LEGISLATIVE COUNCIL

Tuesday, August 6, 1974

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

PRICE CONTROL

The Hon. R. C. DeGARIS: I seek leave to make a short statement before asking a question of the Minister of Agriculture, representing the Premier.

Leave granted.

The Hon. R. C. DeGARIS: There is not much need for me to give a lengthy explanation of my question, because I referred to the matter in my speech during the Address in Reply debate. My question relates to the administration of price control in South Australia. Will the Minister say whether the Government will consider changing the legislative approach to price control in this State to allow a more democratic system to operate?

The Hon. T. M. CASEY: I will refer the Leader's question to the Premier and bring down a reply.

REDCLIFF PROJECT

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question of the Minister of Agriculture, representing the Minister of Environment and Conservation.

Leave granted.

The Hon. A. M. WHYTE: Much concern is felt throughout the community about the sketchy reports available regarding possible pollution emanating from the proposed Redcliff petro-chemical complex. Has the Government undertaken any scientific study of the pollution effects of established petro-chemical industries in Japan, Great Britain and Canada and, if it has, which officers of the Environment and Conservation Department have undertaken the study? If such a study has been undertaken, will the result be made available to Parliament?

The Hon. T. M. CASEY: As far as I am aware, no South Australian departmental officers have been to Japan, Canada, and the other country that the honourable member mentioned to undertake a study. Nevertheless, I will check with my colleague and, if any variation is necessary to my reply, I will bring it down for the honourable member.

TRANSPORT DELAYS

The Hon. C. R. STORY: Has the Minister of Agriculture a reply to my question of July 24 about transport delays in the export of citrus?

The Hon. T. M. CASEY: I have been informed by the Citrus Organization Committee that a consignment of 25 000 cases of oranges was involved in the reported delay in Melbourne. My information is that the oranges were loaded on the vessel *Australian Endeavour* in Melbourne on June 27 for shipment to New Zealand. The ship was held in Melbourne because of a dispute involving ships' engineers, and again in Sydney due to a stoppage by stewards. The vessel eventually left Sydney on July 24 and arrived in New Zealand on July 27. I am informed that the consignors (RIVSAM) reported to the Citrus Organization Committee that there was a satisfactory out-turn of the fruit in New Zealand.

SOVIET UNION

The Hon. C. M. HILL: I seek leave to give a short explanation before asking a question of the Minister of Agriculture, as the Acting Leader of the Government in the Council.

Leave granted.

The Hon. C. M. HILL: Deep concern has been expressed by people of Latvian, Lithuanian and Estonian descent at the news that the Commonwealth Government has recognized the countries of Latvia, Lithuania and Estonia as being part of the Soviet Union. These residents of South Australia, who have held meetings over the week-end, are, I understand, planning a procession through Adelaide later this week. This recognition by the Commonwealth Government is contrary to the policies of the United Kingdom, the United States and all North Atlantic Treaty Organization countries. As these people are not only Australian citizens but also South Australian residents and, indeed, a part of this State's community, will the Minister say whether the Government is willing to support their cause and to express indignation and disapproval to the Commonwealth Government regarding its decision?

The Hon. T. M. CASEY: I was aware of the situation referred to by the honourable member. I realize (and he made this clear) that this decision was made riot by the State Government but by the Commonwealth Government. I can understand the views advanced by the people from the countries to which the honourable member has referred. However, I understand also that those countries have been annexed to Russia for the past 30 years. Although I am unaware of the policies of the other countries to which the honourable member has referred, I believe the United Kingdom has not recognized this situation; nor has the United States. However, I do not know what countries have or have not done so. I will refer the question to the Premier and ascertain exactly what is the situation.

ADDRESS IN REPLY

The PRESIDENT: His Excellency the Governor has appointed 2.30 p.m. as the time to receive the Address in Reply. I ask honourable members to accompany me now to Government House.

[Sitting suspended front 2.23 to 2.42 p.m.]

The PRESIDENT: I have to inform the Council that, accompanied by the mover and seconder of the Address in Reply to His Excellency the Governor's Opening Speech, and by other honourable members, I proceeded to Government House and there presented to His Excellency the Address adopted by the Council on Thursday, August 1, to which His Excellency was pleased to make the following reply:

I thank you for your Address in Reply to. the Speech with which I opened the third session of the Forty-first Parliament. I am confident that you will give your best attention to all matters placed before you. I pray for God's blessing upon your deliberations.

QUESTIONS RESUMED

MEMORIAL HOSPITAL

The Hon. C. M. HILL: I seek leave to make a short statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. C. M. HILL: Last week I asked a question about grants that had been refused by the Government to Memorial Hospital. In his reply, the Minister said, amongst other things:

While I appreciate the good service given by the hospital over many years, I dispute the honourable member's statement about the definite need for the hospital. In the city area, 13.1 hospital beds are available for each 1 000

people, whereas in some places in outer areas the number is reduced to four beds or six beds a 1 000. So, the need is not so great in the metropolitan area for Memorial Hospital to remain open.

The statistics mentioned by the Minister were questioned by other honourable members at the time, but that is another matter. I have since been informed that grants for similar purposes have been made to Calvary Hospital and St. Andrews Hospital. First, were grants made by this Government to Calvary Hospital and St. Andrews Hospital; and, secondly, as the three hospitals I have mentioned are situated within the city of Adelaide, why does the criterion stated by the Minister not apply in the other two cases?

The Hon. D. H. L. BANFIELD: The honourable member will well recall that I agreed with him regarding the service given by Memorial Hospital but I did not agree with what he said about need. Now, he asks whether assistance has been given to other church hospitals. The answer to that question is "Yes". There appeared to be more money available at that time and, as I pointed out in my reply to the honourable member last week, with the present position at Glenside, Hillcrest, Northfield wards, and other hospitals that have become run down over many years, I thought the need was more urgent in respect of those hospitals than in respect of the rebuilding of Memorial Hospital.

The Hon. M. B. CAMERON: Can the Minister of Health say, first, whether there is any master plan for the provision of future medical care in the city of Adelaide and in the suburbs; secondly, whether it is true to say that Memorial Hospital does not appear as an important part of any such master plan; and thirdly, whether the two other major private hospitals in the city (St. Andrews Hospital and Calvary Hospital) are a part of the plan or whether they will in the future run into the same sorts of problem as has Memorial Hospital—lack of Government assistance?

The Hon. D. H. L. BANFIELD: I will seek a report for the honourable member.

UNDERGROUND WATERS

The Hon. R. A. GEDDES: Has the Minister representing the Minister of Works a reply to a question I asked on July 25 about whether the Government intended to extend the control of the Underground Waters Preservation Act throughout the State?

The Hon. T. M. CASEY: The Acting Minister of Works states that the Underground Waters Advisory Committee, established under the terms of the Underground Waters Preservation Act, 1969, to investigate and report on matters relating to the administration of the Act, is now considering whether or not control should be extended over the whole of the State. The Minister expects that a report will be available within two months, following which a decision will be made on this matter.

WATERLOO CORNER

The Hon. M. B. DAWKINS: Has the Minister of Health a reply from the Minister of Transport to my question of July 25 about the Waterloo Corner and Heaslip Roads?

The Hon. D. H. L. BANFIELD: It is expected that the new outlet for Heaslip Road will be opened to traffic in November, 1974. The fencing is largely completed, but roadwork proper has had to be suspended because of very wet conditions. Completion of the construction of the Waterloo Corner intersection was held up pending finalization of one acquisition. However, agreement has now been reached, and right of entry is expected in a few weeks.

FOREST PRODUCTION

The Hon. C. R. STORY: Has the Minister of Forests a reply to my question of July 30 about forest production?

The Hon. T. M. CASEY: The Conservator of Forests states that the Woods and Forests Department has entered into some long-term agreements for the supply of pulpwood to industry in the South-East. The first of these will come up for renewal in 1982. There is sufficient log volume to fulfil all commitments up to the year 2000 and thereafter. Apart from small reserves and allowing for expansion of departmental milling in the next two to three years, all forest products are fully committed. Some expansion is likely in the 1980's. Planting is being continued at a steady rate of about 1 800 hectares a year but, unless more land becomes available, the planting rate of new land will decline in about three to four years time.

COMMUNITY WELFARE

The Hon. R. C. DeGARIS: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Community Welfare.

Leave granted.

The Hon. R. C. DeGARIS: My question relates to an unmarried mother who failed to lodge with the Community Welfare Department a claim for expenses associated with her confinement for the birth of her illegitimate child. I believe that she lodged her claim after the child had been adopted. According to section 54 of the Community Welfare Act, because her application was made after the child was adopted, she is ineligible to receive any payment. This situation follows a Supreme Court ruling in August, 1973. Will the Government examine this case to see whether any other avenue of financial assistance is available to the woman and, if it is not, will the Minister consider amending section 54 of the Act to overcome this anomaly?

The Hon. T. M. CASEY: I will refer the Leader's question to my colleague and bring down a reply.

RURAL FINANCE

The Hon. R. C. DeGARIS: I seek leave to make a short statement before asking a question of the Acting Minister of Lands.

Leave granted.

The Hon. R. C. DeGARIS: With the impact of gathering inflation, the decline in the value of rural produce and the extreme increases in interest rates, no doubt the Lands Department is aware that some settlers who have received advances under guarantees in accordance with the Rural Advances Guarantee Act are facing extreme hardship at present. Has the department investigated the effects of the recent extreme increases in interest rates on settlers' finances in connection with the Act? If such an investigation has not been made, will the Minister undertake one?

The Hon. T. M. CASEY: I assure the Leader that an investigation is proceeding regarding all these matters relating to the administration of lands under the Lands Department. As soon as I have a report I will certainly bring it down Tor the Leader.

LOCAL GOVERNMENT BOUNDARIES

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Local Government.

Leave granted.

The Hon. C. M. HILL: My question relates to a point I raised in my speech during the Address in Reply debate, which concluded last Thursday. In his reply to the debate, the Acting Leader of the Government in this Council said

that honourable members' questions would be fully considered and he hoped that replies would be forthcoming speedily. I do not know whether the Minister hopes that we will get those replies in *Hansard* or whether they will be in some other form. During the Address in Reply debate I referred to the report of the Royal Commission into Local Government Areas. I am raising the matter again because of its extreme seriousness and because of the haste with which Councils are being forced to call public meetings to discuss the matter. Such haste is unwise in connection with such an important problem. During the debate I said that councils ought to be given adequate time in which to call meetings of ratepayers, to hold special council meetings to discuss the purpose of boundary changes, to consult with neighbouring councils, and to contact the Minister of Local Government, members of Parliament, and the Local Government Department to clarify and better understand what the future holds for them. Will the Government allow a substantial period of, say, six months during which councils may fully consider the implications of the Royal Commission's report before the Government proceeds with legislation to put the Commission's findings into effect?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague and bring down a reply.

SECURITIES REPORT

The Hon. R. C. DeGARIS: Has the Acting Leader of the Government in this Council a reply from the Attorney-General to my question of July 23 about the securities report?

The Hon. T. M. CASEY: My colleague has informed me that he and his legal and company advisers are at present studying the report, which is substantial.

BRANDY INDUSTRY

The Hon. C. R. STORY: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: There will soon be a meeting of the Agricultural Council, at which each State is represented by its Minister of Agriculture and at which the Commonwealth Minister for Agriculture is Chairman. I do not know whether the procedure has altered recently, but opportunity is normally afforded for each State Minister to give a report, dealing with conditions in his State, immediately after the Commonwealth Minister has officially opened the conference. If such an opportunity arises at the next meeting of the council, will the Minister, as a matter of urgency from South Australia's viewpoint, raise the very difficult situation faced by the brandy industry in this State? This situation has arisen, first, as a result of imports; secondly, as a result of vicious excise increases on three recent occasions; and, thirdly, as a result of South Australia's being the largest brandy producer in the Commonwealth, and, therefore, being hit hardest. Will the Minister take up and ventilate these matters at the Agricultural Council meeting?

The Hon. T. M. CASEY: I assure the honourable member that no alterations have been made to the procedure adopted in the past at Agricultural Council meetings and that, if there is any item that is to South Australia's detriment, I will certainly raise it at those meetings, as I have done in the past.

MONARTO

The Hon. C. M. HILL: I address my question to the Minister of Agriculture, representing the Minister of Development and Mines and Minister Assisting the Premier. Although I have been told that up to April 9 no Commonwealth money had been received by the State Government for the development of Monarto, can the Minister say whether any money has been received since then for this purpose?

The Hon. T. M. CASEY: I will obtain a report for the honourable member.

TRANSPLANTATION OF HUMAN TISSUE BILL

In Committee.

(Continued from March 12. Page 2365.)

Clauses 1 to 3 passed.

Clause 4—"Gifts of human tissue."

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

In subclause (1) *(a)* to strike out "sixteen" and insert "eighteen"; to strike out subclause (3) and insert the following new subclause:

(3) No part of a body shall be removed in pursuance of an authorization given under this section—

(*a*) unless two legally qualified medical practitioners, neither of whom is responsible for the removal, or the transplantation of the organ or tissue in question, have each satisfied themselves by a personal examination of the body that life is extinct and have each given a certificate in writing to that effect;

and

(*b*) unless the person proposing to, remove the organ or tissue in question is a legally qualified medical practitioner who has also satisfied himself by a personal examination of the body that life is extinct;

and in subclause (7) to strike out "deceased person" and insert "person (whether alive or dead)".

These amendments are in line with the Select Committee's recommendations.

The Hon. R. C. DeGARIS (Leader of the Opposition): The Select Committee's report has been circulated to all honourable members, from which they can see that six witnesses were examined by the committee. The committee recommended the three amendments moved by the Minister, the first of which is self-explanatory. The Bill as drafted allowed a person of 16 years of age to agree to the removal of tissue from his body. However, the committee considered that it would be better to keep this provision in line with the age of majority; hence the first amendment.

Probably the main question raised during the second reading debate was that of being certain that death had occurred before the tissue was removed from a body. To that effect, the committee recommended that subclause (3) be struck out and replaced with a subclause providing that two legally qualified medical practitioners, neither of whom shall be responsible for the removal of tissue, must give their certificate, and also that the person removing the tissue must be satisfied by personal examination of a body that life is extinct. I am pleased that the committee recommended this change. This change was agreed to by all the medical people who gave evidence to the committee, as they did not consider that this would in any way hamper the transplantation of human tissue. An interesting point arises regarding the amendment to subclause (7). The question arose in honourable members' minds whether tissue could be removed from a live person. This amendment will cover the situation. I support these three self-explanatory amendments.

The Hon. J. C. BURDETT: I support the amendments and draw the attention of the Committee to the following portion of the report of the Select Committee:

Your committee was satisfied that the present medical practice in transplant operations in South Australia affords

excellent control and adequate protection to the interests of the donor of tissues.

We are satisfied that the present procedures are excellent ones, and our purpose in recommending the amendments, particularly the amendment to clause 4 (3), is to ensure that this practice should continue, because the Bill in its original form did not necessarily mean that the present excellent practice would continue. We were satisfied that two independent legally qualified medical practitioners, in addition to the practitioner responsible for carrying out the operation, always examine the donor.

The Hon. M. B. DAWKINS: I support the comments of the Hon. Mr. DeGaris and the Hon. Mr. Burdett, and I support completely the amendments. As the Hon. Mr. DeGaris said, the amendment to clause 4 (1) (*a*) is self-explanatory, increasing the age from 16 years to 18 years, and is in conformity with the present recognized practice. Regarding the amendment to clause 4 (3), we received some requests that it should be made perfectly clear and beyond any reasonable doubt that life must be extinct before any transplant takes place. The amendment suggested by the Select Committee does take care of that procedure, in that two legally qualified medical practitioners must satisfy themselves that life is extinct, while the person intending to remove the tissue is also a legally qualified medical practitioner and must also satisfy himself that life is extinct; so in effect three medical practitioners must be quite sure that life is extinct before any operation for transplantation is performed. This provision takes care of the fears of people who thought that, at some time in the future, medical practice may not be quite as ethical or as careful as at present. We are framing legislation to provide for the future, probably for a considerable time, and as a member of the Select Committee I think it is a wise move to withdraw the existing subclause (3) and substitute the amendment.

The Hon. V. G. SPRINGETT: Although I was not present when the original Bill was before the Council, I have read the report and the Bill and I am quite convinced that the examination by three doctors is most adequate. The future of surgical medicine will be directed more and more toward resuscitating damaged and worn-out parts, and it is most important to bear in mind that medicine will need increasing help to enable its practitioners to obtain organs and parts in suitable condition to help sustain the lives of people who otherwise would die. The cornea of the eye can be stored in a bank and used long after it has been collected, but certain other organs and parts cannot yet be stored, although in future it may be possible to do so. The two examining doctors not taking part in the operation must be convinced that death has occurred, using clinical and other means, and the surgeon responsible for the transplantation will be just as anxious that no mistake be made and no time wasted. Skin grafting has been carried out for many years, for example, from a mother to a burnt child, and although the graft lasts only for a certain time it tides the patient over the emergency. In this instance, it is done with the mother's full knowledge and, of course, with the mother alive. Although reference has been made to being sure that death has occurred in the case of the donor, when it comes to skin grafting we may be quite sure the donor is alive.

The Hon. R. A. Geddes: And kept alive.

The Hon. V. G. SPRINGETT: Definitely. Increasingly, a digit is taken from the foot and transplanted on the hand; a big toe becomes a right thumb. This will happen more frequently in future, and it has been made possible by the development of microsurgery. We shall also see surgeons operating by means of a microscope, joining together tendons, blood vessels, nerves, and so on, to a degree never previously possible. Looking back to the days when the great John Hunter, in London, used body snatchers to bring him materials on which to work, and the days when Knox, in Scotland, used body snatchers also, we have come a long way to reach these days of clinical surgery, where people can have a heart transplant and live as long as did the recent heart transplant patient in Sydney. That is a tremendous step forward.

The Hon. R. C. DeGARIS: I thank members for drawing to my attention one matter I overlooked: the very high standard existing in South Australia in relation to the transplantation of human tissue. I support the views expressed by those members, and I also draw the attention of the Committee to clause 5 of the report of the Select Committee regarding the sale of human tissue. This matter was considered by the Committee, and the report draws to the attention of this Committee an article in the *Michigan Law Review* of April, 1970, entitled "Supply of Organs for Transplantation". Although the Select Committee considered this matter and realized the possible need for legislation to cover this in the future, it is not at this stage recommending any change in the Bill. However, if matters develop as they did in Michigan, there will be a need to legislate to cover the sale of human tissue.

Amendments carried; clause as amended passed.

Clause 5 and title passed.

Bill reported with amendments. Committee's report adopted.

FIRE BRIGADES ACT AMENDMENT BILL

Second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

It makes a number of amendments to the principal Act, some of which will remove some misleading and unnecessary provisions which had been detected when the Act was examined with a view to preparing it for consolidation and reprinting under the Acts Republication Act, 1967. The Bill also makes amendments which are of a corrective nature and which bring the Act into line with the policy that has already been approved by Parliament in other legislation whereby a provision of an Act fixing fees or charges that have been, or are capable of being, varied by regulation under the Fees Regulation Act, 1927, is replaced by a power to fix and vary fees and charges by regulation alone made under the principal Act itself, thus avoiding the difficulty encountered in the consolidation of an Act which arises when a provision of the Act has been amended by a regulation which is still subject to disallowance by Parliament at the time when the consolidation is to be brought out.

This Bill also makes conversions of old currency references to decimal currency. Section 6 (1) provides *inter alia* that the Act should apply in the following localities:

1. The municipalities and parts of municipalities mentioned in the second schedule.
2. The districts and parts of districts mentioned in the second schedule.
3. Every municipality or district, or part of a municipality or district, in which the Governor, upon the recommendation of the board, by proclamation declares that the Act shall apply.

The subsection goes on to provide that any such proclamation must not be made before the expiration of three months after written notice has been given to the council concerned that the board's recommendation had been made.

The second schedule consists of references to municipalities and districts and parts of municipalities and districts (referred to in paragraphs 1 and 2 above) in which the Act applied when it was enacted in 1936. However, additional localities to which the application of the Act has been extended by proclamation under paragraph 3 above are not included or required to be included in that schedule. Since the Act was passed, about 90 proclamations have been made extending the application of the Act to additional localities. Accordingly, the second schedule does not provide a means of ascertaining the localities in which the Act applies. Besides, because of the nature of the descriptions of some of the localities defined in some of the proclamations, it is often difficult, if not impossible, to identify those localities without recourse to a map depicting sufficient detail for the purpose. Also, a number of localities shown in the schedule as district council districts are now municipalities with possibly different boundaries.

There is little point in including descriptions of localities in a schedule to an Act like this, especially if the schedule becomes out of date by an administrative act like the making of a proclamation or by the alteration of boundaries by operation of law. Since there have been about 90 proclamations since May 1, 1937, when the Act came into operation (and no fewer than 28 of those proclamations were made between May 23, 1968 and July 26, 1973), the second schedule does not include all the localities in which this Act applies or their correct descriptions and, in its present state, is quite misleading and serves no useful purpose. The difficulty would not be overcome by the expensive and tedious process of preparing a new schedule (which could now run into several pages) to replace the existing one, because with each future proclamation under section 6, and with every other change of boundary by operation of law, that new schedule also would become out of date. It would seem that ever since the Act was passed any person wanting information about the localities in which the Act applied would have had to seek and obtain that information either from the Fire Brigades Board or the council of the municipality or district concerning which the information is sought, and there appears to be no logical reason for retaining the second schedule (which is now inaccurate and misleading) so long as the Act continues to apply in the localities in which it now applies and the procedure for extending its application is not altered.

Clause 2 accordingly strikes out subsection (1) of section 6 of the principal Act and inserts three new subsections in its place. The new subsections retain the existing localities in which this Act applies as well as the existing procedures for extending or adding to those localities without reference to the second schedule, which is to be repealed by clause 26 of the Bill. Clauses 3 to 9 inclusive convert old currency references to decimal currency. Clause 10 amends section 51 of the principal Act subsection (2) of which refers to a payment to the board of "charges in accordance with the fourth schedule". The charges prescribed in the fourth schedule are capable of being varied by regulation under the Fees Regulation Act, 1927, and, in keeping with the policy already approved by Parliament in other legislation, this clause strikes out the reference to the charges in accordance with the fourth schedule and replaces it with the passage "such charges as may be prescribed for the purposes of this section and as are applicable and appropriate". The clause proceeds to preserve the existing charges contained in the fourth schedule until regulations prescribing charges for the purposes of section 51 of the Act have been made and have taken effect.

Clauses 11 to 17 inclusive convert old currency references to decimal currency. Clause 18 converts a reference to the Commissioner of Waterworks to the Minister of Works. Clauses 19 and 20 convert old currency references to decimal currency. Clause 21 amends section 69 on the same principles as clause 10 amends section 51. Clauses 22 and 23 convert old currency references to decimal currency. Clause 24 makes a drafting amendment to section 73. Clause 25 converts an old currency reference to decimal currency. Clause 26 repeals the second schedule which becomes redundant because of the amendment to section 6 by clause 2. Clause 27 repeals the fourth schedule which becomes redundant because of the amendments to sections 51 and 69 by clauses 10 and 21 respectively.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

MENTAL HEALTH ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 1. Page 227.)

The Hon. V. G. SPRINGETT (Southern): I support this Bill, which, although not adding anything new to the existing provisions, provides for the Mental Health Act to be updated, consolidated and reprinted under the Acts Republication Act. In 1960, an amendment was made to the Mental Health Act whereby under section 20 (2) and (3) medical officers who served in the department were eligible for six months leave after five years service. This provison existed first in 1913 and continued until 1935, during which time there was a shortage of psychiatrists and appropriately qualified doctors. These good terms of service were one way of attracting new practitioners. However, subsections (2) and (3) were not incorporated in the principal Act of 1935. As at that time this provision was deleted, the relevant amendments made to the Act in 1960 could not be implemented. As a result of that, this Act is now being further amended by this Bill. By our taking it out of section 20 and putting it into section 19a, anyone who was entitled under the old Act will remain entitled to those same rights. Only in a few instances do people still retain their rights under the old Act. The modern medical officer comes under the Public Service Act. This right can, however, be incorporated in the consolidated Act. Clause 4 improves the grammar. By clause 5, section 98 of the principal Act is amended to improve the grammatical construction in a couple of places. Under the original legislation, a medical officer had the right to six months leave after five years service. Now, this can be dealt with and incorporated in the consolidated Act. I support the Bill.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

[Sitting suspended from 3.33 to 10.44 p.m.]

EMERGENCY POWERS BILL

Received from the House of Assembly and read a first time.

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That this Bill be now read a second time.

Twice, in the past two years, this Parliament has been asked to consider and pass, in a period of somewhat less than 24 hours, legislation dealing with situations of emergency. In each case the situations were somewhat similar, being brought about by an expected acute shortage of petrol supplies. Notwithstanding that the Government and indeed the people of this State of every political complexion have good reason to be satisfied with the way this Parliament rose to the occasion, it is considered that

there must be a better method of dealing with such situations than by the enactment of special legislation to cover each case. Two considerations are paramount when an emergency occurs: first, the Executive Government must be armed with sufficient power to ensure that appropriate action can be swift and effective, and secondly, in a Parliamentary democracy, the action taken must be open to a considered and an effective review by Parliament.

An examination of these two considerations suggests that the time scale involved in the first is somewhat different from that involved in the second; for example, in the case of an expected shortage of some commodity it is clear that immediate steps must be taken to ensure that such supplies of that commodity as are still in existence are fairly distributed to the community, since if these steps are not taken swiftly there will be nothing left to distribute. However, in such a case, it is by no means necessary that Parliament should be called on to examine and approve those steps within that short time scale; indeed, the application of that time scale may very well substantially limit the effectiveness of the Parliamentary review. Thus, it may well be that, while Parliament agrees that some steps should be taken, it has real doubts as to the kind that are in contemplation, and would like to consider them further. However, being mindful of the need for speedy action, it may consider that it is simply unable to give the necessary time to that review. It is with these considerations in blind that this Bill is now introduced. In summary, it empowers the Governor to declare by proclamation that a state of emergency exists. The general circumstances in respect of which a proclamation may issue are set out in clause 3.

Clause 4 enjoins the Governor to advise Parliament of the issue of the proclamation and .the circumstances surrounding its issue. Provision is also made in this clause for the summoning of Parliament if Parliament is not then in session. Clause 5 empowers the Governor to make regulations dealing with the situation and gives these regulations the same effect as if they are enacted by an Act. The power to make regulations intended to be granted is the widest that can be conferred; in the words of the Bill, "for the peace, order and good government of the State", necessarily limited, of course, to any matter, situation or circumstance arising out of the state of emergency. The power to make regulations is subject to a further limitation set out in subclause (3) of this clause. The limitations set out here simply recognize the fact that the imposition of industrial conscription or the limitation of the right to strike or to take part in peaceful (and I emphasize the word "peaceful") picketing have no place in dealing with a situation of emergency. Indeed, actions such as this tend to exacerbate rather than solve problems.

Subclause (4) is, from the Parliamentary point of view, the most important provision of the Bill in that it provides for the laying forthwith before both Houses of any regulations made under this measure. Also, it provides that the regulations will expire within seven days of being so laid before Parliament unless by a resolution passed by each House of Parliament they are continued in existence. It is suggested that this provision will give Parliament an opportunity of considering the steps taken to deal with the state of emergency reasonably untrammelled by considerations of time. It is within this permitted week that any regulations repugnant to Parliament will either be revoked by Executive action or simply expire by the force of the Statute. Subclause (5) of this clause provides for the expiry of all regulations at the cessation of the state of emergency. Subclause (6) provides that the expiry or revocation of a regulation will have substantially the same effect as the repeal or expiry of an Act, that is, such expiry or revocation will not affect the validity of anything done under the regulation.

Subclause (7) applies the Acts Interpretation Act to regulations made under this Act. Clause 38 of the Acts Interpretation Act is excluded from this application, since it provides for the continuation of regulations until they are disallowed by Parliament. Regulations under this Act as have been referred to require an affirmative resolution of Parliament for them to continue for more than seven days. Clause 6 provides that the Act presaged by this Bill will expire on December 31, 1975. In accordance with the usual Parliamentary practice this means that the Act will be, in effect, an "annual Act" that is, that if it is to continue beyond the date specified a specific amendment will be required. Honourable members will be aware of the application of this principle to the Prices Act. It is suggested that the enactment of a measure along the lines intended will ensure to the people of this State appropriate protection in situations of emergency but, at the same time, it will preserve and indeed enhance the proper role of this Parliament in dealing with such situations.

The Hon. R. C. DeGARIS (Leader of the Opposition): Other honourable members and I will be willing to allow this Bill to pass, as quickly as possible, through its second reading. However, in Committee I shall be asking the Minister of Agriculture to report progress on the first clause to enable honourable members to examine the Bill in more detail overnight. I am certain the Government will give honourable members that consideration. It is a sad state of affairs when a Bill of this kind is deemed to be necessary in South Australia. It is a sad codicil to the will and testament of the two Labor Administrations, one nationally and one in this State. In the words of our Premier, this conjunction of two Labor Administrations was to herald new visions of democracy within Australia. For the first time, to my knowledge, in the 120 years of this State's history we find the need to consider giving war-time powers to the Executive. One might say, using the expression of one Commonwealth Minister, that a Battle of Britain philosophy has been expressed.

For years I have listened to the emotional statements of an emotional Premier whose capacity for turning his back on the results of his own political philosophy when the cards are face up on the table is well known. Often he has criticized the previous Administration in this State as being dictatorial and paternalistic, as well as a heap of other similar descriptions. Now, he suddenly finds himself having to seek from this Parliament dictatorial powers beyond those that have ever been sought before in the history of this State, except possibly in war-time. I have read many of the Premier's statements in newspapers and journals. I remember one in *On Dit*, criticizing the Playford Government. The words "dictatorial" and "paternalistic" have been used constantly by the Premier to label Sir Thomas Playford. How do those labels compare with this Bill? Yet because we have reached this position through a lack of administration, and weak Administration both at the Commonwealth and State levels, there is a need to throw aside the basic tenets of democracy and hand absolute power to the Executive, clothing it with almost war-time powers.

This position is a result of a direct lack of leadership because of the weakness of an emotional Government, and because of that, unfortunately, I believe these powers are necessary. In a free society one cannot be held to ransom. No free society can be held to ransom as it

is being held at present and as the Government fears it will be held soon. As South Australians, we are a small part of the Australian society and a smaller part of Western society. I believe we have a right to defend ourselves against the destructive forces that seek to wreck our way of life. I hope the Government understands the significance of this point, because so far it has been hellbent oh denying it. Let me quote two articles that have appeared in the *Advertiser* over the past two days. The first was a statement by Mr. Jack Mundey, headed as follows:

When we're talking about national strike action, we have very strong support. Top Communist warns of industrial action.

The article states:

Communist Party influence in key Australian unions could bring about a nationwide strike, the president of the Communist Party of Australia (Mr. Jack Mundey) said yesterday. He warned of an impending campaign by Communist officials in unions to produce a major industrial offensive. Mr. Mundey was speaking on the Channel Nine programme *Federal File.* "In all unions, even in many of the right-wing controlled unions, at the factory floor, where it is decisive, when we're talking about national strike action we have very strong support indeed," he said.

Mr. Mundey said their support extended to the grass roots level of key industries such as the transport, power, oil and mining industries. "Certainly, when periods of strike action take place, they would play an extremely important role," he warned. . Mr. Mundey said not only would the Communist Party supporters be in a position to encourage strikes, they would be deciding strike action. He named unionists on the Communist Party's industrial committee—the body which would direct the industrial offensive.

"You have people such as Laurie Carmichael, of the metalworkers, nationally; John Halfpenny, secretary of the metalworkers in Victoria; Keith Wilson, who's secretary of the Labor Council in Newcastle, and Merv Nixon, Labor Council in Wollongong and, in fact, in most of the cities, the leading Communists on the industrial committee," he said. Mr. Mundey also named the unions in which the Communist Party had most influence.

"Certainly, we have a start with the builders laborers, the metal workers and, of course, it differs from State to State," he said. "In some areas the plumbers, in other areas the Building Workers Industrial Union, in other areas miscellaneous workers, but these aren't on a national level." Mr. Mundey said there was a need for unions to take concerted action which was independent of major political parties and of the A.C.T.U. The Labor Party, which was founded as a workers' Party, had come under the control of the indigenous capitalist class. The Communist Party had won a high degree of respect at the shop-floor level because of its consistency.

Following that statement by Mr. Mundey, a report appeared in the *Advertiser,* written by Mr. Fred Wells, Industrial Reporter of the *Sydney Morning Herald.* The report states:

Asked who comprised the Party's industrial committee, Mr. Mundey said that among others were Mr. Carmichael, the Victorian secretary of the AMWU (Mr. John Halfpenny), the. secretary of the Labor Council in Newcastle (Mr. Keith Wilson) and the secretary of the Labor Council in Wollongong (Mr. M. Nixon). There are many others, and they are all eager for the dubious glory that an Australian "spring offensive" will bring.

Anyone who has read those two articles will understand the need for this type of legislation. Do not let us have any doubts about why it is needed; there is no doubt. Do not let us have any doubts why the Governor, in his Speech in opening this Parliament, informed us that we would be faced with a Bill to remove the individual's right to protection in a common law action against a union or a union official who wished to stand over the rest of the community. This Government intends to facilitate the political ends of the Dunfords and the Mundeys oh the one hand and, on the other hand, it seeks absolute power to protect the community against these people. I do not think any honourable member can deny that that is the position: on the one hand, the Government intends to remove the right of the individual to protect himself, and in this Bill it assumes absolute power to protect the community against the very people to whom I have referred.

The Hon. G. J. Gilfillan: They are exempted.

The Hon. R. C. DeGARIS: That is the very point I am coming to. What sort of a political joke is this? In this Bill the Government seeks emergency powers, and I am prepared to support that view because of the situation that the Government itself has allowed to develop. But if it wants that power it must accept it absolutely and be responsible to the people of South Australia for the administration of that power. If, in the opinion of this Government, an emergency exists, then its power to handle that emergency should not be inhibited by creating, as this Bill does, a class of people in the community that these emergency powers cannot touch.

The Hon. G. J. Gilfillan: A privileged class.

The Hon. R. C DeGARIS: A privileged class. Surely in seeking emergency powers it must be the cornerstone of the legislation that the emergency powers sought by the Government must apply to every person in the community. As most honourable members realize, I am referring in particular to clause 5, which provides:

(1) Where a state of emergency exists the Governor may, subject to subsection (3) of this section, make such regulations in relation to any matter, thing or circumstance arising out of the state of emergency as in the opinion of the Governor are necessary for the peace, order and good government of the State and any such regulations may provide for and prescribe penalties not exceeding, in each case, five thousand dollars or imprisonment for six months or both, for the breach of a provision of the regulations.

(2) Regulations made under this section—

(a) shall have effect as if they were enacted in this Act; and

(b) shall have effect notwithstanding anything inconsistent therewith contained in any enactment, other than this Act (whether that enactment was enacted before or after the commencement of th is. Act) or any instrument having effect by virtue of any such enactment.

(3) Nothing in this section contained shall be held or construed as empowering the Governor to make regulations—

(*a*) imposing any form of industrial conscription; or

(b) making it an offerice for any person to take part in a strike or peacefully to persuade any other person or persons to take part in a strike.

That is clause 5 (1), (2) and (3). From that we see that the Governor has power to make regulations and they shall have effect notwithstanding anything inconsistent contained in any other enactment, except that the Government cannot make regulations making it an offence for a person to take part in a strike or peacefully to persuade any person or persons to take part in a strike.

The very core of the problem is exempted from regulatory action. Every right or privilege that any other person in the community has is subject to regulations with the exception of industrial conscription (whatever that term means) and the right to strike. So, as the Hon. Mr. Gilfillan interjected, in these emergency powers we are creating a special and privileged class that cannot be touched, whereas the rights arid privileges or every other person in the community can be removed by regulation. This class, personified by the Mundeys and the Dunfords, will be

exempted from this legislation, a privileged class that can stand over a part of the community, an example being Mr. Dunford in the Kangaroo Island incident. Such people are exempt from the emergency powers the Government is seeking and from any action the Government make take under those powers.

If, in the opinion of the Government, an emergency situation exists, can any honourable member give me even one good reason why a group of people whose actions may be illegal should be exempted from Government regulatory action whereas every other person in the community may have his rights that he enjoys under the existing law interfered with? I challenge the Government to answer that question. For the reasons I have given, I do not oppose the Government's having emergency powers to overcome a situation where any part of the community is under threat of not receiving essential supplies, but those powers must apply equally to the rights of every person in the community. I challenge the Government to give me a good reason why one section is being selected as a privileged class in this situation.

I want to refer to other matters and will refer to them quickly because they will arise in Committee. First, I refer to clause 3 (1), which reads:

If at any time the Governor is of the opinion that a situation has arisen, or is likely to arise, that is of such a nature as to be calculated to deprive the community or situation has arisen . .

I question the use of the word "substantial". What does it mean in this context? We are here dealing with the right of Government to exercise emergency powers. Before it can do that, it must be satisfied that a position has arisen the nature of which will deprive a substantial part of the community of the essentials of life. What do we mean by "substantial part of the community"? For example, would the 3 000 people of Kangaroo Island be considered a substantial part of the community or not? I do not think they would be. Not long ago, a virtual blockade of the people of Kangaroo Island was attempted. It could have produced a situation where the essentials of life were affected; supplies to hospitals could have been affected. Would the Government have had power, under this Bill, to act in such a situation? Would the Kangaroo Island community be regarded as a substantial part of the community? Where a threat exists in any part of the community, the Government should have the right to exercise emergency powers. I do not think the word "substantial" is necessary in that context.

There are several other matters of a Committee nature in the Bill. There are the definitions of what we mean by "essentials of life" and "industrial conscription". I am informed that the latter is a defined legal term; I believe it may mean the direction of people to certain jobs, and that is all it means. If that is so, the words used there should have a much wider meaning than merely directing people to certain jobs. I notice that the Bill coming to us has changed from the original Bill, in that it shall expire "on the 31st day of December, 1975". That deserves examination. It means that the emergency powers will last for 18 months, whereas I would prefer to see as the terminating date "as soon as the next Parliament sits". That is, the emergency powers would exist probably only until the end of July or August, 1975, when the new Parliament should be forced to look at a re-enactment or a re-passage of the Bill as soon as it meets.

I am sorry that such a Bill is necessary in South Australia. However, unfortunately it is necessary at this time, and my main complaint about the Bill at this stage is that it creates a privileged class of people who, no matter what the emergency is in South Australia, are exempted from any regulations under the emergency powers. I draw the Government's attention to this fact. I am willing to support the second reading, but I foreshadow amendments in Committee.

The Hon. J. C. BURDETT (Southern): I support the second reading, although I have grave reservations about this Bill, which is entirely novel and radical. We have no idea how it will apply or what things will be deemed to be an emergency. Clause 3 (1) provides:

If at any time the Governor is of the opinion that a situation has arisen . . .

If the Governor is of that opinion, the powers under the Bill can be put into effect, no matter what is the basis of that opinion. The powers under the Bill are extraordinarily sweeping, being subject only to the limitation relating to industrial matters, where I would have thought the powers were most needed.

This Bill empowers the Executive to declare any situation an emergency and to take any steps which, in the opinion of the Governor are necessary for the peace, order and good government of the State, even to the point of setting aside the existing law. This power amounts to a dictatorship by the Executive for a limited period, and the setting aside of laws and Parliamentary Government for a period. This is a dangerous precedent and is the first step towards dictatorship. True, similar provisions have applied elsewhere in the British Parliamentary system, but that does not prove that they are right. It is fundamental to the rule of law that there be a great gulf fixed between Legislative action and Executive action, but this Bill fills in the gulf by giving sweeping and, in fact, complete Legislative power to the Executive for however limited a period.

I support this Bill only because it expires after 15 months. In supporting what the Leader said in regard to clause 5 (3), I agree that no sector of the community should be exempt from the Bill's provisions and that if emergency powers are needed, they are needed in respect of everyone and should be able to be invoked in respect of everyone.

The Hon. JESSIE COOPER (Central No. 2): I support the Leader's comments this evening and consider it to be a tragic occasion for South Australia that the lack of guidance and control by our Labor Governments, both Commonwealth and State, has brought South Australia to a situation where it is necessary to give this Government powers that normally are vested only in a dictatorship. This Bill, whether by design or by accident, is so all-encompassing that it indicates trickery or very shabby thinking on the part of the people who have drawn it up, but this is not new in Bills that have come before us in recent years.

Surely it is not necessary to give such universal powers to the Executive when ail we are talking about (especially if people are not talking tongue in cheek) is the control of goods and services in short supply. My objection to the Bill would be substantially removed if clause 5 were amended, and I believe this could be done simply. I foreshadow amendments to that clause, and I reserve my other remarks for the Committee stages.

The Hon. M. B. DAWKINS (Midland): I, too, support the Bill at its second reading, and I endorse the comments of the Leader and my other colleagues who have spoken. The Bill's provisions are wide-sweeping indeed, yet the

Government is bound hand and foot by clause 5 (3). That subclause deals with the very area where power is needed in view of the industrial anarchy we face today. The Hon. Mr. DeGaris gave examples of industrial anarchy, not merely examples that could occur in South Australia but examples that could occur throughout Australia.

I refer to the situation obtaining at Port Adelaide where delays have been incurred involving steel supplies as a result of strike action. What has the Premier done about this? Mostly he has waved his hands about saying, "What can I do?" Surely if we are to have a Bill with such sweeping powers, we should be in a position where the situation applying at Port Adelaide can be corrected. Clause 5 (3) prevents the very action that could be needed more than anything else today to bring us back to a state of sanity, and I cannot understand why what the Hon. Mr. DeGaris described as a privileged class should be exempted from the provisions of the Bill. While I support the second reading, I will not support clause 5 (3) as it stands. I believe that subclause (3) should be either excised or substantially amended.

The Hon. A. M. WHYTE (Northern): It seems strange that at this time we are faced with legislation which, as the Leader has pointed out, is normally invoked only in time of war. However, if people talk themselves into positions of authority, where they cannot fulfil their promises, they can become so bogged down that it is necessary to grant them special powers to help them extricate themselves from the mire. It appears as if this is what this Government has done. However, I would have thought that, having been elected to govern this State, the Government had sufficient power to continue without such aids, but it appears that the Government has become bogged down and that it is now seeking additional powers to enable it to correct the situation. For that reason, I support the second reading.

Much has been said about clause 5, especially subclause (3), and I hope that in Committee we can make this legislation look as though it really is emergency legislation. Finally, if this is an emergency, the people who seek additional powers to deal with it should know what the emergency is. The reasons for the Government's needing these powers should be spelt out, and if clause 5 is amended the Bill may be acceptable.

The Hon. M. B. CAMERON (Southern): I do not support the second reading. On reading the Bill one wonders whether we have reached the stage of being a banana republic, as we have a Government unable to control this State within the present rules of our democracy. I do not recall the Government's telling the people before the 1973 election that it would find it necessary, because of its lack of good government, to ask for emergency powers in order to continue to control this State and to provide (as the Bill states) for peace, order and good government. The Bill provides that this power shall be used only in an emergency: in other words, we will be suspended from democracy for a period of seven days at a time. That is not correct; it may be 14 days, because regulations have to be laid on the table when the House meets after the seven-day period. If, at the time a proclamation of emergency is made, one or both of the Houses of Parliament have been dissolved for the purposes of an election, a further period can elapse because the Governor "shall as soon as may be call Parliament together". That situation could mean a longer period in which we are suspended from democratic government and are under the rule of the Executive branch of government.

The Hon. R. C. DeGaris: What democratic government have we at present?

The Hon. M. B. CAMERON: I guess that is correct, but at least certain rules operate in a democracy and we are not subject to the sort of regulation that can be made under this legislation. The best action we can take would be to throw the Bill out at this stage, and, if the Government cannot run the State, it should resign. If it needs this sort of power, let it get out and let someone else have control without this sort of legislation.

The Hon. D. H. L. Banfield: Whom do you suggest it should be?

The Hon. M. B. CAMERON: I do not think that is relevant to this Bill. Clause 3 should be considered with as much thought as any other clause, because it provides:

If at any time the Governor is of the opinion that a situation has arisen, or is likely to arise, ...

What do the words "arisen or is likely to arise" mean? Who can judge whether a situation is likely to arise? This clause could refer to almost anything happening in the community, because it further states "or any substantial part of the community". The Hon. Mr. DeGaris has suggested that "substantial" be struck out but if that word is omitted, one could consider the smallest possible problem that arises in the community. That situation may be an exaggeration, but nevertheless the power to do so will be available.

The Hon. C. R. Story: Do you agree that it should be there?

The Hon. M. B. CAMERON: I do not think that this Bill should have been introduced. Clause 5 includes the following words:

. . . as in the opinion of the Governor are necessary for the peace, order and good government of the State . . .

What on earth is meant by that expression? As I do not believe that we have had good government from this Government at all, I cannot understand what we are supposed to assume from those words.

The Hon. J. C. Burdett: Those words are in the Australian Constitution. Do you know what they mean in that document?

The Hon. M. B. CAMERON: Clause 5 (4) provides:

Regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made and shall expire after the expiration of seven days from the day on which they were so laid unless a resolution is passed by each such House providing for their continuance.

That allows the Government 14 days during any period it may nominate "that a situation has arisen, or is likely to arise, that is of such a nature as to be calculated to deprive the community or any substantial part of the community of the essentials of life". I do not believe that that power is necessary, and the Bill should be thrown out at the second reading and not further discussed. If the Government now finds itself in a situation in which it needs this sort of power, I am sure that Parliament will co-operate, as it has in the past when problems have occurred. It is remarkable that these problems have arisen since the Labor Government has been in power.

The Hon. R. A. GEDDES (Northern): The honourable member who has just resumed his seat accused the Government of being a banana government: he did not explain whether he had eaten it or whether he is trying to slip on the skin. Because the honourable member said he could not support the Bill, he is denying a problem which exists,

or may exist, and which the Government and this House must recognize. One cannot deny that almost every page in newspapers throughout Australia is emphasizing strikes, the threat of strikes, or the demand for strikes, which the Commonwealth Government and State Governments are seemingly finding themselves powerless to control and combat. I reluctantly support the second reading so that amendments can be moved to make this better legislation than it seems to be now.

The Hon. M. B. Cameron: Do you think it is good legislation?

The Hon. R. A. GEDDES: I have said that I am reluctant to admit that it is necessary for these powers to be given in this day and age. I do not think this is good legislation, but it must pass the second reading to enable us to incorporate amendments in it in order to make it better legislation. In my speech in the Address in Reply debate on July 30 this year I said:

> . . . the unions, which should represent the ultimate strength and backbone of the Australian Labor Party, are abusing their privileges to such an extent that the pride the Labor Party had in gaining office has become tarnished, arid it will be blackened and will eventually be broken by the unions' abuse of power, unless action is taken, and taken soon.

Mr. Jack Mundey of the Communist Party (and I am not sure whether it is Australian, Peking, or Moscow) has shown the danger that we as Australians and members of this Parliament could be facing. Let us not hide ourselves like an ostrich with our head in the sand by refusing to acknowledge the fear of subversion by Communism. My friends on the Government benches know full well that there are far too many Communists in trade unions in this State. Mr. Mundey has named top Communists in principal unions in the Commonwealth. Of course, this could be a fly-by-night statement by him.

The Hon. A. M. Whyte: Has the Government power under the Bill to cover this situation?

The Hon. R. A. GEDDES: Not as the Bill stands. As the Hon. Mr. DeGaris pointed out, in clause 5 (3) the Government is providing for a privileged class. It will allow the unions untrammelled power while a state of emergency exists. However, a delicatessen that does not sell milk, or a producer who does not send his milk or stock to the city, could be reprimanded—

The Hon. A. M. Whyte: And fined $2 000.

The Hon. R. A. GEDDES: Yes. The Government does not seem interested in, or able to do anything about, whether hospitals will have linen, whether men will work at a milk factory, or whether men will unload steel at Port Adelaide.

The Hon. M. B. Dawkins: The Government is too frightened to do anything about that.

The Hon. R. A. GEDDES: The fear is there, and the threat has been made by Mr. Mundey. This State and this Parliament must take care. I support the second reading of the Bill because of the need to take care, but I reserve the right to move or support amendments that will be necessary.

The Hon. C. R. STORY (Midland): I support the Bill. I cannot agree with the Hon. Mr. Cameron, whose delightful right-wing speech must intrigue his supporters outside, who are always given the impression that his is a liberal progressive Party that he represents in this Council. I cannot imagine that his speech was not written for him by a prominent member of the League of Rights.

The Hon. M. B. Cameron: Please tell me more.

The Hon. M. B. Dawkins: It was written for him, but I do not know whether it was written by the League of Rights.

The Hon. C. R. STORY: It was extreme right wing. I do not wish to belong to the "die wondering club"; I do not want to go to the extent of wondering whether, if we give the Government the power, it will use that power. I say: give the Government the power, and stand over the Government to see that it uses it if the situation arises. It is our duty as members of Parliament to do that. I do not doubt that some parts of the Bill can be substantially improved in the Committee stage. Some provisions in the Bill are a great departure from the present situation. Clause 5 (7), relating to section 38 of the Acts Interpretation Act, alters the whole concept of the interpretation of regulations, and it is a great departure from anything on the Statute Book at present. A period of 14 days is allowed; a refresher could be put before Parliament to keep legislation in operation, rather than having 14 sitting days, during which a member could move to disallow a regulation. A flaw in the Bill is that there is no provision for disallowance in the seven days of the original proposition. There is no provision for regulations to be disallowed if Parliament does not like them; they must run the full seven days proposed in the first instance. True, as the Hon. Mr. Cameron said, it could take a period of up to 14 days if Parliament is not sitting or if it is prorogued—an absolute maximum of 14 days.

Clause 5 (3) needs careful attention, and it will get that attention in the Committee stage. The Government may have given thought to the provision, but it may not have known how resolute this Council is that the Government be given power to do the job of stopping people like Mr. Mundey from engaging in nefarious practices. We will give the Government power to deal with those situations. By amending clause 5 (3) we will give much more strength to the Government to deal with those situations. Clause 4 (2) provides that Parliament—

> shall meet on the day so fixed and for all purposes shall continue to sit and act in the same manner as if it had been adjourned or prorogued to that day.

That wording could keep Parliament in continuous session for any length of time up to December, 1975.

The Hon. A. J. Shard: If it was a case of real emergency, wouldn't that be desirable?

The Hon. C. R. STORY: I rather doubt it. We would not want to sit here for that length of time. Let us remember that there should be a refresher every seven days. If it appeared that the sitting might be extended, the Government might have to bring in another Bill of a different type to deal with that emergency. If we reach that stage, it will not be good for anyone. I support the second reading of the Bill, and I will support amendments that give the Government what I believe it needs to look after what could be a very difficult situation—probably a more difficult situation than any of us have faced, including the two world wars in which this country has been involved.

The Hon. G. J. GILFILLAN (Northern): I, too, support the second reading to enable the Bill to get into the Committee stage, when I hope some constructive amendments can be moved. I do not support the second reading with any enthusiasm because, on its own, the Bill will achieve very little. The Government needs to take firm action to regain control over the affairs of this State. In 1972 I attended a Parliamentary seminar in London. I left early in 1972, when the rural sector of the community was still suffering from a recession. However, when I arrived back later in the year, this position was improving quite rapidly and throughout Australia, in both primary and secondary industry and

in commerce, there was a feeling of optimism that more income was flowing into the community, that there was an increased demand for the goods that secondary industry produced, and that Australia was about to experience an era of prosperity.

In South Australia we had an Australian Labor Party Government, the Premier of which had stated that he would make South Australia the model for Socialism in Australia. I contend that much of the trouble that we in South Australia are in today has been brought about by the Government itself being the pace-maker or trendsetter in the conduct of its own affairs. The Government was able to do this because at that time we had in Canberra a responsible Government that gave the people of South Australia some protection in the Commonwealth sphere. However, recently we have experienced ah almost complete abdication of responsibility by both the Commonwealth Government and the State Government and I consider that we are now in a position where the previous idea about the duly-elected Governments at both Commonwealth and State level is a complete delusion, the complete power is elsewhere, and the duly-elected Governments, which should be the responsible Governments, are becoming more and more administrators rather than policy makers.

It grieves me to think that, since that time in 1972 that I have mentioned, a prosperous and confident Australia has been brought to its present position by a political philosophy. I consider that this is a tragedy that we have seen in our own lifetime. For that reason, I support this legislation, without having any real confidence that it will achieve anything substantial. I consider that the Government will not move in the directions in which it should move, that in the main these powers will be used to control the distribution of those goods and services that are available, and that the Government will put many self-employed people and people in business to inconvenience and loss so as to avoid inconveniencing stronger power groups in our community.

I will not speak further on the Bill at this stage and will leave any further remarks on the clauses until the Committee stage. However, I suggest that the date on which this legislation will end needs to be reviewed if the Act is to continue. That date should be brought forward from December 31, 1975, possibly to August 31, for the practical reason that Parliament almost always is in session on August 31. Of course, December 31 is in the holiday period.

The Hon. T. M. CASEY (Minister of Agriculture): Judging by some of the remarks that honourable members have made this evening, many of them have not examined the second reading explanation. The Hon. Mr. Story commenced his remarks by saying that he thought that Parliament should have the last say, that it should be the guardian of legislation and should instruct the Government, and so on, but he concluded his remarks by saying that it just was not on and that this could not be done under this measure. In one instance, he boosted the legislation in regard to its coming back to Parliament anyway, and, next minute, he criticized the legislation.

Then, of course, the absolute height of ignorance, in my opinion, was reached by the Hon. Mr. Cameron, when he wanted to throw the Bill straight out the window. If honourable members had listened to the second reading explanation, they would realize that on two previous occasions legislation of this kind had been introduced into this Parliament. That was done at extremely short notice, and the Government was criticized about that. Nevertheless, the legislation was passed, for the benefit of this State. I think it was indicated then that it would be much better for the State in general if legislation of this kind could be put on the Statute Book for a limited time so that, if an emergency arose, the Government could deal with it rather than have to call Parliament back straight away to pass the legislation. I think that these were the views that honourable members expressed pn the two previous occasions when legislation of this kind was introduced, and I think that this proposal was agreed to.

We have heard much about clause 5 (3) and we haye been told that certain amendments will be moved. Honourable members also have referred to other clauses. Of course, it is their basic right to do so, but I draw their attention to the fact that legislation of this kind has been enacted in other States. If honourable members would examine the situation, they would find that legislation is on the Statute Books in those States, and the Governments there are not Labor Governments. They are Governments of the same politics as honourable members opposite, who will find that the legislation has wprked .quite well in those States and that the Governments there have not altered it.

Such legislation was introduced in New South Wales in 1972. There has been a State election there since then, with the previous Government being returned, and the legislation has not been altered. If it works in one State, I ask honourable members to examine the situation and give me a reason why our legislation cannot work in this State, because the measures are exactly the same. What is written into our Bill applies in another State that has a Government of a totally different Party from that of the Government of this State.

I ask honourable members, in the ensuing hours before the Bill comes out of Committee, to do more work on it so that we can get a measure that will be satisfactory to each and every one of us and beneficial to the people of South Australia. There has been much talk about taking on the unions, and so on. I was interested in seeing whether the Hon. Dr. Springett would speak this evening, because I intended to ask him whether he would like us to take on the Australian Medical Association under this Bill.

The Hon. R. C. DeGaris: You can, under this measure.

The Hon. T. M. CASEY: That remains to be seen: I do not think we would get far it we did. Honourable members have also spoken about select groups, but I think there are many select groups in the community now that would not be touched under this measure, anyway. I thank honourable members for their contributions to the debate and I ask them to do a little more homework before we consider amendments in Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 11.56 p.m. the Council adjourned until Wednesday, August 7, at 2.15 p.m.