 is an exempt shop. Paragraph *(k)* amends paragraph (i) of the definition of "exempt shop" so that, in future, a shop selling spare parts or accessories for motor vehicles may become an exempt shop under the definition. Paragraph *(l)* inserts two new definitions. The "floor area" of a shop will include the floor area of an adjacent shop that sells substantially the same goods and that is owned by the same person or by another person if the shops are run as substantially one business. It is proposed that "hardware and building materials" will be defined by regulations. Paragraph *(m)* includes in the definition of "the metropolitan area" the suburbs of O'Halloran Hill and Flagstaff Hill. Paragraph *(h)* adds subsection (2) to section 4 of the principal Act. The effect of this subsection is that a shopkeeper claiming exemption by reason of paragraphs *(b)*, *(d)* or *(f)* of the definition of "exempt shop" must show that 80 per cent of his turnover in any seven-day period consists of exempt lines of goods.

Clause 4 repeals section 5 of the principal Act which is now obsolete and replaces it with a new section that empowers the Minister to grant a certificate of exemption in relation to a shop. Clause 5 makes a minor amendment to section 6 of the principal Act. Clause 6 corrects a cross reference in section 11 of the principal Act.

Clause 7 amends section 13 of the principal Act. Paragraph *(a)* amends the closing times for shops generally and for shops selling motor vehicles and boats. Paragraph *(c)* repeals subsection (5). The substance of the subsection is replaced by new subsection (9). New subsections (6) and (8) allow late night closing for suburban shops to be changed to Friday night in a shopping district or part of a shopping district. New subsections (9) and (10) replace subsection (5) of section 13. New subsections (12), (13) and (14) will allow the Governor, by proclamation, to require shops to close at times specified in the proclamation.

Clause 8 enacts new section 13a. This section will allow a hardware shop that is not an exempt shop to trade on Saturdays, Sundays and other public holidays if a permit is obtained.

Clause 9 amends section 14 of the principal Act. Paragraphs *(a)* and *(b)* make consequential changes to subsections (3) and (5). New subsection (6) replaces the penalty provisions of subsections (2), (4) and (6) with a single maximum penalty for each offence of $10 000. New subsections (7) and (7a) are required to enable effective prosecutions to be brought against shopkeepers who disobey the provisions of the Act. Subsection (7b) provides a defence to a shopkeeper who is not at fault where an offence is technically committed under subsection (7). Subsection (8) makes a similar amendment to the penalty provisions of the existing subsection (8). New subsection (8a) enables a court, when assessing the penalty for an offence against the Act, to take into account the benefit to the defendant from illegal trading on the day on which the offence occurred.

Clause 10 enacts new section 14a, which makes it an offence to advertise that a shop will be open illegally or that goods that are not exempted by the Act will be sold out of normal trading hours.

Clause 11 inserts new sections 15a and 15b. Section 15a prohibits the sale of motor spirit and lubricants from the same shop as or from a shop adjacent to a shop that sells foodstuffs. The section does not apply where food is sold for consumption on the premises, nor to a shop that is outside the metropolitan area, nor to a shop the floor area of which does not exceed 200 square metres. Section 15b is the reverse of section 15a. It prohibits the sale of foodstuffs from a petrol outlet if the foodstuffs store is more than 200 square metres and is in the metropolitan area.

Clauses 12 and 13 make consequential amendments to sections 16 and 17 of the principal Act. Clause 14 amends section 18 of the principal Act. New subsection (2) is designed to facilitate proof of the locality of a shop concerned in a prosecution under the Act. Clause 15 replaces section 19 of the principal Act. The substantive change made is to provide a specific power to prescribe, by regulation, the manner in which a shop must be closed and fastened against admission of the public. Clause 16 makes a consequential amendment to the Second-hand Dealers Act, 1919-1971.

Mr. McRAE secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

The Hon. D. C. WOTTON (Minister of Planning) obtained leave and introduced a Bill for an Act to amend the Planning and Development Act, 1966-1980. Read a first time.

The Hon. D. C. WOTTON: I move:

That this Bill be now read a second time.

It amends the Planning and Development Act in order to require councils administering planning regulations to have regard to the provisions of authorised development plans when considering land use applications.

Planning regulations made prior to 1976 provided that, where a council had to reach a decision on whether to grant or refuse consent, regard had to be had to "the orderly and proper planning of the zone". Legal interpretations adjudged that this wording did not necessarily enable the provisions of an authorised development plan to be involved as a basis for a decision. In order to clarify the matter, the State Planning Authority revised its model regulations in 1976. These provided clearly that the council shall have regard, *inter alia*, to the provisions of any authorised development plan.

Not all councils have taken the steps to update their planning regulations. Thirteen metropolitan and three country councils retain the earlier unsatisfactory wording.

It is very desirable that all councils should be able, and indeed be required, to have regard to the relevant authorised development plan so that council and State policies therein enunciated can be supported.

Although it is intended to introduce new planning legislation shortly, it will not become operative for another 12 to 18 months. There is a need to ensure that the Government's policy initiatives can be implemented in the meantime. An amendment to the existing Act is therefore a logical and responsible move and one which will provide a firm link to the new legislation.

The amendment would give the Government a means of imlementing, through local government, its policies in a number of important areas such as those relating to shopping centre development. Policies in respect of the

latter have been set out in a development plan which has been drafted with the intention that it be authorised by the end of the year. It would be impossible to secure changes to individual planning regulations by that date to enable councils to have regard to the plan; hence, the need for the amendment proposed.

Shopping centres policy is an immediate and pressing area of concern which could be resolved by means of this amendment, but the amendment has other significant applications.

The State Heritage Committee and the Heritage Unit have, for some time, been requesting effective controls for conserving heritage areas, without which there is little point in proclaiming such areas. The preferred means of control is for the designation of development control principles for heritage areas in supplementary plans, but this approach would be effective only in those council areas which administer interim development control. It would not apply throughout most of the metropolitan area.

The amendment proposed is the simplest and most effective means by which the Government can pursue its policies in a number of significant areas. Without such a provision, effectiveness of soundly conceived Government initiatives could be substantially reduced. These initiatives, as espoused in development plans, have all been examined by the public, and the specific policy areas which I touched on have been previously debated by Parliament. The expectations raised by these processes of consultation and debate must be met.

Clause 1 is formal. Clause 2 inserts new subsection (7a) into section 36 of the principal Act. This subsection requires a council having power to grant or refuse its consent to take into account the provisions of a relevant authorised development plan when exercising the power.

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

ROYAL COMMISSIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 November. Page 2062.)

Mr. McRAE (Playford): I support the Bill as it stands coming from the Council. There are three matters at issue. The first, which I support, is the power of the Commission in respect to the Commission which has been assigned to make orders in the public interest where the Commissioner so decides to suppress specified evidence or the whole of the evidence from publication and to make other orders that would forbid publication of the name of witnesses before the Commission or the identification of such persons. The very nature of the Royal Commission is such that it is highly desirable that, in these circumstances, those powers be available.

The next matter is the question of the widening of the existing powers, and again I support this. The existing powers of the Royal Commission of Inquiry into South Australian Prisons are blatantly wrong and self-defeating; they are negative terms and so drafted that the Commission cannot get at the underlying causes of the evils that undoubtedly afflict the correctional services institutions in this State and the departments that run them. Historically, inquiries of this negative nature invariably produce no beneficial result. The terms of reference were clearly drafted in October to pre-empt the Opposition's questioning of the Chief Secretary on these matters during the Estimates Committee proceedings. It was then, and it still is, a cover-up, and designedly so. I am appalled to find that there is no Minister in the House who bears any responsibility for the matter under discussion.

Mr. Mathwin: He's here.

Mr. McRAE: That is the Minister of Environment: the Chief Secretary is not here.

The SPEAKER: Order! Nothing within the Standing Orders requires a specific Minister to be present.

Mr. McRAE: I accept that, Sir, but I am very disappointed that the Opposition and I have been treated with such contempt. I have come to expect it, but I am very disappointed that that is the case. As has been pointed out, a very strong cross-section of the community has from the outset demanded, and still demands, a widening of the terms of this inquiry, and those persons include the officers in the service represented by the A.G.W.A. and the P.S.A., respectively, people who are interested in the workings of correctional services generally, various academics, newspapers, and, of course, the Opposition, and now the Legislative Council.

Why does the Government not want this widening? The member for Newland, in his rather extraordinary contribution last evening, claimed that somehow the Government was simply responding to a request by the A.G.W.A. Of course, that is nonsense, because it has always been in the hands of the Government, as it should be, to decide in the public interest what are the appropriate terms of reference. However, the Government has dodged this issue at all times. This Government has a duty, like any other Government, to act in the public interest, subject to a sovereign Parliament, without fear or favour.

The Bill, as it presently stands, is largely the result of the endeavours of the Opposition in the Upper House and the Hon. Mr. Milne, who is to be congratulated on the research that he did. I remind members of the Government that there are two famous statutes in the history of English law which are still applicable in South Australia, thankfully, and which should be borne in mind. The first and most famous is *Magna Carta*; the most famous chapter of the Magna Carta, chapter 29, states:

> No free man shall be taken or imprisoned or be disseised of his freehold or liberties or free customs or be outlawed or exiled or otherwise destroyed, nor will we pass upon him nor condemn him but by the lawful judgment of his peers or by the law of the land. To no man will we sell, to no man will we deny or delay right or justice.

In that last sentence are key words that apply 700 years later. In this situation, right and justice are being denied to many people, at great expense to this State. The first Statute of Westminster, Chapter 1, some 50 years after Magna Carta, provided the famous words, as follows:

> . . . that common right be done to all, as well poor as rich, without respect of persons.

Those are two basic platforms on which the law stands. Last night, we had the extraordinary spectacle of the member for Newland refusing to accept the sovereignty of Parliament. He said he found it quite abhorrent that the Legislative Council should change or attempt to change the terms of reference of the Royal Commission. What an extraordinary statement for anyone to make!

The Hon. D. J. Hopgood: Particularly a member of the Liberal Party.

Mr. McRAE: Particularly a member of the Liberal Party, and in relation to that Party's own Legislative Council! I point out that not only the Hon. Mr. Milne spoke to this matter but also the Hon. Mr. DeGaris had something to say in this general area.

Let us look at the proposed terms of reference to see what evils might lie in them. The Government might be

able to find something in these proposed terms of reference that might be against the public interest. The proposed new terms would empower the Royal Commission to inquire into and report on, first, the general working of the Department of Correctional Services, its policies, facilities and practices in the light of contemporary penal practice and knowledge of crime and its causes. That is long overdue. How could any sensible Government say, having regard to what has gone on in the Department of Correctional Services over the past 10 to 15 years and before, that the time is not ripe for the department, its policies, facilities and practices to be adjudged afresh in the light of contemporary standards? Under category 2, the Commission is empowered to inquire into and report on the custody, care and control of prisoners, the relationship between staff and prisoners, and the selection and training of prison officers and other staff engaged in training, correctional and rehabilitative programmes for prisoners.

The first part of the second item, namely, custody, care and control of the prisons, in broad terms covers the existing terms of reference, as I would see it, and the next subsection, covering the selection and training of prison officers, deals with something I have been attempting to stress to the Chief Secretary in the past 15 months, namely, that what is needed in South Australia is not just another inquiry into specific instances, horrible though they may be (and I have no doubt they are horrible), because that will be just another band-aid job. Some few persons will be the unlucky scapegoats and will be dealt with while others, equally guilty, if not more guilty, will get away scotfree. It will be another band-aid job and nothing will have been achieved. What is needed is for the whole system to be looked at, because the system is very wrong, and there is a necessity for the training and control of prison officers to be looked at afresh in the standards of the 1980's.

The Hon. Peter Duncan: And the promotions.

Mr. McRAE: And the promotions as well, and the whole number of things raised by my colleague the member for Elizabeth. The point I make is that the proposed terms of reference are positive, realistic and sensible. I am amazed to find that the Chief Secretary is not even present. What contempt of this House! I am just used to this sort of treatment, but I will press on.

Mr. Mathwin: There are two Ministers here; how many do you want? Do you want your name in lights?

Mr. McRAE: I would expect the Chief Secretary, whose track record in the past six months has not been the best—

Mr. Mathwin: He is listening on the intercom to you.

Mr. McRAE: I doubt it. As I said, the proposal provides a proper area of inquiry in the proper forum, and it should be available. It would very likely diffuse the dangerous tensions that are building up and there is no doubt, as the member for Elizabeth said last evening, that there are dangerous tensions. There must be dangerous tensions when the terms of reference are part of a cover up and when people suspect that they are going to be chosen in the lower ranks to be made scapegoats while persons equally quilty or even more guilty than they are will escape because they are part of the departmental hierarchy. Of course there are tensions. Equally, there are tensions when prisoners suspect that full justice will not be done and afforded to them. Of course there is distrust and misunderstanding when we have, on the one hand, the Premier saying that he will enlarge the terms of reference if the Commissioner wants it, and the Commissioner saying, and properly in my view, that it is not his judicial duty to tell the Executive Government what the terms of reference should be. In all those circumstances, no wonder the situation is getting worse and not better.

From my experience of dealing in these areas with this Government, I can say that at least it is acting consistently. In the first place it refuses to listen to reason. This is one Government that will never listen to reason, no matter how carefully one puts one's argument or how well researched or how sincere they are it all goes for nothing. This Government was elected partially on a law and order campaign. That campaign was deliberately misleading, confusing, and incapable of fulfilment, but when I have sincerely on a number of occasions implored the Chief Secretary to adopt a bipartisan approach through a Parliamentary committee on matters in the area of the administration of the criminal justice system I have been ignored, totally scorned.

Secondly, the Government is being consistent in that it is bungling yet another job. The list of bungles in the area of law and order is absolutely appalling; in fact, the list of bungles which surround the Chief Secretary is almost unbelievable, reaching comic opera proportions. I always feel sorry for the honourable gentleman because he is a gentleman in the true sense of the word. The member for Salisbury said that, unlike the general opinion, it was not as though the Minister had been appointed as a reward, but rather as though he were being punished by someone for some evil he had done in the Party. I had to feel terribly sorry for him, when at the culmination of a long series of disasters, he launched the *Joseph Verco* only to see it sink gurgling into the waters of the Port River. I thought, what an impossible catastrophe.

The SPEAKER: Order! I draw the honourable member's attention to the fact that we are debating the clauses in a Royal Commission Bill.

Mr. McRAE: I was not going to pursue the *Joseph Verco;* I was merely saying how consistent the Government has been in the bungling of this whole affair. The Government promised to make the streets safe for our daughters, but we now find that serious crimes, including murder, rape, robbery, burglary and so on, have increased by 30 per cent, 40 per cent, 50 per cent and more in the past 12 months.

The SPEAKER: Order! I ask the honourable member to tie his comments of this moment to the clauses of the Bill.

Mr. McRAE: What I am saying is that—

Mr. Mathwin interjecting:

The SPEAKER: Order! The member for Glenelg is out of order.

Mr. McRAE: I am not surprised that the Chief Secretary has adopted the attitude that he has because it is consistent with his and his Party's usual bungling of these matters. I might add that the offence of drug taking has gone up by an incredible 120 per cent. Furthermore, in terms of efficiency of operation (and this is one of the things we are looking at), when I asked for some figures during the Estimates Committee debate as to various offences, I was given one figure in relation to crimes of larceny which was at least 10 000 wrong. I was supplied with an answer from the Police Department which said that last year there were 52 000 offences, and in fact there were 63 000 offences. What can you expect when people are making errors not just of 10 or 100 but of at least 10 000? That is what we have come to expect in the area of the administration of the criminal justice system in this State, and it is a very sad and sorry thing from those members of the Liberal Party who at the last election went hell bent making these promises that they could never fulfil.

I say that these terms of reference in the Bill now are perfectly consistent, realistic and good; they are sensible terms of reference. At the moment in the prisons there is an atmosphere of hostility and frustration. I have no doubt

about that. Warders are angry at the department. Morale is at an all-time low, and that is saying something. I have attempted to explain in this House that the lot of the warder, the prison officer, in the community is not a happy one. In true Australian style, he is regarded as a screw and he is referred to and treated as a screw by his neighbours, and his wife and children are referred to by their relationship to him under that name.

He has not got an easy job; it is far from true to say that the majority of prison officers would be involved in the sort of offences that the Commissioner is looking into. Only a very, a tiny minority is involved. However, the fact is that these related events have caused the morale of all the prison officers to drop to an all-time low (and that is saying a lot) in this State. Warders are angry at the department and warders are angry at the prisoners because they are suspicious of the prisoners—in many cases they believe the prisoners have lied deliberately in order to get the warders into trouble. The prisoners are frustrated and angry at the warders, in many cases with justification because they have in fact been beaten by warders, and there is tremendous evidence to support that. Relatives of those in prison or who have been buried out of the prison are angry with the Government and with the whole system. The department is obviously involved in a cover-up of spectacular dimensions.

The SPEAKER: Order! I have listened intently to the line of debate the honourable member is now starting to develop. The honourable member will be very mindful of the attitude of this House in relation to the *sub judice* rule. I would ask the honourable member not to transgress to the point where I need to call his attention again.

Mr. McRAE: Thank you, Sir. And the department is angry with the Government, because the department unquestionably feels that the Government is making it the scapegoat. Finally, everybody is unhappy with the Minister. That is the reality of the situation, and that is what I am impressing on the House. Those are the realities of the situation.

I am not saying that all these evils have arisen in the past 12 months; of course they have not. The administration of the Correctional Services Department in this State really has not changed its thrust or objective in the past 50 years. All of us are to blame: this Administration, the Dunstan Administration, the Hall Administration, the Walsh Administration, Butler, and others before him. I think the member for Mitcham will agree that the last priority of all Governments in this State has been prisons and correctional services. To see this, one has only to look at the nature of the institutions. Yatala Labor Prison is disgraceful, and Adelaide Gaol is disgraceful and substandard. About the only decent institutions are, on the women's side, the Grand Junction Road rehabilitation centre and, on the men's side, Cadell.

It is not a question of pointing the finger at this Government or at this Minister for the evils that lie in this area. Why I am critical of this Minister and this Government is that they refuse to see the nature of the evils and to act in a positive way, because I stress again that Royal Commissions, which in the past have been given negative terms of reference, have produced negative results. Positive terms of reference are needed to get positive results. Why is the Government not prepared to accept these new terms of reference? Is it obstinacy or a sheer fit of pique on the part of the Attorney-General? From what I could see last night he appeared to be angry and in a fit of pique, but he should have calmed down by this morning. If it is not obstinacy, and I hope it is not—just flying in the face of all reason—is there something to hide?

This is a very real problem. Just in the same way as the Liberal Party pressed for an extension of the terms of reference of the Salisbury affair, and put the point that one of the things flowing through the community was a feeling that there was something to hide, that sort of attitude and idea can filter through the community in this case and I believe it is starting to do so now. People are saying that the only reason why the terms of reference are not being widened is that there is some evil which the Government is not prepared to expose to the light of day, that there is something going on under the cover of darkness which it does not want to see exposed to the light. I prophesy, anyway, that even though the Government might manage to force its way through at the moment on these terms of reference, within the next few months or so they will extend the terms anyway. I think the sheer force of circumstances in the community (it is nothing like the Salisbury Affair in terms of community involvement, I agree), the remarks by the Royal Commissioner himself, submissions from the parties, and the community attitude, will eventually wear the Government down. The Minister would come out of it with much greater honour to his name if he was to accept reality now.

I turn now to the last heading, which is very much to the credit of the Hon. Mr. Milne for introducing it, and that is the limitation of the power to suppress the publication of evidence and other related matters to this Royal Commission alone. That is a very important matter indeed. The fact is that one of the great developments of the past two or three centuries has been a truly independent Judiciary, that is a Judiciary which not only is but can be seen to be independent of the executive Government. It was not so in the time of the Tudors and Stuarts, and they made a great deal of use of extraordinary courts, with royal warrants to set up courts such as the Court of Star Chamber which could meet in secret, hear serious charges in secret, deal with them by strange and unusual procedures, and then have others carry out death warrants. So, those involved in the law and those who want to free society have, in the past two centuries, carefully guarded, first, the right of the Parliament to oversee the executive and, secondly, the division between the Judiciary, the Parliament and the Executive.

A very great worry that will exist if this amendment is not accepted is that a future Government, given a compliant Royal Commissioner (and let us bear in mind that the Royal Commissioner does not have to be a member of the Judiciary), could take advantage of this situation, having got its tame cat officer, to then deal with a delicate but serious matter which affects the liberty of the citizens of the State and proceed in that indirect fashion to suppress from public knowledge everything that was going on. Those implications in the Bill as it originally stood were not immediately seen by me. That is something I am not proud of, but they were seen by others. Very much to Mr. Milne's credit, he pointed out the implications, and I most strongly support him.

It would make this Parliament a laughing stock if it enabled this Executive to get away with a proposal of the nature that I have suggested might occur. I am not suggesting that this Executive would do it. I am not suggesting that honourable people who might be Royal Commissioners would have a bar of it. It is just a faint possibility that it might happen, and the fact that there is even a faint possibility makes it imperative that this House, not just the Upper House, but this House, accept its responsibilities. I would have hoped that back-bench members of the Liberal Party would look at this provision, and not be ground down under the heel of their Party, but form an independent judgment.

We used to hear from the Liberals some time ago that they had independent votes. Apparently, that is all gone now; it seems as though the iron jackboot of the Party crushes them down and they all toe the line. Of course, we openly admit the Caucus pledge, but it is hypocrisy on the part of the Liberals to say the contrary, when we never see anybody cross the floor these days. If they do not have a pledge (I suspect they now have a pledge), it is about time that, on a matter such as this, members crossed the floor. I would be very surprised, if they thought seriously about it, if they did not. The only reason that they are not crossing the floor, I suspect, is the iron heel of the Party. I support this Bill in the way it was very correctly amended by the Legislative Council. Very rarely am I heard in this place to offer credit to the Legislative Council, but in this case credit is due, and I offer it.

Mr. MILLHOUSE (Mitcham): I suspect at this stage of the debate all the arguments that could or should be put on the contents of the Bill have been put. I am not going to rake over them all. I do want to make one or two points before we come to a decision on the second reading. As I understand it, the Bill really falls into two parts. There is clause 2, which deals with the powers of the Royal Commission, providing that the Act will not come into operation until those terms of reference are widened, and then there is the question relating to the supression of names and identity, and so on.

So far as the first one is concerned, I believe very strongly that the terms of reference of the Royal Commission should be extended. I am not necessarily wedded to the wording set out in subclause (2), although I acknowledge that, if the Bill is passed with that subclause in it, the Government will be committed to that particular wording. But there is so much discontent among those who are particularly concerned as to the terms of reference of the Royal Commission that I believe they should be widened. I said originally that I did not think that a Royal Commission was necessary, that what we wanted was action, not words, and I still believe that. However, now we have a Royal Commission, and it had better do a proper job.

If I may say so it is paltry of the Government to put the responsibility on the Royal Commissioner to ask that his terms of reference be widened. It is the Government (of course, nominally the Governor) that gives the Royal Commissioner his commission and his job. As a rule one does not go along to one's employer and say, "I want to change the nature of my job". It is not the role of a Royal Commissioner to set his own terms of reference; they are set for him by the Government. I point out that other Governments besides this one have been guilty of the same thing; I do not conceal that.

Parliament has the opportunity to influence the Government in this way, because the Bill has become before the House and I believe we should take that opportunity. Therefore, I believe that clause 2(2) is justified. I will say no more about it. I think the Government would be very wise to accept it, because inevitably I hope this Bill will not pass without that acceptance.

I turn now to clause 3, and in this regard I echo what has been said by the member for Playford. I am very unenthusiastic about a provision such as this. To use a cliche, it does smack of star chamber, and the member for Playford is quite right to say that anyone can be appointed a Royal Commissioner by a future Governor. The person does not have to be a lawyer; he does not have to have any sense of justice, even. A Royal Commissioner can be appointed by the Government of the day. It has often been said that a Government can get the report from a Royal Commission that it wants by the person it appoints as Royal Commissioner. That is true and it can be extended infinitely to getting a job done if it wants it to be done. What new section 16a, as provided in clause 3 of the Bill, would do, if it were not for new subsection (4), would be to allow any future Royal Commissioner very great powers of suppression of evidence and the avoidance of identification of witnesses and so on. The member for Elizabeth, seated in the gallery, says that what he is saying is far more relevant than what I am saying. Nevertheless, I would be glad if he would shut up.

The ACTING SPEAKER: Order! I ask the member for Mitcham to resume his seat. Reference to the gallery is not permitted; I would ask that those in the Chamber please act in a way that is in accord with the decorum of the Chamber.

Mr. MILLHOUSE: Maybe the member for Elizabeth does not know that I am supporting his side on this occasion.

Mr. Mathwin: That'll change his tune, won't it?

Mr. MILLHOUSE: I do not know. I trust what I am saying is relevant to the debate. Before I could bear his chatter from behind me no longer, I was about to draw a comparison between clause 3 of the Bill and section 69 of the Evidence Act which we put in last year. They are somewhat in the same terms; obviously the draftsman used section 69 as a source for his material for clause 3. However, there are variations between the two. First, it is a court which is exercising the powers under section 69 of the Evidence Act and, secondly, there is a provision in section 69 for an appeal from orders made under that section, as there should be. However, there is no possibility of an appeal, nor is one provided in clause 3 of the Bill. This may have already been mentioned in the debate—maybe the member for Elizabeth picked this up. Perhaps that is why he thinks I was speaking irrelevantly. Under the Royal Commissions Act there can be no appeal of any kind because of section 9 of the Act as it stands at present. It provides:

> No decision, determination, certificate, or other act or proceeding of the Commission, or anything done or the omission of anything, or anything proposed to be done or omitted to be done, by the Commission, shall, in any manner whatsoever, be questioned or reviewed, or be restrained or removed by prohibition, injunction, *certiorari*, or otherwise howsoever.

So that means that, if we were to put in this clause (and I guess this will get in) without new subsection (4), which the Hon. Mr. Milne had inserted in the other place, in future any order made under new section 16a of the Royal Commissions Act would be completely unappealable. No-one would be able to touch it. No court would be able to review it. That compounds the dangers of abuse to which the member for Playford has referred and which comments I echo. The only way in which I would be prepared to accept this at all would be to restrict it, as proposed new subsection (4) does, to this particular Royal Commission. Even then, I have some reservations about it, although I will not press them because as I understand it this power has been requested.

The reservations that I have are that in this Royal Commission there may be some very good reasons why there should not be suppression and there may be suppression that I would prefer there were not. I know that we passed a special section of the Evidence Act with regard to the Select Committee on Prostitution, and now very largely our hands are tied in the matter of disclosure of evidence because of the danger of identifying people, and undoubtedly that has hampered the debate on the Bill

that is now before the House. I do not want to do anything other than to draw the comparison between the two. It is not all advantage by any means to suppress names and identities and so on, as it does hamper discussion, and that could happen in this case.

However, so long as this provision is confined to the present Royal Commission, I am prepared to accept it, but if it were to be widened, as the Government wants to widen it (and I understand that was the form in which the Bill was originally introduced in another place), I would bitterly oppose it. I think it would be very dangerous, and the more so because the power given to a Royal Commissioner would be unappealable. For those reasons I support the second reading of the Bill in the form in which it has been introduced in this House.

The Hon. H. ALLISON (Minister of Education): The arguments that have been put forward yesterday and today have been quite consistent, and largely almost identical to those propounded in the other House. There has not been very much new material. In fact, I doubt whether anything new has been brought forward. Members will be aware that it is the intention of the Government to oppose clause 2 and to amend clause 3 in part.

A fact that has been consistently ignored is that the present Commissioner is a former judge and, while some of his opinions have been quoted in the House in the past couple of days of the debate, the entire text has not been recited, and I believe that a number of things that were left out were certainly very relevant and would have put the arguments into a different context. I certainly believe so.

The Commissioner started with a preliminary comment that he felt was a relevant one to make initially. He said that the proceedings in which he was engaged constituted merely an inquiry and they were not proceedings in a court of law. To that extent, he was referring to the fact that the Evidence Act is relevant to courts of law, whereas, since he was not a court of law but a Commission of inquiry, some special provision would have to be made for him to suppress the evidence and names of people involved in the inquiry. The Commissioner said:

> The function of this body is to inquire into the matters referred to it.

Again, these were recited in their entirety by a former Attorney-General, the member for Elizabeth, and I do not intend to recite them again. The Commissioner also said:

> . . . to report thereon to the Governor-in-Council and to the extent that the terms of the commission require it to make recommendations. No conclusion reached as a result of the inquiry has legal consequences or affects the rights of anyone.
>
> A Commission is not appointed to try persons for offences not to punish anyone guilty of an offence; that is the function of the courts. The function of a Royal Commission is essentially to investigate the matters referred to it.

I believe that we saw from the terms of reference that they are indeed very wide-ranging but even if they are not, or wide-ranging enough in the opinion of some people, what does the Commissioner say? He continued:

> With that preliminary comment I turn to the suggestion that I should recommend an extension of the terms of reference.
>
> For purposes of government, information is sought in a variety of ways, by Select Committees, standing committees, annual reports of statutory bodies, inquiries authorised by particular Statutes and by Royal Commissions; by departmental and inter-departmental inquiries, and so on. Each method has its own use and it is a matter for the Government to determine, when it requires information on a particular subject matter, what form of inquiry it will use.
>
> Here, the information given to me indicates that at the present time there are three inquiries in progress which should be noted. Firstly, there is a current study by the Public Service Board of staff members and levels of classification at institutions. Secondly, steps were taken in September of this year to establish a joint review of the Department of Correctional Services by independent consultants and officers of the Public Service.
>
> The terms of reference of this inquiry include matters relating to security measures, organisation structure and staffing, the cost effectiveness of the present system and recruitment and officer training. Thirdly, there is this Commission which is required to inquire into recent allegations relating to misconduct in prisons, the security and discipline of prisoners and the presence of unauthorised materials in prisons.
>
> The submission made by counsel for the Public Service Association and the Australian Government Workers' Association is that I should recommend that the terms of reference of the Commission should be widened to include matters, many of which are within the terms of reference of the other two inquiries. This submission is supported in effect by counsel appearing for a number of prisoners.
>
> It should of course be made quite clear immediately that I have no power at all myself to widen the terms of reference.

That fact was highlighted in the debate as being a major shortcoming, but in context the Commissioner does not say that. He qualifies it. He says:

> At the same time there is nothing of which I am aware to prevent my recommending that the terms of reference be widened if I think such a recommendation should be made.

Here is a former judge expressing that opinion, a man who would be one of the more perceptive people in society and one certainly knowing well what extra information was necessary to be elicited in this inquiry. The Commissioner also says:

> Equally clearly there is nothing to prevent the Governor-in-Council rejecting any such recommendation which might be made.

This Government has made it quite clear in this House and in the other place that it would listen to recommendations made by the Commissioner. In fact, to some extent, it has placed the onus of recommendation on him, in the belief that the terms of reference are adequate under present conditions. The Commissioner also says:

> In considering the submission made to me I naturally turned to see what has been done by experienced and distinguished Commissioners in past inquiries. From my reading and my own knowledge I am aware of two sets of circumstances in which a Royal Commission may properly recommend that its terms of reference be enlarged.
>
> The first is where there is some deficiency in the terms which is apparent on a reading of the commission. To take an unlikely case, the terms of the Commission may, on close examination, authorise an inquiry into one matter but require recommendations regarding another. In such a case the Commission would ask for clarification as soon as the discrepancy was discovered.
>
> The second is where, as the evidence unfolds, it is found that the purpose of the commission cannot be fully achieved without inquiring into matters which, while inter-related with, are distinct from the matters specified for inquiry in the terms of reference.

He goes on to give a specific example that I will not read to the House. It concerns prisoners at Yatala, and is not relevant to the debate. It is a specific example, however. The Commissioner then says:

> Neither of these sets of circumstances exist here. The terms of reference are not specific in that they refer to allegations which have been made without specifying by whom or when

those allegations were made. This means that the Commission as an early task will be called on to identify these allegations with greater particularity, and counsel assisting the Commission no doubt has this task in hand. But there is nothing so far to indicate that there is, on the face of the Commission, a deficiency of the sort to which I have referred.

Mr. McRae: That's got nothing to do with our argument.

The Hon. H. ALLISON: You are looking for a widening of the terms of reference that the Commissioner has not yet sought, and, on the second term, you know that I did highlight what was said by inflection of voice, when I said "the evidence unfolds". The evidence cannot have unfolded yet, because we are still holding the Commission up. We are hoping it will start as early as possible. The evidence has not yet begun to come in. All that we have is a series of, to a large extent, unsubstantiated allegations which triggered off a response in the public mind in quite a lot of different groups outside and to which the Government reacted in what everyone agreed at the time was a common sense manner.

Mr. Millhouse: I'm not sure about that.

The Hon. H. ALLISON: Well, it reacted and set up a Royal Commission, which was precisely what everyone was asking for.

Mr. Millhouse: I didn't ask for it.

The Hon. H. ALLISON: Make your mind up. Either you want the Commission or you do not.

Mr. Millhouse: I didn't want it. I said so, too.

The Hon. H. ALLISON: A lot of people did. Whether that circumstance will arise as the evidence unfolds—

Mr. Millhouse interjecting:

The SPEAKER: Order!

The Hon. H. ALLISON: —is something for the future. The Commissioner goes on to say:

> I do not say that there are no other circumstances in which a Commissioner might properly ask for an extension of the terms of reference, nor do I exclude the possibility that some recommendations by this Commission might impinge on matters within the terms of reference of the other inquiries to which I have referred. What I do say—

and this is most important—

> is that I see no good reason at this stage . . .

That leaves the matter open for the Commissioner to bring forward any suggestion he may see fit.

Mr. McRae: Of course he can't, because he hasn't been given the other information.

The Hon. H. ALLISON: The evidence still has to be brought forward. You are arguing with the man's own logic. He is a member of your profession. I am not arguing for him.

Mr. McRae interjecting:

The Hon. H. ALLISON: Let us say that his logic was his justification for propounding the argument that I am putting forward today.

Mr. McRae: You can't hide behind him like that.

The Hon. H. ALLISON: I suggest that you are far more erudite than you are making out at this stage.

Mr. McRae: You're twisting his words.

The Hon. H. ALLISON: I added very few words, as you will well realise, to any of that.

Mr. McRae: You're twisting them to your own purpose.

The Hon. H. ALLISON: Not at all. Quite a few rather uncalled for statements have been made about the present Chief Secretary, too. The member for Elizabeth spent a lot of time demonstrating that he currently is not foreman material (I suggest that the Leader of the Opposition is relatively safe if that was the best argument that he could propound in this House), when he spent a good deal of his time in what I would call petty slandering of Government members. I will ignore the reference that he made to me. However, I took exception in relation to the present Chief Secretary, who reminds me in many ways of the former Chief Secretary. They are both fellows who have fought for their country, who have distinguished flying records, who are humanitarian, and who wanted to do a lot for prisons. Let us face it: the present Chief Secretary has been in office for only one year, and he has already increased staffing generally. He has demonstrated a humanitarian approach to life in general. Indeed, he is a fine man, as was the former Chief Secretary. However, all the member for Elizabeth could do last evening was malign him, giving that gentleman no credit for what he has been trying to do.

The member for Elizabeth suggested that the Royal Commission was appointed for nothing more than simply to hide the Chief Secretary. I doubt whether he will find that anywhere in the terms of reference. The Chief Secretary will not be examined: he is not a guilty party, and I doubt whether any Commissioner would even begin to suggest that. So, it ill behoves the honourable member to act as he did last evening. He is belittling someone who closely resembles a former Chief Secretary on his own side, and they are both fine men—humanitarians.

Another point that interested me and rather surprised me was the play on the word "irregular" that had been made in another place. There was some question as to whether an improper act undertaken on a regular basis might be incapable of being examined. I suggest recourse to the *Concise Oxford Dictionary* (I do not think that one needs to go to the *Expanded Oxford Dictionary*). When I use the word regarding an irregular action, I invariably refer to it in the legal sense as being an improper one. Indeed, the Oxford says "not regular" (that could be in the sense of time, not happening at a regular time), or "contrary to rule or moral principle".

Mr. McRae: It was the Commissioner who raised that, not the Opposition.

The Hon. H. ALLISON: One has merely to go to the dictionary to find that there are simple, commonly accepted meanings. I refer also to *Fowlers English Usage*, which surely accepts that "irregular" is a moral principle.

Mr. McRae: We have accepted the man's qualities and qualifications. You have asked us to do that, and you are hoist on your own petard.

The Hon. H. ALLISON: One has merely to have recourse to the dictionary.

Mr. McRae: You'd better tell him that.

The Hon. H. ALLISON: I am sure that he has recourse to it.

Mr. McRae: Send him across the Oxford Dictionary.

The Hon. H. ALLISON: One should have thought that he already had it. The mind boggles to have the argument further enlarged in the Upper House without any reference to the simple meaning of the word. The arguments that have been propounded have been repetitive and have brought nothing new into the debate. As such, in those circumstances, the Government will in Committee have no alternative but to continue its opposition to clause 2 and to continue with its amendment to clause 3.

I move:

> That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

The Hon. H. ALLISON: The Government opposes this clause.

Mr. McRAE: I do not intend to recanvass the arguments, but certainly the Opposition will insist that this clause stand part of the Bill. We will certainly divide on the matter, and hope that at least some Liberal members still have some principles.

Mr. MILLHOUSE: I support this clause, and was pleased to hear the member for Playford say what he said. I hope that he and his colleagues stand firm if the matter goes to a conference.

The Hon. PETER DUNCAN: I certainly support this clause, which is a very important element. Much has been said already about the terms of reference. I am tempted to list for the Committee a large number of questions, and I believe the Minister should say whether he thinks they are inside or outside the terms of reference. In particular, I should like from the Minister some indication whether he believes that the promotion system of the whole department is within the Commission's terms of reference. This question ought to be answered by the Minister, as most definitely allegations regarding the promotion system in the department were made loudly and by many people, not just by me, before the Royal Commission was appointed. It is clear from the terms of reference that it is not within the ambit of the Commission for the Royal Commissioner to look at such matters.

Numerous allegations have been made to me regarding the existence of a degree of favouritism for Freemasons in the Department of Correctional Services. It is alleged that there is a large number of Freemasons not only in the prisons but also in the upper echelons of the department.

Mr. Mathwin: What on earth has that got to do with it?

The Hon. PETER DUNCAN: I am making the allegation (if the honourable member, who is out of his place and who is therefore interjecting improperly, would like to listen) that a degree of favouritism has existed in the department in the interests of Freemasons. Unfortunately, because of the Government's refusal regarding this matter and its intransigence in relation to it, if the terms of reference are not widened, I will have no option but to make all the allegations necessary in this House to prove the facts as I know them to be. I do not want to stand in this place and name people as Freemasons, or as this, that, or the other thing.

This Parliament is not a court and is not established in such a fashion that enables the proper and true testing of the allegations. We do not want to do that, and Government members might care to reflect on the fact that, since the Government announced the appointment of the Royal Commission, I have not made any further allegations regarding this matter. However, I have a large number of allegations which are outside the terms of reference and which I will have no alternative but to start raising if the Government does not accede to the reasonable requests that have been made to it to extend the terms of reference.

Mr. Mathwin: Will you tell us how many Liberal people and Labor people there are; and how many belong to the Uniting Church?

The Hon. PETER DUNCAN: That does not really matter. If the honourable member wants to goad me into reading into *Hansard* the lists that I have with me today, so be it, and it will be on his head. However, I do not believe at this stage that people should have their names brought up before this Parliament in such a context. That is a fair matter that ought to be dealt with by the Royal Commission. The allegation will undoubtedly be made that there has been certain favouritism in favour of Freemasons in the department. I have no doubt that that matter is outside the Commission's current terms of reference. Surely, however, the Commission ought to be able to deal with that matter.

I find it a sad thing that we are having to thrash this matter around in this place and in another place in this fashion. I have put on record on a number of occasions that there are many things wrong with the Department of Correctional Services, not all of which are by any means the fault of the present Government. I have made this abundantly clear in what I have said in this House on several occasions. I do not hold the gun at the head of this Government, and I do not see the matter as a political football between the Parties in this place.

I see it simply as a service to the people of South Australia, a matter in which we should act in a bipartisan fashion to get a thorough review of the whole of the Department of Correctional Services, so that the air can be cleared once and for all. As I said last night, there have been at least seven investigations into the affairs of the department within 10 years. Not one of them has been effective in coming to grips with the underlying problems of the department, because all of them have been inquiries and investigations into certain specifics. We need a wide-ranging independent investigation into the department. Surely members of the Government can see that it is in the best interests not only of Parliament and the people directly involved in the correctional institutions but also of the people of South Australia, the taxpayers, who pay for the system.

It is long overdue that a wide-ranging inquiry should take place. This Bill provides a series of terms which would enable a full, frank and independent investigation to be set up, and I urge members of the Government to think again on the matter. It is not a situation in which the Opposition is looking to score political points. I wish sincerely that, when the decision was made to set up the Royal Commission, the terms of reference at that time would have been made wide enough, and this whole debate would not have been necessary. That is my sincere wish. I hope that the Government will agree at this stage. If it does, I think it will not be the subject of adverse criticism; on the contrary, the *Advertiser* has indicated, as one of the media groups in the State, that it is in favour of a widening of the terms of reference, and I have little doubt that, if the terms were widened, the general community feeling over the matter will be one of approbation.

Dr. Billard: They described the terms of reference as sweeping.

The Hon. PETER DUNCAN: In the initial article, but subsequently they had other comments to make. I believe there is a widespread view in the commuity that the terms should be widened, and I hope that the Government will have the good sense to bow to the pressures that are building up in favour of an extension of the terms.

Mr. MILLHOUSE: I dissociate myself from what the member for Elizabeth has said, and I reprove him for what he has said about Freemasons. I am a Freemason myself. I am not a very good or active member of the craft, but it is as absurd as it is distasteful for the member for Elizabeth to say what he has said. He might just as easily have said that they are all Roman Catholics and they favour each other. Unfortunately, 50 years ago that sort of thing might have been said, but it is entirely out of place and irrelevant today.

The Committee divided on the clause:

Ayes (18)—Messrs. Abbott, L. M. F. Arnold, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae (teller), Millhouse, Payne, Peterson, Plunkett, Slater, Trainer, and Wright.

Noes (21)—Mrs. Adamson, Messrs. Allison (teller), P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Pairs—Ayes—Messrs. Bannon, Corcoran, and Whitten. Noes—Messrs. Chapman, Goldsworthy, and Randall.

Majority of 3 for the Noes.

Clause thus negatived.

Clause 3—"Orders in relation to evidence, etc."

The Hon. H. ALLISON: I move the amendment standing in my name, copies of which were distributed last night.

Mr. Millhouse: I haven't seen a copy of it yet.

Mr. McRae: I have not seen a copy. It's not on the file.

The CHAIRMAN: My understanding is that the amendment was distributed last night.

Mr. McRAE: Mr. Chairman, could I ask that you direct the Minister to read his amendment and, if it is too complex, I will need to move for an adjournment.

The CHAIRMAN: The Chair does not direct the Minister. I can make a request of him.

The Hon. H. ALLISON: Copies were circulated last night.

Mr. Millhouse: What is the amendment? Why can't you read it out?

The Hon. H. ALLISON: The amendment is quite a simple one. It is as follows:

Leave out subsection (4) of new section 16a.

Mr. MILLHOUSE: I oppose it. I think we ought to leave this in for the reasons I gave in the other debate. This is a sweeping power and, if the Government wants to give it permanently to Royal Commissions, I would be absolutely opposed to it. The only reason that I will agree to this clause at all is that it is restricted to this particular Royal Commission and that is, of course, the purport of the subclause which the Government wants to leave out. I certainly oppose the amendment.

Mr. McRAE: The Opposition is opposed to this amendment. It is unnecessary for me to continue at any length. The member for Mitcham and I have both spoken on this matter. It is a safeguard that has been put in. It would be a disgrace if the amendment were carried.

The Committee divided on the amendment.

Ayes (21)—Mrs. Adamson, Messrs. Allison (teller), P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Noes (19)—Messrs. Abbott, L. M. F. Arnold, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae (teller), Millhouse, Payne, Peterson, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs. Chapman, Goldsworthy, and Randall. Noes—Messrs. Bannon, O'Neill, and Whitten.

Majority of 2 for the Ayes.

Amendment thus carried.

The Committee divided on the clause as amended:

Ayes (21)—Mrs. Adamson, Messrs. Allison (teller), P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Noes (19)—Messrs. Abbott, L. M. F. Arnold, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Millhouse (teller), Payne, Peterson, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs. Chapman, Goldsworthy, and Randall. Noes—Messrs. Bannon, O'Neill, and Whitten.

Majority of 2 for the Ayes.

Clause as amended thus passed.

Title passed.

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

That this Bill be now read a third time.

Mr. MILLHOUSE (Mitcham): I cannot support the third reading of the Bill in its present form. Not only has it got one of its main provisions taken out of it, the enlargement of the terms of reference of the Royal Commission, but it is also in a form that I believe is too dangerous to be passed by Parliament. I think that it would be very dangerous, indeed, for the reasons I have already given in the debate, for clause 3 as it stands in our print of the Bill to be put permanently in the Act. It would give unlimited power to a future Royal Commissioner, who may not be a member of the legal profession, or who may have no idea of justice whatever. It could lead to concealment and very great injustice. I remind members that any decision made would not be appealable because of section 9, I think it is, of the Royal Commissions Act, which would govern this matter. I do not believe that this section should be put permanently into the Act. I would have been prepared to let it go if it were confined to the present Royal Commission, but in no other circumstances am I prepared to support it.

Mr. McRAE (Playford): The Opposition, for the reasons given in my address to the House, is totally unhappy with the Bill and is quite amazed that the Liberal Party should have acted in this way. The Opposition will most certainly oppose the third reading of this Bill and divide on the matter.

The House divided on the third reading:

Ayes (21)—Mrs. Adamson, Messrs. Allison (teller), P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Evans, Glazbrook, Gunn, Lewis, Mathwin, Olsen, Oswald, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Noes (19)—Messrs. Abbott, L. M. F. Arnold, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae (teller), Millhouse, Payne, Peterson, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs. Chapman, Goldsworthy, and Randall. Noes—Messrs. Bannon, O'Neill, and Whitten.

Majority of 2 for the Ayes.

Bill thus read a third time.

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 6 November. Page 1874.)

The Hon. R. G. PAYNE (Mitchell): The Opposition supports this Bill. As was pointed out in the second reading explanation by the Minister, this Bill is really a follow-up to a larger amending Bill, No. 42 of 1980, which went through this House several months ago, in June I think, and which has not yet been proclaimed. Officers of the department concerned, and of the drainage authority, have been looking at matters relative to the previous Bill and have found that there are a number of areas that need

tidying up. I have looked at both the explanation and the clauses in the amending Bill. They appear to set out to do what is intended. I suggest to the Minister that if, in any reply he might make to my speech, he assures me that the Millicent District Council and other people in the Eight Mile Creek area who might be affected by any of the amendments in this Bill have been consulted and reached agreement about this matter, that would suffice for the Opposition during the Committee stages.

The Hon. P. B. ARNOLD (Minister of Water Resources): The Government was aware of one or two deficiencies in the Bill at the time it was introduced. It proceeded with the introduction in line with this Government's election undertaking to repeal the South-Eastern drainage rate as a key principle. I preferred at that stage to proceed on that line to give the officers of the department adequate time, after some deficiencies in the former Bill were brought to our notice, so we would not be hurrying the second stage through, and so that plenty of time would be available for the officers to discuss the matter in detail with the Millicent council and the Eight Mile Creek board.

As such, I believe that we now have the situation clarified, the matters that we really set out with the intention of achieving in the initial Bill will now be achieved in the second Bill, and both will be proclaimed at the same time.

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

COUNTRY FIRES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 November. Page 2051.)

Mr. LYNN ARNOLD (Salisbury): This Bill is important because it amends an Act passed in 1976 by the then Labor Government. I indicate in general terms that the Opposition supports this Bill, although there are one or two doubts that we have in regard to certain clauses. Perhaps later in another place it may be necessary for us to consider moving amendments to certain clauses; I indicate that now, and I will come back to the point when I refer to particular clauses.

The original Country Fire Services Act that this Bill seeks to amend was passed in 1976. Its thrust is to organise the Country Fire Services within this State for the best control of fires in all areas outside urban areas. I remind the House that that includes many areas within the metropolitan area of Adelaide. Indeed, even my local government area, the Salisbury Council area, is served by both the South Australian Fire Brigade and the Country Fire Services. Both services do that very well.

Although the Act was passed in 1976, it did not come into operation until about 15 months ago, so we have not actually seen the Act in its real capability for more than 15 months, or more than one actual fire season. It is interesting that the amendments contained in this Bill are the result of lessons learned in that one fire season when the Act was in force. Indeed, the experiences that have been learned from that have been quite salutary in many ways, which is why many of the amendments in this Bill achieve our support.

However, one needs to recognise the role of the previous Government in introducing the legislation, and one also needs to pay attention to the fact that the legislation in South Australia was introduced prior to, and not after (as in the case of many other States), disastrous rural fires. Throughout Australia, in every other State the governing legislation that was introduced in the 1970's to cover the control of rural fires in all cases—except South Australia—resulted from some disaster that in many cases led to a Royal Commission, a committee of inquiry, a coronial court of inquiry, a great public outcry, and then finally some legislation.

Of course, one can understand that when legislation is not on the Statute Books, when those forms of inquiry take place they will result in legislation, but it is unfortunate that this planning was not done in advance or that the foresight was not there in advance to make sure that these things could be attended to before the need actually arose. It is with some credit that the former Labor Government can hold its head high in this regard, because it did plan ahead. It did not operate on the thinking that it should wait for disaster to strike and then do something; rather, it felt it was necessary to introduce a new principal Act to meet a possible disaster, and the State and its rural areas are better for it.

Not only did the Government introduce the principal Act in 1976, but also it indicated a very great commitment to the work of the Country Fire Services, known formerly as the Emergency Fire Services. That commitment of the former Government expressed itself, first, in the upgrading of equipment that is used by the C.F.S. throughout this State, and also in the building of new headquarters for the C.F.S. at Keswick. I believe that the combined commitment of the new headquarters plus the upgraded facilities and equipment in all the regions indicates that we have a better co-ordinated Country Fire Services system throughout this State.

One of the things that is important is that the Country Fire Services system does need to be a co-ordinated system. Each section needs to have contact with other sections. How many times have members heard in the case of rural fires the desperate need for assistance not only from the immediate local Country Fire Services branch but also of other Country Fire Services units being called on from elsewhere. To have improved that degree of co-ordination does the previous Government much credit.

One of the matters that intrigued me as a result of that past record which is obvious and apparent to us all is that the Minister in his second reading speech yesterday seemed to be making the comment that the Opposition was lagging behind in support of the Government in these directions. Obviously, the contrary is true. The record in the 1970's shows that the then Labor Government did have priorities that held the Country Fire Services system in high esteem and it worked to introduce those changes. I do not attempt to suggest that this Government does not have equally high priorities in this area. I believe it does, but it did not do the Minister any good to downgrade the efforts of the previous Minister in this regard.

What I would also like to say at this time, and I am sure that all members would agree with me from their experiences in their own districts or from observations in other parts of the community, is that the Country Fires Services is a most efficient and a well trained organisation doing a job that is vitally important.

The 11 000 volunteers who make up the various branches of the C.F.S. in this State prevent each year disaster striking very large sections of South Australia that impinge on the metropolitan area itself. How often have we read in the press or seen on the media the grave state, the tinder-fine state, that much of the timberland and grassland in the rural areas of this State has reached due to dry weather in summer? How often has grave concern been expressed by the many residents of those areas, the farmers, the fire authorities, about how close we could be

to serious bush fires? Indeed, we saw that situation earlier this year. It is the people in the C.F.S. who bear the brunt of that.

When that takes place, they go out and attempt to control and extinguish fires at a great deal of personal sacrifice and risk, because it is, as we all accept, a dangerous situation to be in, and they do this with a great deal of efficiency and highly co-ordinated evidence of training. These men are volunteers. They do it because they want to give their time in this regard. After hours, they take part in training programmes. My electorate office looks out over the Salisbury branch of the service. Quite often when working back in the evening, I can see from the office window the crew from the Salisbury service going through their training routine in the facility there. I know from personal experience how often they do that, because I am in my office quite a lot, and am able to see that. I also know that, when they work in their regular occupations, they come out at a moment's notice if fires take place and rush to attend to them as promptly as they can, so that as little damage as possible is done. I know that from personal experience, because the siren of the Salisbury Fire Service is also outside my window, and I am aware of how often it sometimes sounds in summer and of the personal distress it may cause me, but it is important, because it calls together the men of the Country Fire Service. Apart from the personal pleasure I feel when it is quickly turned off, I know that it is proof yet again of the speed with which they can operate. That is something in which all members would concur. It is a very good service. It deserves our support, and it deserves to have incorporated in *Hansard* the way we feel about the work it does.

In the Minister's second reading explanation, a copy of which was provided to me, he *ad libbed* for a while, in addition to reading the printed version, and commented about a paper that the former Minister of Agriculture gave earlier this year on the Country Fire Services and bush fires. The comments he made were very interesting. As a result of them, I spoke with the former Minister (Hon. Brian Chatterton) and said to him that he must be aware that the present Minister laid no small praise on the former Minister of Agriculture and concurred in the comments he made in the paper at that seminar earlier this year. He said clearly in the paper that the former Minister gave that he indicated his support for the intentions of this Bill and that he, the present Minister, supported the comments made by the honourable gentleman on that occasion.

I have had a look at the paper that was given by the Hon. Brian Chatterton on that occasion, because it was an important area of research for me to undertake. I have spoken with that gentleman to ascertain the sorts of things he was expressing. It is true that the sorts of changes we see in the amendment, in large part, received some endorsement from the former Minister. I believe also that it should be noted in the House that the former Minister also made comments that apparently had received the imprimatur of the present Minister. One of those comments is that the Hon. Brian Chatterton expressed his severe and sharp disgust at the fact that the present Minister personally became involved in a bush fire that we had earlier this year. We know that that matter caused a deal of concern amongst a variety of people in the community. Also, the then Minister, in his paper, put forward a proposal that the controlled slow burning of scrub should also be permitted and encouraged on private land; that is something with which we would all agree.

In my district I have an area of land that is right next to a residential subdivision. For some time, it has been causing some degree of concern to nearby residents, because the undergrowth is getting higher and higher. We are approaching summer, and it is getting dryer. It would be beneficial if the service could control that situation by slow burning, as it is able to do in other situations, in national parks for instance.

The other point which I think we ought to make is to look at the areas of specific amendment that this Bill is attempting to introduce. There are two principal areas to which we should draw attention. One is clause 4 and the other is clause 7. I understand that the Minister of Industrial Affairs will be handling this matter for the Minister of Agriculture, and I look forward to his comments on this matter when in Committee. The essential thrust of clause 4 is to introduce the Fire Fighting Advisory Committee to co-ordinate the activities of the South Australian Fire Brigade Board and the C.F.S., and to provide for liaison by those two with the Minister of Agriculture and the Chief Secretary. That is a logical thing to happen because, naturally, we have these two services. They must, on occasion, have to co-operate in the fighting of fires, because they both have resources that are sometimes called on, and it is therefore only appropriate that there be an advisory committee that should try to find ways in which these two services can work together as efficiently and as promptly as possible, and with the least degree of inconvenience to either one or the other.

It is also logical that, since those services are under different Ministries, there be liaison between those two Ministries. That would achieve our support, and it deserves the support of all members.

It is when we come to clause 7 that we express some degree of reservation, about which I have indicated that there may be further discussions in another place. Basically, the situation in clause 7 is that the Director is given the power to delegate the rights to authority in certain fire-fighting situations. The Opposition would not indicate any fear at all about the Director of the Country Fire Services being given those rights to exercise authority in situations of rural bush fires, obviously, but it is the question where delegation may take place, and officers of the Fire Brigade may be involved, that causes some degree for concern. It is the parameters, the restraints, that would apply with regard to the delegation of authority by the Director in regard to officers of the Fire Brigade that causes concern. These constraints may be very wide and, if so, that would cause much concern amongst officers of the Fire Brigade.

Indeed, I know that officers of the South Australian Fire Brigade have expressed concern about this matter because they are worried about what sorts of controls will be exercised in the delegation of these authorities. I hope that the Minister will give this matter some attention when he speaks in closing the debate and also in the Committee stage.

The amendments provide that the Director of the Country Fire Services can take control of fires on Government reserves, and it is interesting that in many ways this refers back to the events we saw earlier this year at Horsnell Gully. One could venture to comment that it is interesting to note that these amendments are before us prior to the results of a coronial inquiry being known, and whether that is the best way to do things could be a matter of some debate.

In general, the Opposition supports the provisions of the Bill, but expresses grave concern about clause 7, because we do not know enough about the parameters and constraints that would apply to the Director in regard to the way in which he can delegate control to other officers in certain situations. What other officers are implied? Obviously, this refers to officers of the board, but other

officers may be involved. What training and experience would they have to have? How would they relate to a control and management situation with other fire-fighters in the field? I look forward to the Minister's comments in that regard, and, if the Minister does not comment, the matter will be followed up in the Committee stage. If comment is not made then, it will be further followed up with great rigour in another place.

I repeat that the Country Fire Services has done a magnificent job for South Australia and we look forward to its continuing to do that job, and hope that the proper measures can be taken to ensure that the job is done with the least fuss and greatest aid possible. As I have said on two other occasions in this House, and in a Question on Notice, I believe there should be some more flexible means of delineating the areas looked after by the Country Fire Services and those looked after by the Fire Brigade Board. I mentioned that a large number of residential allotments fall within Country Fire Services areas, and it my contention that the men and women employed by the service are experts in their field in controlling rural fires, and they deserve, and I have given, full credit for that, but I do not believe that they have the necessary training to meet residential fire situations, because their training has not been directed to this area. It has not been anticipated that that would be a primary thrust in their work.

The expertise in that field is held quite securely within the training and experience of officers of the South Australian Fire Brigade Board, and I repeat that I am concerned about the boundaries between the two bodies. There is not enough flexibility in the redrafting of those boundaries. It should be a simple matter that, when a new residential subdivision is established, the boundaries are automatically adjusted to incorporate an area within the South Australian Fire Brigade zone. I give general support to the Bill, but I am concerned about some factors relating to clause 7.

Mr. GUNN (Eyre): It has been interesting to listen to the expert from Salisbury give us the benefit of his knowledge in this area.

Mr. Hemmings: And quite rightly so.

Mr. GUNN: The honourable member's knowledge of fighting fires may be a little wider than the member for Napier's knowledge, who probably has no experience in this area whatsoever.

Mr. Hemmings: How do you know?

Mr. GUNN: I am making a calculated guess, and I do not think I am far out. The honourable member's knowledge of certain matters may be great, but we have yet to see it. However, I give him the benefit of the doubt. Members on this side are well aware of the fine work that the Country Fire Services has performed over a number of years, and we have supported the continuation of that voluntary organisation when friends of members opposite did everything that they possibly could to muscle in and take control of that organisation. That should be put on the record once again, because it is a fact. If it had not been for people like the member for Fisher and others who stood up in this place and elsewhere and protected and supported members of the Country Fire Services, the previous Government with its friends in the union movement (Mr. Overall and others) would have attempted to move in and take control of the organisation.

I now refer to the allegations that the Minister of Agriculture interfered in the operations regarding a fire in the Adelaide Hills: this allegation is untrue and incorrect, as the honourable member knows, but it is typical of the snide and sneering remarks that the former Minister of Agriculture has engaged in since he and his colleagues were defeated. This kind of remark does the honourable member no credit. His statements have been corrected publicly by officers of the Country Fire Services and others, but still the Labor Party proceeds with its malicious campaign, which does it no credit whatsoever, because those who know about the situation also know that the allegation is untrue. I suggest that the honourable member does a great deal of disservice in pedalling untruths.

It is absolutely essential that, where fires are burning out of control, wherever possible the local fire control officers should have control of the situation, because they have knowledge of the area, which is so important in controlling a fire. They know the country tracks, the fencing and the type of country that is involved. However, when a large fire is burning over a wide front, it is often necessary to bring in heavy earthmoving equipment and, therefore, I concede that it is necessary to give the officer in charge of the Country Fire Services overall authority. In my view, it would be unlikely that in many instances he would move in and assume on-the-spot control. He would be playing the role of co-ordinator. In some northern parts of the State it is necessary to bring in heavy earthmoving equipment, such as graders and bulldozers, to help fight fires, and in those cases overall co-ordination can take place.

It is absolutely essential that the Director of the Country Fire Services has the authority to move into national parks and other areas if fires are burning out of control. Unfortunately, in New South Wales a situation was created in which proper access tracks had not been cut, and I understand that requests by the voluntary fire organisations had been made but had not been adhered to. I raised this matter with the Minister only last week. Proper assessments must be made of all large national parks and consultation should be held with the appropriate local fire control officers, C.F.S. organisations and local government bodies to ensure that adequate fire access tracks are available.

I have been informed by some of my constituents, and I have heard others say, that it would be most unlikely that fire fighters would be prepared to go into some of these areas under the direction of national parks officers, because they are concerned. This matter should be seriously considered. Unfortunately, some well meaning people involved in the conservation field do not really understand the problem. The member for Salisbury mentioned controlled burning off: it is essential that the National Parks and Wildlife Authority consult with the Country Fire Services with a view to organising a programme of controlled burning off in national parks.

If they want to see these areas regenerate to provide natural feed for animals, controlled burning off must take place. Anyone who has had any experience in this area will know that the appropriate growth in scrub country will not occur unless it is burnt off. I have had a fair bit of experience lighting fires. I can say without doubt that I have lit some pretty good ones in my time and I am hoping to light a few more before I finish, because controlled burning-off operations are one of the best and most appropriate ways that a farmer can clear up rough country. There are no dangers when people know what they are doing—no dangers whatsoever. Unfortunately, many people get a bit frightened when they see a bit of smoke.

A final point I want to make to the Minister concerns clause 7, which I hope will not be used to allow action to be taken to promote public servants or others into positions in local areas, taking over the authority of local fire control officers. That would be unfortunate and in my view, an improper action. I hope the clause is not designed to do that; I do not think it is, but I would be concerned if

attempts were made by way of the back door to eventually bring in large numbers of permanent officers to take the place of voluntary members of the organisation; some concern has been expressed to me. The Country Fire Services has expanded its organisation and operation during the past few years, and there has been good reason for it. The member for Salisbury talked about the new headquarters that were constructed by the former Government. I would suggest to him that during the time he was doing his research he ought to have had a look at some of the motions that I moved, urging the previous Government to do something about the matter. The former Government promised headquarters for years and did nothing. Nothing was done until members of the Liberal Party, then in Opposition, raised a motion in private member's time. Then the Government took action; I am very pleased that it did. A headquarters was constructed which was not only necessary, but which can play a very useful part. Also, of course, other facilities in relation to radio work have been greatly improved.

The current Director is a person who I have seen on a number of occasions throughout the years in my district when he has attended competitions which I have had the pleasure of attending, also. I have attended competition days on the other side of the gulf and I look forward to meeting the Director again and discussing matters with him. However, I want to pay tribute to the previous Director, Mr. Kerr, who actually founded the Country Fire Services as we know it today. He had a very limited budget to operate on and he provided a service which, in my view, was second to none. I pay tribute to him for the outstanding services he performed for country people.

I support the Bill. I have concerns about clause 7. I hope that the Country Fire Services Board will be aware of the problems and concerns of people in local government, and there have been certain concerns expressed to me in recent times. Local government believes that it should be consulted, and I adhere to that concept. I believe that local government has a very important role to play in this area and that it should not be overlooked.

On one occasion in recent times when I was asked to present trophies at a Country Fire Services demonstration, I took the opportunity to make one or two comments in relation to statements that were made some years ago by the Chairman of the Country Fire Services Board, and he appeared to take some exception to what I had to say. I was rather sorry about that because I was only trying to be most helpful to him. Unfortunately, he had made statements which did not endear him to people on Eyre Peninsula. I believe that when people assume positions of importance they should make sure that they have done their homework before they make wide-ranging public statements and that they should know what they are talking about. Until a few months ago, I think that that particular gentleman had not even been to Ceduna, and even now he has only made a fleeting visit, yet he was talking about the area virtually becoming a Sahara desert. His comments were unfortunate and they certainly did not get him off on the right track in relation to the people on Eyre Peninsula. I said on one occasion that I was very pleased to see that he had come to the area to see it for himself and to further his education. However, he took some exception to my comments although I was most charitable towards him. I did not in any way want to make him feel ill at ease; he was among freinds and people who did want to help him. I hope that he reads the comments that I have made in this debate and that he will soon take the trouble to make an extensive tour of the area so that in future he is fully aware of the great potential that exists on Eyre Peninsula, because it is one of the foremost graingrowing areas in this State and in Australia and makes a considerable contribution to the Treasury and to the welfare of the people of this State. Therefore, I believe that as the person who is head of the Country Fire Services, and Chairman of the board, he ought to be fully aware of the area's potential so that he does not make unfortunate and ill-informed comments. I support the second reading.

The Hon. D. C. BROWN (Minister of Industrial Affairs): As the acting Minister of Agriculture, I thank members for their comments on this Bill. I pay a tribute to the Minister of Agriculture for what he has achieved in putting up tremendous support for the Country Fire Services in this State. There has been some criticism of the Minister of Agriculture from members opposite, and particularly coming from a particular member of the Upper House. I think that it is the cheapest and the worst political type of comment that one could look for because I do not believe there is ever a role for members of Parliament to try to take a public catastrophe and a public disaster and turn that into an occasion for making criticism of a Minister, particularly when the criticism has absolutely no foundation.

There is an inquiry into the Horsnell Gully fire in the Adelaide Hills. I believe that the report on that inquiry is likely to be handed down shortly, and I believe that the inquiry is likely to find that the Minister of Agriculture has acted very properly indeed. I want to stress to the House and to the people of this State the importance of getting this Bill through, and I stress also the importance of the awareness of the public of South Australia to the high fire danger that exists this summer. My own electorate of Davenport takes in a substantial area of the Adelaide foothills, from Skye running south, taking in Crafers, Upper Sturt, right through to Sturt Creek, taking in Belair and other areas in the Mitcham hills. That area is probably one of the worst bush fire areas in this State. It is certainly a very dangerous area because of the large number of residents living there in an area which is prone to bush fires.

My own experience was that of a lad fighting quite a few fires in the Belair district. I do not want to see some of those fires repeated, particularly the fires that roared out of Brownhill Creek up towards Belair. I pay tribute to the work done by the Country Fire Services, particularly by the volunteers. They do a magnificent job. One need only realise the number of occasions in summer when they are called out with the inconvenience that that causes—

Mr. Lewis: Loss of wages.

The Hon. D. C. BROWN: Yes, and also the loss of sleep. I can recall occasions at Belair when the sirens would ring up to five or six times during one day and the same dedicated people, no matter what had happened, no matter how long they had been out fighting previous fires, would again go out and answer calls, and not only answer the call, but make sure that the truck was on the road within five minutes. I have admiration for what they do, for their dedication, and for the way that they have contained many potentially large fires, making sure that they did not spread.

I think the value of the Country Fire Services could be seen on Ash Wednesday. Although there was widespread damage on that day, it would have been much wider had it not been for the Country Fire Services and the gallant effort of the men and the volunteers involved. I am pleased that the House has handled this matter so quickly, because the Bill was introduced only yesterday. I think all members can appreciate the reason for the urgency, and I thank them for that.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Power of fire control officer in controlling and suppressing fires."

Mr. LYNN ARNOLD: This clause causes some areas of concern. Can the Minister give some indication of the parameters involved, especially in new subsection (9) which relates to the delegation by the Director to a fire control officer, a forester, or a person holding a prescribed office? What anticipation does the Minister have as to the definition of "prescribed office"?

The Hon. D. C. BROWN: If there is a fire which is partly in a conservation park, partly on a farm, and partly in a forest, as is not unlikely in the South-East, and if the fire was a bad one, as the Caroline fire was in 1978, the Director of the Country Fire Services in Adelaide would be in a position to delegate power to someone in the South-East. Obviously, he would not be there to take direct control. Presumably, by prescribing certain officers he could delegate authority to them. The obvious thing would be a prescription in relation to any accredited fire-fighting officer who works in the Woods and Forests Department, and I imagine that is the sort of provision we would be looking at.

If a fire was partly in a national park and partly on farmland on Eyre Peninsula, and the Director of the Country Fire Services was here in Adelaide and knew that a qualified fire officer from the Department for the Environment was fighting that fire, he could delegate his authority to that person. Obviously, he would be very careful about to whom he was delegating such responsibility, and he would want to make sure that the person was properly qualified. Where a fire covers a number of areas and where, without this amendment, there could be a number of people in control of different parts of the fire, he would be in a position to make sure there was one overall controller of the fire. That is the important part of the Bill.

Mr. LYNN ARNOLD: I take it that the sort of thing the Minister was talking about in relation to new subsection (9) would also apply to the delegation referred to in new subsections (7) and (8).

The Hon. D. C. Brown: Yes.

Mr. LYNN ARNOLD: Have many complaints or expressions of doubt been received at the office of the Minister of Agriculture as to how this will operate? How does the situation apply? The Minister has given a good example of a fire in the South-East, and what might happen with a fire on Eyre Peninsula, but what about a fire in the metropolitan area which crosses the boundaries of the two fire brigade services? How would the provisions of this clause impinge upon officers of the South Australian Fire Brigade and the Country Fire Services fighting together?

The Hon. D. C. BROWN: I understand that the Bill does not alter the existing provision. I think the Minister of Agriculture has said that that area is being looked at, but I think that should happen only after the Select Committee looking into the South Australian Fire Brigades Board has handed down its report. My electorate is probably one of the worst areas in this regard. There is a South Australian Fire Brigades Board boundary right along, with houses inside and outside the boundary. There have been classic examples of the South Australian Fire Brigades Board having been called to fires outside the boundary and cases where the Country Fire Services, in Burnside, could have been present at a fire inside the boundary earlier than a brigade could have come from the South Australian Fire Brigades Board. That area is not dealt with in the amendment. There is a problem that needs to be resolved, and obviously it would need to be by negotiation between the parties. I think that should be left until the Select Committee has reported to the House.

As to queries relating to the delegation of authority, I cannot answer that, because I do not know the detail of what people have spoken to the Minister. The proposed amendment has been negotiated with the two main interested parties. We are dealing only with country fires, not with metropolitan fires within the boundaries of the South Australian Fire Brigades Board, and the two other main fire-fighting authorities are the National Parks and Wildlife Service, which has its own brigade, and the Woods and Forests Department, also with its own brigade. The amendment is the result of an agreement negotiated among the three bodies.

Mr. LYNN ARNOLD: I accept the point about the present situation applying regarding the South Australian Fire Brigades Board boundary areas. I agree that it is only right that we should await the report of the Select Committee. We will have to see how the whole thing comes out in the wash, since the whole area of fire control is attracting much concern in all quarters.

Clause passed.

Title passed.

Bill read a third time and passed.

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SECURITIES INDUSTRY ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

ROYAL COMMISSIONS ACT AMENDMENT BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendments.

Consideration in Committee.

The Hon. M . M. WILSON (Minister of Transport): I move:

That the amendments be insisted on.

I am not going to canvass again all the reasons in this place. They have been canvassed only recently by the Minister of Education. Suffice to say, the Government strongly believes that the power to recommend to the Government any additional widening of the terms of reference for the Royal Commission is in the hands of the Royal Commissioner himself, and the Government has stated that it will be prepared to consider carefully any recommendation that the Royal Commissioner may make to the Government. I commend the motion to the Committee.

Motion carried.

HOLIDAYS ACT AMENDMENT BILL

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council committee room at 7.45 p.m.

ROYAL COMMISSIONS ACT AMENDMENT BILL

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's amendments to which it had disagreed.

The House of Assembly agreed to a conference, to be held in the House of Assembly conference room at 7.45 p.m., at which it would be represented by Messrs. Ashenden, Duncan, Evans, Keneally, and Wilson.

[Sitting suspended from 6.40 to 11.23 p.m.]

HOLIDAYS ACT AMENDMENT BILL

The Hon. W. A. RODDA (Chief Secretary): I have to report that the managers for the two Houses conferred together but no agreement was reached.

ROYAL COMMISSIONS ACT AMENDMENT BILL

At 11.24 p.m. the following recommendations of the conference were reported to the House:

As to Amendment No. 1:

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

As to Amendment No. 2:

That the House of Assembly do not further insist upon this amendment.

Consideration in Committee of the recommendations of the conference.

The Hon. M. M. WILSON: I move:

That the recommendations of the conference be agreed to.

Recommendation No. 1, which was that the Legislative Council do not further insist on its disagreement thereto, referred, of course, to that clause in the Bill which dealt with the widening of the powers of the Royal Commission. A very lengthy debate ensued, and I take this opportunity of congratulating those members of the House of Assembly who were on the conference for their contribution to the debate, and also the managers on behalf of the Legislative Council at the conference.

The Hon. J. D. Wright: Are you saying all members?

The Hon. M. M. WILSON: I congratulate all managers at the conference. It was a very lengthy conference which took a lot of concentration, and it encompassed full consideration of the facts. The clause to which I have referred was inserted into the Government's Bill by the Legislative Council and, of course, it changed the whole nature of the Bill. The Bill was designed upon the request of the Royal Commissioner to give protection to witnesses. Of course, that is essential if the Royal Commissioner is to get to the truth of this very important matter that he has before him. The Legislative Council altered the Bill as originally introduced by the Government and placed in it a separate clause which sought to widen the terms of reference of the Royal Commission.

The Government has made it quite plain on many occasions, both in this House and in the other place, that it is prepared to consider widening the terms of reference of the Royal Commission upon receipt of a request for that action by the Royal Commissioner.

Members interjecting:

The CHAIRMAN: Order!

The Hon. M. M. WILSON: Of course, all the parties before the Commission are represented by learned counsel, and if counsel, in making their submissions to the Royal Commission, are persuasive enough and the Royal Commissioner believes that those terms of reference are too restrictive, then of course the Royal Commissioner is well aware that all he has to do is petition the Government, and the Government will give every consideration to widening those terms of reference—indeed, as the Premier has just reminded me, as the Government has done by the introduction of the original Bill, which was at the request of the Royal Commissioner, who requested that we give protection to witnesses.

The second part of the agreement was that the House of Assembly do not further insist upon its amendment. This was discussed at the conference. The reason for this amendment, which was introduced in the Legislative Council and to which this House disagreed, was to restrict the protection of witnesses' powers to this particular Royal Commission, and certainly, after consideration, the managers for the House of Assembly agreed that this was indeed a reasonable request, so we were very happy to agree to it.

The Hon. PETER DUNCAN: I, too, attended the conference, and, whilst I appreciated the comments of the Minister in referring to the role played by members of the House of Assembly, I could not help but think that there was a slight reflection on members on this side who attended the conference in his faint praise.

The Hon. M. M. Wilson: There was no sarcasm intended.

The Hon. PETER DUNCAN: I am very relieved to have the Minister's assurance on the matter. The conference was, as the Minister said, from the Government's point of view very successful. It was attended by the Attorney-General, from another place, the Hon. Mr. Foster, the Hon. Mr. Sumner, the Hon. Mr. Cameron, and the Hon. Mr. Milne, who is well known to have many characters and very great strengths. Unfortunately, his spine is not one of them, but nevertheless—

The Hon. D. O. TONKIN: On a point of order, Mr. Chairman, I do not care particularly much what contribution the member for Elizabeth makes, but to refer to the Hon. Mr. Milne as being spineless is absolutely beyond the pale.

Mr. Hemmings interjecting:

The CHAIRMAN: Order! The honourable member for Napier will not interject. I suggest that the honourable member for Elizabeth should withdraw the comment. It is not strictly unparliamentary, but I believe it is not in the best traditions of this place.

The Hon. PETER DUNCAN: I shall be happy to withdraw it. Unlike the precedent being set by members of the Government in such matters, I would be happy to accede to your request. I believe that the result of the conference is not satisfactory, although no doubt the question of the terms of reference will continue to be a matter of concern, particularly to the parties appearing before the Royal Commission. I believe that inevitably in due course if the Commission is not to grind to a halt the Government will have to amend the terms of reference.

The Hon. D. O. Tonkin: That's entirely up to the Royal Commission

The Hon. PETER DUNCAN: The Premier says that that is entirely up to the Royal Commission. I point out to him that a reading of the transcript to date would show him that a great amount of time of this Royal Commission is being taken up in discussions and submissions relating to whether or not certain matters come within the terms of reference. Before too much longer, I believe the Commission will become bogged down in these submissions. With the terms as they are at present, the problem of submissions from one of the five counsel appearing

before the Commission will become such that I believe it will be taking so much of the time of the Commission that the Commissioner will be forced to come to the Government to seek to have the terms widened.

Without delaying the Committee, I should like to give an example of this. If a prisoner gives evidence about complaints concerning medical treatment that he has received whilst in prison, and if that complaint involves not only medical treatment given to him inside the prison but also medical treatment outside of the prison, an argument must arise about whether the treatment outside of the prison comes within the terms of reference. That is a ridiculous situation, but I am reliably informed that it is one that is becoming a daily problem for the Commission.

I do not believe for a moment that the terms of reference of this Commission will continue as they are for very much longer. It is a sad thing that the Government has not bitten the bullet at this stage and decided quite properly to extend the terms. We were never intransigent on this matter. We felt that the terms of reference that had been written into the Bill were fair and wide enough to have enabled the Commission to go about its task effectively.

We certainly did not have an intransigent attitude to that, and any suggestions for changes in the suggested terms of reference that we have put forward certainly would have been considered, but the Government was not prepared to do that at this stage. No doubt, in the future, it will be forced to change its attitude and agree to changing the terms of reference, but that day is not yet upon us.

Regarding amendment No. 2, I believe that it is a most useful addition to the Bill which has been made as a result of the Legislative Council's initial amendment. I think that that matter has been well canvassed, and I am pleased that the House of Assembly is not to insist on its amendment in that matter.

Mr. KENEALLY: I also attended the conference, and I am also disappointed at the result. Interestingly enough, the Minister argued that it was the Government's Bill that the Legislative Council sought to amend and that it was not prepared to accept the amendment. However, it accepted the amendment from the Legislative Council. It does not seem to me to be too difficult a task for the Government to extend that logic and accept other reasonable amendments, but the Government was not prepared to do so. It surprised me to see the membership of the House of Assembly at that conference. Only one of the five members took an active part in the debate in the House, namely the member for Elizabeth. The Minister who was in charge—

The Hon. D. O. Tonkin interjecting:

Mr. KENEALLY: If the Premier is so interested in what went on at the conference, he could have attended, and it would have been proper for him to do so, since this matter was of such importance. Why was the Minister of Transport there? He did not have the carriage of the Bill.

The CHAIRMAN: Order! The honourable member is straying from the recommendations.

Mr. KENEALLY: The recommendations resulted from a conference of members of this House and of another place. The recommendations that we are debating were obviously affected by the membership of the conference; I do not think that it could be clearer than that. The Chief Secretary, who could be expected to have a greater interest in this matter than would the Minister of Transport, was attending another conference; this was very interesting. It was obvious from the moment the conference started that the Government was going to be completely intransigent on amendment No. 1. The Minister and the other members of the conference had no brief and could not answer any question asked, other than whether or not the Government would be prepared to accept the amendments, when the Government obviously was not prepared to accept the amendments.

When the Minister was asked why the Government was not prepared to discuss with the interested organisations what the Government wished to be dealt with or not dealt with by the Royal Commission, the Minister in charge of the House of Assembly managers was unable to answer. In recent days, a member of the Legislative Council has been put under extreme pressure, a matter this Parliament should regret. Tonight he was put under extreme pressure. I believe that member will later express his view as to the Government's attitude in another place and he will express it in the harsh and critical way in which he criticised the Government at the conference. The Hon. Mr. Milne sought an adjournment—

The Hon. D. O. TONKIN: On a point of order, Mr. Chairman, there is a practice in the House which has been followed for many years and which is referred to by Erskine May.

Details of conferences between the Houses, and particularly details of what has been said and what has not been said, are not debated by members. I submit that the honourable member is transgressing quite grievously that tradition and practice and, indeed, the common courtesy of this House.

The CHAIRMAN: I cannot uphold the point of order. The honourable member may be in breach of courtesy, but he is not in breach of Standing Orders.

Mr. KENEALLY: Thank you, Mr. Chairman. I am following completely the practice of the Premier and his colleagues when they were in Opposition over a number of years. It is hypocritical of the Premier to try to restrict members of the now Opposition.

The CHAIRMAN: The honourable member is out of order. He is in no way referring to the question before the Committee, and I ask him not to stray from the question or I will withdraw leave.

The Hon. D. O. Tonkin: Don't let ambition get the better of you.

Mr. KENEALLY: I take it, then, that the Premier is allowed to continue in his rather sarcastic manner and I am not. There were attempts to seek adjournments, and those attempts were denied; there were attempts at reason, and those attempts were denied; and we are now faced with this situation, in which the Government was given every opportunity, not by the official Opposition in the Parliament (the Labor Party) but by a person quite independent of the Labor Party, who feels terribly distressed, as the Premier will no doubt become well aware in a fairly short time, about what took place at the conference.

I make the point as strongly as I can that there was absolutely no attempt and no intention by the Government to come to any other decision but that it would deny any reasonable debate in regard to amendment No. 1, and that is exactly what happened. The debate that took place for 3½ hours was mainly between the Hon. Mr. Sumner and the Hon. Lance Milne, who tried to reason with the very difficult House of Assembly people. I am disappointed with the results. The member for Elizabeth has explained what is likely to happen, and I am absolutely certain that we will see, in a very short time, that the Royal Commission will be forced to ask for the things that this Parliament sought to give it.

It should be the responsibility of the Government to determine the terms of reference of the Royal Commission. The Government set up the original terms of reference without asking the Royal Commissioner, and

the Government can extend the terms of reference without asking the Royal Commissioner, but this Government is placing the Royal Commissioner in an invidious position, I believe deliberately, and I am anxious to find out what the Government has to hide.

The Hon. M. M. WILSON: The member for Stuart, at the beginning of his tirade, criticised me because I referred to the fact that the Government had introduced this Bill for a specific purpose, and, because I criticised the Opposition for introducing an amendment, he then criticised me because the Government was prepared to accept amendment No. 2 in the Legislative Council moved by the Hon. Lance Milne. That amendment related specifically to the Bill that was before them, and the amendment that was introduced by the Opposition in the Upper House sought to change the purpose of the Bill.

It would be remiss if I did not point that out to the House, because the Government introduced the Bill, to protect witnesses at the request of the Royal Commissioner, which has been delayed in passing this place because of the attitude of the Opposition. The member for Stuart is completely out of court in drawing that analogy.

I want to mention one other fact. If this Bill had been lost, it could not have been reintroduced into the Parliament until at least next month, because Standing Orders prohibit the reintroduction of a similar measure, and the relevant Standing Order cannot be suspended. The House should be aware that, if the Bill had been lost tonight, witnesses before the Royal Commission could not have received protection until another Bill was introduced. The advice given to us at the conference was that the Bill could not be reintroduced, because certainly in the Legislative Council the relevant Standing Order cannot be suspended.

Motion carried.

[Sitting suspended from 11.47 p.m. to 12.58 a.m.].

The Legislative Council intimated that it had agreed to the recommendations of the conference.

ADJOURNMENT

At 1 a.m. the House adjourned until Tuesday 25 November at 2 p.m.