

## LEGISLATIVE COUNCIL

Tuesday, July 27, 1976

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

### GOVERNORS' PENSIONS BILL

The PRESIDENT: The Governor informs the Legislative Council that Royal Assent was proclaimed to the Bill on July 1, 1976.

### ASSENT TO BILLS

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

Appropriation (No. 2),  
Supply (No. 1),  
Off-shore Waters (Application of Laws).

### PETITIONS: SEXUAL OFFENCES

The Hon. R. C. DeGARIS presented a petition signed by 1 123 electors of South Australia alleging that the crime of incest and the crime of unlawful carnal knowledge of young girls were detrimental to society, and praying that the Council would reject or amend any legislation to abolish the crime of incest or lower the age of consent in respect of sexual offences.

Petition received and read.

The Hon. J. C. BURDETT presented a similar petition signed by 710 electors.

The Hon. C. W. CREEDON presented a similar petition signed by 29 electors.

The Hon. R. A. GEDDES presented a similar petition signed by 639 electors.

Petitions received.

## QUESTIONS

### HOSPITAL TREATMENT

The Hon. R. C. DeGARIS: I seek leave to make a brief statement prior to addressing a question to the Minister of Health.

Leave granted.

The Hon. N. K. Foster: Question, Mr. President.

The PRESIDENT: The honourable Leader has not asked it yet: he has only been granted leave.

The Hon. R. C. DeGARIS: In a report in the *National Times* Dr. Moss Cass claimed:

The best medical treatment in the country is available in public hospitals. Some private hospitals are death traps, so what is the point in subsidising legalised murder?  
Mr. Max Harris took this matter up—

The Hon. N. K. Foster: I called "Question". I thought he was going to ask a question.

The PRESIDENT: "Question" having been called, will the honourable Leader ask his question?

The Hon. R. C. DeGARIS: Will the Minister of Health say whether he is satisfied that the statement made by Dr. Moss Cass does not apply to hospitals in South Australia?

The Hon. D. H. L. BANFIELD: The statement by Moss Cass in relation to the best treatment being available at the public hospitals is correct. Those hospitals have doctors on tap all the time and they have the best specialists.

The Hon. R. C. DeGARIS: Do you agree that you are subsidising murder?

The Hon. D. H. L. BANFIELD: Tut, tut! In relation to equipment and that sort of thing, this is what State hospitals are all about. They have equipment that some other hospitals cannot provide. In relation to the other part of the printed report, I am not convinced that this is what Moss Cass actually said, and I would want to know the full context of his statement.

The Hon. R. C. DeGARIS: Are you satisfied with the standard in subsidised hospitals?

The Hon. D. H. L. BANFIELD: The standard in subsidised hospitals is exceptionally good.

### MEDIBANK STOPPAGE

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

Leave granted.

The Hon. N. K. Foster: Question!

The PRESIDENT: Order! The Hon. Mr. Hill has been granted leave to make a statement prior to asking a question. I think the honourable member must be allowed to make his statement.

The Hon. N. K. Foster: That didn't apply at the end of the last session, I recall.

The PRESIDENT: I point out to the honourable member that leave to make a statement has been granted unanimously to the Hon. Mr. Hill and, if the Hon. Mr. Foster decides that he wants not to allow any honourable member to have leave to make a statement before asking a question, he should vote against the granting of such leave. Leave having now been granted, I call on the Hon. Mr. Hill to make his statement.

The Hon. N. K. Foster: A law for one and a different law for another!

The Hon. C. M. HILL: Regarding the recent strike called by the Australian Council of Trade Unions and supported by the State Government over the issue of Medibank, I have been told that the staff at Hillcrest Hospital met and deliberated for about eight minutes to decide their attitude, which was not to join the strike. I have also been told that the pay of each person who attended that meeting is having deducted from it an amount commensurate with the eight minutes work that was lost. Naturally, these people are extremely upset at this arrangement. Will the Minister say whether this is correct and, if it is, what is the cost of and justification for such a decision being taken by his department?

The Hon. D. H. L. BANFIELD: I am indeed interested in the Hon. Mr. Hill's question. What would he say if the Government paid for all the time for which any person stopped working on that day? If the staff at Hillcrest wanted to stop work and move a motion, they would have been prepared in their own conscience to support a stoppage for whatever duration they decided it should be. Had they decided to stay out for 24 hours in support of the strike, would the honourable member opposite suggest that they should be paid for that 24 hours during which they did not work? The staff at Hillcrest, or people in any Government department or private enterprise, could have stopped work, held a meeting and arrived at a decision in their own time.

I suggest that members opposite would not be pleased if the Government decided to pay people for the time they stopped work in connection with such a stoppage. Although the people at Hillcrest stopped work for only eight minutes, the fact remains that they wanted to register their protest, and I am sure that, if they wanted to do this, they would not at the same time now want to be paid for that time. The cost to those concerned will involve deducting from their pay a sum equivalent to the time that they were out. This is a matter of bookkeeping. No additional cost is involved; indeed, the function of the pay section is to pay people for time they are at work and to deduct from their pay amounts equivalent to the time that they are not at work.

The Hon. C. M. Hill: Will the Minister please answer the question?

The Hon. D. H. L. BANFIELD: I have done so. People working in hospitals are paid for the period that they work and, if they take time off for any such reason, under the terms of their award they are not entitled to payment. Accordingly, they are not paid for time that they do not work.

#### PRIMARY PRODUCERS

The Hon. A. M. WHYTE: I seek leave to make a statement before asking the Minister of Agriculture a question.

Leave granted.

The Hon. A. M. WHYTE: In recent weeks a programme intended to assist producers in certain areas of the State has been announced by the Minister of Agriculture and his colleague the Minister of Lands. It is intended that a rebate of 50 per cent shall be paid for the transport cost of breeding stock taken from a property on agistment and returned to their owner. Also, a 50 per cent rebate will be allowed for transporting stock fodder in the State. Both Ministers know very well that there is no agistment available in South Australia; or, if agistment is available, it is minimal. Stock fodder is at such a price that it would be uneconomical to buy it to maintain sheep or cattle at present. Therefore, to some extent the whole statement is farcical. At the same time, there is a premium for meat meal, which is being brought from other States to meet this State's requirements. Since the ingredients for meat meal are so readily available, will the Minister consider providing a subsidy system in connection with transport of stock for this purpose, thereby helping to reduce stock numbers in drought areas?

The Hon. B. A. CHATTERTON: The drought situation changes from week to week. Discussions are taking place between the Minister of Lands and me, and between us and the drought committee that has been set up. We have also had good contacts with grower organisations on the whole question. The situation is being reviewed periodically, and we are considering the question of meat meal. Samcor will, I believe, be offering to purchase sheep that are of no market value normally. Samcor will be offering 40c for each such sheep, which it will use to produce meat meal. It will be a condition that the sheep be bare shorn, a condition with which farmers would comply anyway, because they would not want to lose the value of the wool. Samcor will also require a minimum weight of 18 kg (about 40 lb), and it will be able to deal in this way with about 5 000 sheep each week during August. Of course, this figure will have to be constantly reviewed in the light of what other stock are coming into the abattoir. It would

be foolish to treat stock for meat meal as being of higher priority than the stock normally killed at the abattoir; such a policy would be detrimental to farmers who were trying to sell their stock before their condition deteriorated. So, that figure is an estimate of what Samcor hopes to be able to handle. It is hoped that suitable sheep can also be handled at the Port Lincoln abattoir, although we need to investigate what stock numbers are being handled there at present and whether there is a capacity to take such sheep there.

The Hon R. A. GEDDES: My question, which I direct to the Minister of Lands, relates to the movement of breeding sheep and cattle to agistment areas, and to assistance provided for the freight of such stock. Has a survey been undertaken by the Minister's department regarding the areas of the State that would be suitable for agistment, particularly for sheep or cattle, and would it be possible for the Minister to tell the Council in which areas it is considered the agistments could be obtained?

The Hon. T. M. CASEY: I do not know whether a survey has been undertaken by the department of likely agistment areas. Undoubtedly, the matter is being examined, although I have not yet received anything official regarding it. I should think that I would be examining this matter in the next few days. However, I suppose one could say off the cuff that the country north of Burra through to the New South Wales border and into the West Darling area is in fairly good heart. I understand that quite a number of stock have gone into the West Darling area from South Australia. I have also been informed that in recent weeks a lot of stock has been coming from other States into the area north-east of Burra, but I do not know whether the report is true. It should not be long before I have the information.

The Hon. R. A. GEDDES: If a grazier wishes to move his breeding stock to another State, are the terms and conditions offered by the Government the same as those applying to movements of stock within South Australia? In other words, could a grazier send his breeding stock to New South Wales or Queensland?

The Hon. T. M. CASEY: Yes.

The Hon. M. B. CAMERON: I seek leave to make a short explanation before asking a question of the Minister of Lands.

Leave granted.

The Hon. M. B. CAMERON: Regarding the agistment subsidy, it has been brought to my attention that some people moved their stock earlier in the year— up to a month or two earlier than the cut-off date announced by the Government. Will the Minister consider further extending the retrospectivity involved in his announcement, to enable these people to participate in the scheme?

The Hon. T. M. CASEY: We brought down a date to July 1 of this year. If some people can put a case to the Government stating that they acted to preserve their properties and not allow the stock to eat them out, I am sure the Government would be sympathetic to their request. The matter would be dealt with on its merits, and I am willing to talk to such people if they come to see me.

#### SCHOOL PLAYS

The Hon. ANNE LEVY: I seek leave to make a short statement before asking a question of the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. ANNE LEVY: I understand that at present a group from the Patch Theatre Company in Western Australia is in South Australia presenting a number of plays in Education Department primary schools. The theatre company is touring the metropolitan area and presenting to junior primary school children dramatisations of stories such as the *Three Little Pigs*, the *Princess and the Frog*, and other wellknown stories. I am told that in at least one of these plays there appear some passages of dialogue which can only be described as union bashing. There are references to union activity that are highly derogatory, and they can be intended only to have the effect of ridiculing unions without in any way saying that unions play a valuable role in our society. Such dialogue can only encourage children to hold unions in contempt.

The Hon. R. C. DeGaris: Can you quote some of the dialogue?

The Hon. ANNE LEVY: It would be preferable not to have such unfortunate dialogue inserted in *Hansard*. Is the Minister aware that this situation is occurring and that officers of his department are apparently sanctioning such attitudes to unions by approving the production of these plays in Education Department primary schools?

The Hon. B. A. CHATTERTON: I will convey the honourable member's question to the Minister of Education and bring back a reply as soon as possible.

#### WATER HYACINTH

The Hon. C. M. CREEDON: I seek leave to make a statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. M. CREEDON: I believe the Minister of Agriculture will be attending a meeting of the Australian Agricultural Council in Queensland next week. Honourable members may recall that the Minister made an announcement following the last council meeting, which was back in January, stating that the Agricultural Council had recommended an integrated programme to control water hyacinth in the water catchment areas around Moree in north-west New South Wales. This programme involves biological, chemical and physical control measures and was to cost several million dollars. The Minister also stated that the Chairman of the Water Resources Council (Mr. Anthony) was to convene a meeting with the appropriate State Ministers from South Australia, Victoria and N.S.W. to discuss the problem, particularly the provision of finance. Can the Minister say whether this meeting has been held and whether anything has been done or anything is likely to be done in the near future to prevent this potentially dangerous weed choking our major river systems?

The Hon. B. A. CHATTERTON: The rate of progress on solving this problem has been disappointing indeed. The New South Wales Government has advanced a plan of action for the control and prevention of further infestation of water hyacinth in the area of the Gingham watercourse near Moree. That is not an eradication plan; it is a control plan that involves spraying the water hyacinth to obtain about a 100-metre channel through the area in order to improve drainage and to lower water levels in the area. The plan also involves the spraying of peripheral areas of the infestation to prevent further spreading of the weed. The estimated cost of this plan advanced by the New South Wales Agriculture Department is about \$200 000. There is to be an inspection of the area

tomorrow, and I will be strongly advocating that we adopt this plan and take positive action to control water hyacinth in this area. I point out that the South Australian Government has always been, and will continue to be, willing to pay its share of the cost involved in such a programme.

#### MARIHUANA

The Hon. JESSIE COOPER: Because of the numerous inquiries I have received from anxious parents, I ask the Minister of Health whether the Government intends in this session to introduce a Bill to legalise the sale and use of marihuana.

The Hon. D. H. L. BANFIELD: No, it is not the Government's intention to do that.

#### STATE TAXATION

The Hon. C. J. SUMNER: Will the Minister of Health, representing the Treasurer, provide for this Council comparative figures in relation to State taxation in South Australia and the other States together with the sources of those figures and the basis of their calculation? Such figures were quoted by the Treasurer during a recent interview on *This Day Tonight*.

The Hon. D. H. L. BANFIELD: I shall refer the honourable member's question to the Treasurer.

#### LOCAL GOVERNMENT

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Chief Secretary, the Leader of the Government in this Chamber.

Leave granted.

The Hon. M. B. DAWKINS: Last June, I asked the same question in the space of three days about local government finance and the setting up of a State Grants Commission. I did this not necessarily expecting to get an answer at once but merely to highlight the urgency of the matter that had been brought to my notice by representatives of the Local Government Association. The Minister of Lands, to whom I attach no criticism in this matter, stated to me in reply:

I assure the honourable member that, although he will not get a reply in the Council, he will get one by letter as soon as possible. So far, I have not received a reply to that question, which was urgent, and there has been publicity in the press and on the radio over the last 10 days or so about this matter. Can the Chief Secretary say whether this is a matter of dis-regarding and forgetting to answer questions in Parliament (I hope that is not the Government's policy) or whether it is a matter of inefficiency in the Minister's department? In any case, would the Chief Secretary endeavour to see that these lapses do not recur?

The Hon. D. H. L. BANFIELD: I put it down neither to Government policy nor to inefficiency. In regard to obtaining an answer to the question that the honourable member asked in June, I will refer the matter to my colleague, to be referred on to his colleague, to see what the position is.

The Hon. T. M. CASEY: Perhaps I can clear up this matter. I did indicate to the honourable member that, when it was resolved, he would be informed.

The Hon. M. B. Dawkins: In writing.

The Hon. T. M. CASEY: Yes. Cabinet has only just considered the setting up of a Grants Commission in South Australia. I have not had time to notify the honourable member by letter, as this decision has been made only in the last few days. The matter concerning the operation and control of this Grants Commission is still being canvassed by the Minister of Local Government, but I assure the honourable member that the Minister of Local Government has gone to much trouble in setting up this Grants Commission at such short notice. He has been really working overtime to do it. The matter has now been agreed to and, if the honourable member still requires this information in the form of an answer by letter, I shall be happy to furnish it; but I thought I would tell him of the circumstances that have happened in only the last few days.

#### MATERNITY AND PATERNITY LEAVE

The Hon. J. A. CARNIE: Has the Minister of Health a reply to my question of June 9 about the estimated cost of paid maternity and paternity leave for State public servants?

The Hon. D. H. L. BANFIELD: Because of so many unknown factors, it is virtually impossible to make an accurate estimate of the annual cost to the Government of the maternity-paternity leave scheme. However, some two years ago the Public Service Board estimated the annual cost at about \$800 000.

#### MEAT PIES

The Hon. C. J. SUMNER: I seek leave to make a short statement prior to directing a question to the Minister of Health.

Leave granted.

The Hon. C. J. SUMNER: I also ask the Minister of Health whether he would be prepared to refer the question to the Minister of Prices and Consumer Affairs. My question relates to the meat pie, and in particular to an article that appeared in *Choice* magazine of July, 1976. The proponents of the meat pie have in fact a campaign ditty, which goes as follows:

When you sink your teeth into the meat  
The heavenly taste throws you off your feet.  
The gravy drips like liquid gold  
Even if the pie is cold.  
How can experts criticise  
This God-given gift of Aussie pies?

It appears from this article in *Choice* that the propaganda of the Federation of Australian Pie Connoisseurs is not really borne out by the facts, and *Choice* indicates that the great Australian meat pie is dead; it states it has been succeeded by the great Australian gravy pie, and it also refers to an investigation made in June, 1975, of the humble beef sausage. It states it received a few shocks as a result of that investigation, and I quote:

Our meat pies examination has given us a few more. For instance, on a meat content per dollar basis the meat pie is three times more expensive than those soya bean protein adulterated sausages we reported on last year.

The magazine goes on to refer to State legislation on meat pies and states:

A meat pie shall contain not less than 25 per cent of meat.

It goes on to say what is meat, indicating that what the law considers to be meat is not what the public considers to be meat. It states:

Meat is any edible part of any cattle (including buffalo), sheep, pig, rabbit, goat, or bird other than game, which is ordinarily used as food by man, whether fresh, chilled or frozen.

So meat can be any part of an animal that is eaten. It also indicates that the meat pie should not have any more than 33½ per cent of fat. It then goes on to indicate the results of a survey done with 22 samples of meat pie, which included three from South Australia, Badenoch's, Balfour's and Gibbs'. The survey found that six of the 22 pies tested did not meet the legal requirements if the nitrogen content test was adopted. The six which failed fell short by up to 5 per cent. The average for all the pies was 27.6 per cent of meat, indicating that the manufacturers are staying close to the legal limit. Reference is then made to a microscopic examination of the meat, which indicated that the average muscle tissue was only 7.1 per cent of the total pie, with one pie apparently having as little as 1.4 per cent lean fresh meat content.

#### Members interjecting:

The Hon. C. J. SUMNER: This is a serious matter. I am sure the Hon. Mr. DeGaris has been a pie eater for years. I wish to get on with my explanation. The report then refers to suggestions made by the Australian Consumers Association previously regarding changes in legislation. The report repeats the request and states:

Legislation is urgently required to revise the means of testing for meat content in foods. The method based on total nitrogen is now totally inadequate to ensure that the consumer is really getting what he believes he is paying for . . . under the current regulations there is no guarantee that the legal meat content is in fact meat at all.

The report then refers to the dietary disadvantages of meat pies, and states:

An eminent dietician has told us that as a group Australians consume an excess of calories, fat, sugar and alcohol. A meat pie is a high calorie, high fat, low dietary fibre ('roughage') food with fat high in saturated fatty acids.

Finally, the report makes five suggestions relating to the standards of meat and meat products. Will the Minister outline the action taken, including tests carried out, to ensure that meat pies comply with the regulations under the Food and Drugs Act? Secondly, will he say whether there have been any prosecutions during the past 12 months for non-compliance with these regulations? Thirdly, will the Minister examine the criticisms made in the report in *Choice* of July, 1976, and consider amending the regulations to ensure that the consumer is properly protected from this dietary disaster? Fourthly, will the Minister provide similar information on sausages, referring particularly to the report in *Choice* magazine of June, 1975?

The Hon. D. H. L. BANFIELD: At the outset I want to say that it is Ampol for me. I have been challenged to say that somewhere else. With regard to the other matters, I will seek the information requested.

#### NURSING HOME SUBSIDIES

The Hon. N. K. FOSTER: My question is to the Minister of Health. Doubtless, the Minister is aware that a previous Commonwealth Government saw fit to subsidise the labour costs in certain types of nursing home. The Minister would also be aware that the present Commonwealth Government is intent at the moment on shirking its responsibilities in this area. The Minister would also know that previously when Liberal-Country Party coalition

Governments refused to meet their obligation towards sick and aged persons in certain classes of nursing home, a previous Dunstan State Government had to come to the financial rescue of such homes. Can the Minister inform the Council what would be the cost to the State Government to pick up the tab, as it were, to subsidise these homes in a way similar to that in which they are now being subsidised, in the interests of the care of the aged in these homes? Further, does the Minister regard the possibility of the Commonwealth Government's abdicating its responsibility as being quite serious and callous, and does he consider that the policy of federalism of the present Government reacts unfairly on the community, particularly the aged?

The Hon. D. H. L. BANFIELD: I must admit that the prospect of the Commonwealth's opting out of its responsibility to nursing homes, in relation to what it would do to the State finances if the Commonwealth Government did so, was most frightening. However, we have not made a costing in this regard. We have taken the matter up with the Australian Government to find out whether it has yet decided that it will in any way vary its present policy of deficit funding, but it seemed at one stage that that Government would engage in deficit funding provided only that the staff to patient ratio was considerably lower than existed in South Australia. When the Australian Minister for Health was in South Australia over the weekend, I had the opportunity to discuss the matter with him. I know that representatives of the nursing homes also discussed the matter with the Minister, and at this stage I am a little more hopeful that the Australian Government will review—

The Hon. R. C. DeGaris: The Commonwealth, you mean.

The Hon. D. H. L. BANFIELD: No, I am referring to the Australian Government.

The Hon. R. C. DeGaris: It is the Commonwealth Government.

The Hon. D. H. L. BANFIELD: We are talking about nursing homes within Australia. The Parliament of the Commonwealth in Canberra was elected by Australians. Therefore, it must be the Australian Government. The members of it are not elected by the people of Canada, New Zealand, or a few other places: they are elected by Australians, and I spoke to the Australian Minister. I do not know to whom the Hon. Mr. DeGaris has been speaking over the weekend, but in the interests of the people who were about to be hurt by the policy of the Australian Government I have taken this matter up with the Australian Minister and he has given me an undertaking that he will refer it to the Prime Minister. He hopes that the action that it was suggested was about to be taken will not now be taken.

#### FLOWERS

The Hon. J. C. BURDETT: I seek leave to make a brief explanation before addressing a question to the Minister of Health, representing the Attorney-General.

Leave granted.

The Hon. J. C. BURDETT: My question relates to the mime *Flowers* at present showing at the Adelaide Festival Theatre.

The Hon. C. J. Summer: Have you been?

The Hon. J. C. BURDETT: No, I understand that certain citizens have made representations to the Attorney,

asking him to seek an injunction on the relation of those citizens to restrain the showing of the play. I also understand that several citizens have written to the Attorney complaining about the showing of the mime. I understand further that the mime depicts, amongst other things, the stripping of a male acolyte and his being violently buggered. I also understand that the matters depicted include the having of intercourse with a deceased male person by other male persons and also scenes showing males having intercourse with each other. Apparently, there is also a scene showing the descent of Christ from the cross among scenes of depravity. Has the Attorney been requested to seek an injunction on the relation of interested parties to restrain the showing of the mime *Flowers*? Secondly, does the Attorney intend to seek such an injunction and, if he does not so intend, will he please give his reasons for not taking this course of action? Thirdly, does the Attorney consider that the showing of the mime contravenes the provisions of the Police Offences Act and, if he does not so consider, will he please give his reasons? Fourthly, does he consider that the showing of the mime constitutes the common law misdemeanour of blasphemy and, if he does not consider that it does, will he give his reasons? Fifthly, will he give some idea of the number of letters that he has received complaining about the showing of the mime? Sixthly, will he indicate whether he has received complaints from heads of churches about the showing of the mime?

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

#### TIMBER

The Hon. R. A. GEDDES: In June I directed a question to the Minister of Agriculture, asking him whether it would be possible for him to obtain a comparison of the price of radiata pine grown in South Australia with the price of oregon imported from the American western seaboard. Has he a reply?

The Hon. B. A. CHATTERTON: As this is a lengthy reply, I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

It is difficult to make direct price comparisons between radiata pine and imported timbers because oregon and other timbers imported from the United States and Canada arrive in the form of large fitches, and are resawn and graded by timber merchants, thence sold to builders of all kinds and to the public through retail yards and shops. On the other hand, locally produced radiata pine is sold at wholesale prices by producers to merchants in finished, graded, and packaged condition. The timber merchant may use it for manufacturing purposes, for example, trusses or wall frames, or he may sell it by the pack or by the piece to builders or the public. The price at which the merchant sells the timber is not, of course, controlled by the producers.

The Director of Woods and Forests reports that the price at which builders purchase timber of any kind varies because merchants are frequently competing for the custom of large building contractors. The latest prices published in the *South Australian Builder* quote radiata pine scantling 90 x 45 mm standard building grade at \$119.60 for 100 lineal metres, or \$295.30 a cubic metre. Oregon (all sizes) is listed as \$239 a cubic metre for comparable lengths. However, I am advised that the Timber Merchants Association claims that these quoted prices do not represent the true situation, and the Director

is carrying out further investigations in an endeavour to ascertain the real position.

I believe that the current price paid by the merchant to the producer for 90 x 45 mm standard building grade radiata pine is \$69.34 for 100 lineal metres (representing \$171.20 a cubic metre) for wood delivered to the metropolitan area in finished sizes, graded and packaged. I shall be happy to supply honourable members with further information following completion of the inquiries being made by the Director of Woods and Forests.

#### TRADE UNIONS

The Hon. N. K. FOSTER: I wish to direct a question to the Leader of the House, the Chief Secretary. No doubt he is aware that the Leader of the Opposition has been vocal on television in the last few days regarding the trade union movement.

The Hon. C. M. Hill: The Leader of the Opposition in which House?

The Hon. N. K. FOSTER: I shall define the Leader of the Opposition, for the purpose of clarity for the honourable gentleman, as the Leader of the Opposition with a shadow portfolio. The one in here has not got one: they will not trust him with a shadow portfolio. I think that distinction is clear. Although members opposite accept the Hon. Mr. DeGaris as their Leader, their Party will not accept him as a shadow Minister.

The PRESIDENT: Order! The honourable member has asked leave to ask a question. I take it that he also wants to make a statement. The question is that leave be granted.

Leave granted.

The Hon. N. K. FOSTER: Although I did not ask for it, I thank honourable members for giving me leave. The Leader of the Opposition, Dr. Tonkin, has been vocal on television in the last few days regarding advice he is willing to give to trade unions. Will the Leader tell the Council whether it is the intention of the Opposition, either in the Council or in another place, or in the Federal sphere, to move amendments to the conciliation and arbitration legislation, the Leader of the Opposition, Dr. Tonkin, having advised trade unionists publicly that they should form another union? Is he not aware that the provisions of the conciliation and arbitration legislation in both the State and Federal spheres must be regarded as being lawful? Is he aware that consent agreements in the industrial sphere can be applied in only a relatively free area, having regard to trade unions? Can it be ascertained what is in the Opposition's mind regarding these matters?

The Hon. D. H. L. BANFIELD: True, some time ago I was invited to attend meetings in the Opposition Party room, but such an invitation has not been extended to me for some time; nor have I had a private conversation with the Leader of the Opposition in another place regarding his intentions in this respect. Perhaps I could redirect the honourable member's question to the Leader of the Opposition in the Council, who may or may not be talking with his counterpart in another place. If he cares to bring back a reply for the honourable member, I am sure that he will receive permission to give it.

The Hon. R. C. DeGARIS: I am sorry that the question was directed to the Chief Secretary. Would the honourable member repeat his question?

The PRESIDENT: I am not sure whether the Hon. Mr. DeGaris wants to—

The Hon. N. K. Foster: I wouldn't ask him a question, because previously he has had to run and get information from one of his various sources.

#### SUPERANNUATION

The Hon. J. C. BURDETT: I seek leave to make a statement before asking a question of the Minister of Health, representing the Treasurer.

Leave granted.

The Hon. J. C. BURDETT: My question relates to superannuation and the Public Service. The sister of a public servant, who has spoken to me about this matter, did not marry but stayed at home and cared for their aged parents. After they died, she remained home and cared for the public servant himself, who also had not married. Now, in the event of his death, the sister will receive practically no benefit from superannuation. She can receive only a limited benefit in certain circumstances. Will the Government take up the matter, by way of legislation, if necessary, and consider public servants who may be in similar circumstances?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to the Treasurer.

#### WORKMEN'S COMPENSATION

The Hon. R. A. GEDDES: In June, I asked the Chief Secretary whether it would be possible for the Government to review the premiums paid by industry for workmen's compensation. Has he a reply?

The Hon. D. H. L. BANFIELD: My colleague informs me that so far in South Australia workmen's compensation insurance premiums have not been regulated as they have in New South Wales. The New South Wales Insurance Premium Committee reduced their recommended rates by 20 per cent after an actuarial assessment commissioned by the new State Labor Government found that increases made by the committee at the last adjustment in May, 1975, had over estimated a projected rise in wages and the impact of increased benefits. In South Australia, legislation being introduced this session by the Minister of Labour and Industry contains provisions for improved insurance arrangements which will ultimately affect the level of premiums. It should be remembered that action by the Minister last year resulted in a 5 per cent recommended reduction by the Insurance Council because of the effect of Medibank.

#### CHRISTIES BEACH HOSPITAL

The Hon. C. M. HILL: As a letter to the Editor in today's *Advertiser* again raises the question of the need for a new hospital in the Christies Beach area, as this matter has been brought before the Minister's notice several times in the Council, and as, according to today's letter, the issue was part of the Premier's election policy speech in February, 1973, will the Minister now say what are his plans for the provision of hospital facilities in this area?

The Hon. D. H. L. BANFIELD: No, I cannot give an estimated date. The matter of hospital facilities in this area is constantly under review, along with the other needs of the State.

## HER MAJESTY'S THEATRE

The Hon. C. M. HILL: I seek leave to make a short explanation before asking a question of the Leader of the Government in this Council, representing the Premier.

Leave granted.

The Hon. C. M. HILL: There have been reports that Her Majesty's Theatre in Grote Street may close or that the building is up for sale. Many people concerned with the arts in South Australia, particularly those interested in the New Opera company, who believe that this theatre would be ideal for their requirements, are worried about the reports. Has this matter come to the Government's notice and, if it has, is the Government taking action to acquire Her Majesty's Theatre, or to secure a long-term lease of the theatre for the New Opera company, or to ensure the retention of the theatre for the cultural life of Adelaide?

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

The PRESIDENT: Order! Question Time has expired, and it is time to call on the business of the day.

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

That Question Time be extended by 10 minutes.  
Motion carried.

## SPORTING COMPLEX

The Hon. C. M. HILL: I seek leave to make a short explanation before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. M. HILL: On February 3, I asked the Minister a question concerning a report that had been brought to my notice about Samcor being interested in developing a recreational area either on its property or near the abattoir. At that time the Minister said that he had heard of the report, but that he had not been able to obtain any information on it. He said that, to the best of his knowledge, no news releases had been published about it. The party who referred the matter to me has since forwarded to me a copy of the *Salisbury, Elizabeth and Gawler News-Review* of December 22, 1975. The publication carries on its front page a leading article on this matter, headed, "Sporting Centre for Pooraka? Largest of kind in Australia". The article states:

S.A. Meat Corporation is planning a major recreational development south of Salisbury. And if plans come off it could be the largest development of its kind in Australia. Still in its embryonic state, the development is planned for a site in Pooraka bounded by Main North Road to the west, South Terrace to the north, Briens and Bridge Roads to the east and Northfield railway line to the south. Facilities recommended for the ultimate development include: Indoor sports stadium with multi-purpose hall; Ice skating rink and indoor bowling facilities; social and medical complex for Abattoirs Employee Association; child-care centre; three bowling greens, 18-hole golf course and flexi-games area; picnic park with sweat track, lake, roller-skating areas, cycle and pedestrian paths and bridle tracks. The report is commented on by the Mayor, as follows:

Mayor Mr. Harry Bowey said the development would be an asset to people living in Salisbury.

Some criticism of the proposal was mentioned in the article, the criticism coming from people who thought the plans might jeopardise the development of a community centre at Ingle Farm. The article states:

Architects Hassell & Partners have employed Messrs. Kinnaird, Hill, de Rohan and Young to look into the matter. I do not doubt the reply that the Minister gave me last February, but I now ask him, in view of further representations that have been made to me, whether he has been able to ascertain whether there is any truth whatever in this report. Has he any other information that he can give the Council concerning any proposal emanating from the Abattoirs Board in connection with this matter?

The Hon. B. A. CHATTERTON: My information from the Samcor Board is that there are no plans whatever to establish the sort of sporting complex on the lavish scale outlined in the article. In fact, at no time has Samcor considered establishing any sporting complex at all for Samcor employees. Samcor is surprised at the reports in the local press and, on one occasion, I believe, on an Australian Broadcasting Commission programme, because Samcor does not have any plans at all to establish in the area the kind of sporting complex referred to.

## GAWLER HIGH SCHOOL

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking a question of the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. M. B. DAWKINS: My question refers to Gawler High School and the most necessary extensions planned for that institution. The present high school was established in the early 1960's. It provided for an enrolment of 600 students, and at that time was adequate. However, the school presently has an enrolment of more than double that number (over 1 300 students are enrolled). Many of the students are housed in a series of classrooms which are, in many cases, out of date and inefficient. Recently, when the school held a festival week, members of Parliament were shown around. I was conducted on a tour of the school by two very intelligent young matriculation students. I was shown the situation existing at the school today, including the pathetic facilities that must now serve as a library for a school of this size. I remember that about 15 or 16 months ago the Public Works Committee approved solid-construction extensions to the school, including the provision of an adequate resource centre (that seems to be the new name for a library) and other facilities. Will the Minister obtain from his colleague a report on the likely implementation of these plans, which were approved about 16 months ago, these extensions being most necessary for the efficient working of this high school?

The Hon. B. A. CHATTERTON: Yes.

## PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Christies Beach-Noarlunga District Sewerage Scheme—Phase II (Southern and Onkaparinga Trunk Sewers),

Flinders Medical Centre Development—Phase IV,

LeFevre Co-educational High School Conversion (Stages II and III),

Port Adelaide Birkenhead Wharves (Reconstructing G and H Berths).

## ADDRESS IN REPLY

Adjourned debate on motion for adoption.  
(Continued from June 9. Page 46.)

The Hon. J. E. DUNFORD: It gives me much pleasure and considerable pride to be seconding the motion for the adoption of the Address in Reply to the Speech given by His Excellency the Governor. It is appropriate that I should begin by paying a warm tribute to the way in which His Excellency has performed his functions during the period of almost five years in which he has been our Governor. Sir Mark Oliphant will go down in history as the greatest Governor the country has ever seen. He brought new depth of vision to his office, and he spoke out on the social issues he considered to be important to the people of this State. The issues upon which he spoke were important to the people of South Australia. He made wise and prophetic statements on matters concerning the environment, conservation, energy, social behaviour and even religion and, most of all, his outspoken criticism of our involvement in the Vietnam war will be quoted with approval by generations to come.

As a member of the Legislative Council but more particularly as a citizen of South Australia, I want to record my tribute to a very great Australian and to take this opportunity to wish him a long and satisfying retirement. I express the hope that, when Sir Mark Oliphant goes into retirement, he will continue to speak out for the things he believes to be right and that he will continue to give his views on the wide range of issues on which he is accepted by all thinking people as being a world authority.

I compliment the Government on the programme it proposes to undertake for the South Australian viticulture industry. His Excellency points out that a considerable proportion of our grape vine stock is now more than 40 years old. Indeed, I have been to vineyards in which vine stocks were planted nearly 100 years ago. Old stocks tend to yield less than younger and more vigorous stock does. Also, we have to take into account that varieties that were regarded as the most suitable 40 or 50 years ago have now been superseded by newer varieties, which not only provide better quality grapes but also yield a higher quantity. In this regard, I should like to pay tribute to the work being carried out by the Commonwealth Scientific and Industrial Research Organisation at its experimental farm at Merbein.

Every year, literally thousands of seeds are sown and developed for experimental purposes. Sometimes only 10 of the seedlings produce the kind of hybrid that is considered worthwhile standardising. Already, the C.S.I.R.O. has succeeded in isolating a number of varieties which, in my opinion, promise to equal, if not surpass, the best varieties developed in other parts of the world. Honourable members would be aware that we have no ready access to the varieties of grapes which are now being grown in other parts of the world, because the threat of phylloxera is something we have always to keep in mind. Those who have studied the history of wine-making will remember the outbreak of the disease which literally wiped out seven-eighths of all of the vineyards of Italy. We certainly do not want that to happen in Australia.

Before I leave the wine industry, I should like to pay a tribute to the high quality of Australian wines. The Government is to be complimented on its decision to amend the Industrial Conciliation and Arbitration Act in such a way as to grant unions immunity from actions in tort

arising from industrial disputes. I do not suggest for one moment that this immunity should extend to any wilful act that directly causes death or physical injury to a person, physical damage to property, a threat of such an act, or a wilful act which constitutes defamation. But it is an archaic approach to industrial relations to dig into the graveyard of English law for the purpose of resurrecting the now discredited decisions of Taff Vale and Rookes and Barnard. We should accept the fact that the industrial revolution has passed and that the master and servant attitude no longer has any place in our society.

The Hon. R. C. DeGaris: Do you want a separate law for those people in that category?

The Hon. J. E. DUNFORD: It is hard to ignore the Hon. Mr. DeGaris, who has a history of union-hating and union-bashing; he will get his opportunity to reply to what I have to say, and I hope he will show a little more sense than he did in the last session. On many occasions, the Hon. Mr. Foster has described him as a "bush lawyer". The Leader has given us that impression many times.

Industrial action inevitably causes loss to the employers affected; and even loss, and certainly inconvenience, to the general public; but, if it is right that sellers of commodities like motor cars, domestic appliances, clothing, food, etc., are to be given a free rein to probe the market in order to discover the maximum price at which the sellers of those goods have to sell, how can it be fairly made unlawful to impose crushing penalties upon the sellers of labour for doing likewise?

The Hon. N. K. Foster: Coles made \$23 000 000, but the Leader did not interject to tell you that.

The Hon. J. E. DUNFORD: Of course; he knows it is crook, but he is well paid to represent the crooks. Even with price-fixing legislation, no attempt is ever made to force a seller to sell at the fixed price. All that happens is that the seller is told that, if he wishes to sell, he cannot charge more than a specified price.

I know something about the law of torts in relation to industrial disputes because I was the unfortunate victim of an action taken under the law of torts. Let me utter this word of warning to those who foolishly believe that resort to action for damages will cure industrial disputes: the trade union movement will never tolerate the use of tort law in actions arising from industrial disputes. We already know of the case where one South Australian employer was driven out of business by the trade union movement in retaliation for his action to sue for damages. The same fate will surely await any other employer who allows himself to be used in this manner.

The Hon. R. C. DeGaris: The whole of Kangaroo Island.

The Hon. J. E. DUNFORD: Let me tell honourable members that as a word of warning which they and the people they represent should heed; but of course they will not. On the question of preference to unionists, about which the Hon. Mr. DeGaris will speak later (and I shall have a little more to say about it shortly), let me say that I have never supported the principle of compulsory unionism. I refer to the Hon. Mr. Laidlaw, who is a captain of industry. If I went down to Perry Engineering and said I was not going to join a union, it would be not the workers but the captains of industry who would tell me to join. There are the people who gave the Liberal Party over \$300 000 in Western Australia: if I went to one of their local offices and said I would not join a union,

it would be the captains of industry, and not the workers, who would force me to join a union, using compulsion. I refer to the Western Mining Company.

If I went to the Broken Hill Proprietary Company Limited in Whyalla, the same would happen. Essington Lewis left \$1 000 000 in his will to fight the trade union movement. However, it is the employer who would call me to the office, and not the workers. It is true that the Australian Labor Party did for a few years lend its support to that principle, but that was during the period when elements of the now discredited Democratic Labor Party dominated the decision-making processes of the A.L.P. This goes back to a period when I worked as a unionist in Queensland; I liken the D.L.P. to the Liberal Movement—and there are not many of them left in this Chamber. When the Labor Party rid itself of that element, it also rid its platform of the commitment to compulsory unionism.

Preference to unionists is an entirely different matter. This simply means that, when a union member is available, an employer is obligated to give preference to that unionist. After all, the workers would never have had a Labor Government in this country without the physical and financial support given by the trade unionists of this country. We would never have had a Workmen's Compensation Act, a basic wage, paid annual leave, sick leave, superannuation, long service leave, equal pay, or wage indexation but for the efforts put forward by organised labour.

In this Chamber on many occasions I have asked honourable members to tell me whenever the Liberal Party or any of its members have ever introduced this kind of legislation to assist the workers. The reply has been "Never". Early this year there were many headlines in the newspapers. Mr. Max Gregg, who is not very bright but who gives a good press conference, has stated that he is crooked on trade unionism. As a trade union secretary, I dealt with Mr. Gregg. I do not like to talk in this Chamber about people, but Mr. Gregg said, "Listen, Jim we can get an industry." I said, "It is not my coverage and I do not go outside the coverage." He said, "I will get the boss to get them to join a union. We will make them join a union." Mr. Branson, who gives the Hon. Mr. DeGaris all his orders, has done a similar thing. I will make these statements outside the Council as well as in here.

The Hon. F. T. Blevins: What about the retail stores?

The Hon. J. E. DUNFORD: Yes. There are many reporters in the gallery at present, but they probably will not say anything about this matter. The newspapers contained headlines that the Labor Party would introduce compulsory unionism and tighten the screws. The industrial instruction states:

A non-unionist shall not be engaged for any work to the exclusion of a well-conducted unionist if that unionist is adequately experienced in and competent to perform the work. This provision shall apply to all persons (other than juniors, graduates, etc., applying for employment on completing studies and persons who have never previously been employees), seeking employment in any department and to all Government employees. However, before a non-unionist is employed the employing officer shall obtain in writing from him an undertaking that he will join an appropriate union within a reasonable time after commencing employment.

I have had much experience with non-unionists, and I will not spoil my Address in Reply speech by talking about them now. I will speak about them when the appropriate Bill is being debated and I will give examples that will

shock members opposite, if they can be shocked. When we are dealing with the legislation regarding torts, I will give additional information and I will show how crook are the people who put members opposite into Parliament and how crook they want to be.

People who have only their labour to sell have no more right to be allowed to take the benefits that have accrued from other members' union subscriptions than a citizen has to expect to enjoy the benefits of good roads and footpaths, police protection, and all the other public facilities which are paid for from the taxation levied by Governments on residents without also paying his share of taxation.

I am pleased to note from His Excellency's Speech that the Government proposes to repeal the Public Service Arbitration Act so that jurisdiction to make awards in respect of public servants will be vested in the Industrial Commission in the same way as for other workers. I have never been able to understand why people who work in the Public Service should be in any different position from those who work for the private sector.

I now turn to that section of the Governor's Speech which indicates that the Government will grant paid maternity and paternity leave for its own employees. Consistent with what I have already said, it is my strong view that public servants should not be the only ones to have the benefit of paid maternity and paternity leave. In making these comments I must make it very clear that I am not proposing that employers in the private sector should be made to pay the cost of such benefits. In fact, to do so would contravene the very provisions of the International Labor Organisation convention which established the principle of paid maternity leave.

In my view, the proper approach to this question is for the Fraser Government to amend the Social Security Act in such a way that all employees in the Australian work force will assume the benefit of paid maternity leave. In fact, it might be of interest to members of the Council to know that we are now about the only country in the Organisation for Economic Co-operation and Development area in which paid maternity leave is not an accepted fact of life. Many of the eastern block countries have had paid maternity leave for nearly 50 years. I repeat that I support the proposal now put forward only because I believe that it will act as a forerunner to the universal application of the principle and that it will trigger off an agitation in the Australian work force for a political demand that all employees should have this benefit by right.

When that objective is achieved, I would expect that the proposed legislation would be repealed and that employees of the South Australian Government would then look to the Social Security Act for their entitlements. I am sorry that time does not permit me to deal with the many other matters in His Excellency's Speech, but they are worthy matters and they will have my wholehearted support. When the Bills are before the Council, I will give my views on them. His Excellency gave a very fine address, and I wish him many years of happy retirement.

So many other things (and we may not be able to deal with them in this session) are affecting the people. In regard to Medibank, it seems to me that the doctors will get a rip-off from the fact that more than 50 per cent of the people, at a guess, will join the private medical funds. There are under-privileged people who sometimes cannot get hospital treatment because they have not the money, and sometimes a doctor does not want to treat them because he is not paid.

The Hon. R. C. DeGaris: When has it ever happened that a person has been refused treatment because he did not have the money in hand?

The Hon. J. E. DUNFORD: I have read of it in the capitalist press and, if members opposite wish, I will find the reports. Service is not given to people who do not pay. Not many people give service unless they are paid, and I suppose there is merit in that, provided the service is not in relation to sickness. People who do not pay cannot be put in the debtors' prison. But why should the doctors get it both ways? The doctors' lobby must be strong with the Liberal Party.

One of the important matters in Australia today is the right to be represented properly and correctly before our courts, and I have some press reports on this matter. Mr. Ellicott, that great friend of Sir John Kerr (he has other names, but I am trying to be on my best behaviour today), is referred to in a report in the *Advertiser* of March 6 this year as follows:

Continued legal aid pledge by Ellicott.

A report in the *Melbourne Age* 10 days later stated:

Fewer to get legal aid.

A further report, in the *Financial Review* of June 2, stated:

Federal Government cuts links with legal aid services.

The attitude of the Party with which I am proud to be associated is to have a big policy on legal aid. We have always prided ourselves in having a system of justice that makes all men equal before the law, but in these days that policy depends on legal aid. Many programmes in our community advise and represent persons who are unable to afford lawyers' fees and who are unable otherwise to obtain the same hearing before a court as a wealthier person charged with the same offence.

These programmes are dependent on Government funds. The South Australian Government in the past financial year provided \$500 000 to the Law Society legal assistance scheme to subsidise lawyers who acted for poor persons. The Australian Government for the first time, in 1974, entered the field of legal aid, a move that was welcomed by every person who upholds the principles of our legal system. It meant that many thousands more people could be granted legal aid; and, further, a small staff of salaried lawyers could act in special cases where it was more economic than briefing out to lawyers (where there was an important test case) or simply where lawyers would not act (for example, in landlord and tenant matters or small claims matters where a legal practitioner cannot afford to act).

In South Australia it has been estimated that 20 000 persons a year receive assistance from the Australian Legal Aid Office. Despite pledges by the Federal Attorney-General, Mr. Ellicott (*Advertiser* of March 16, 1976), which the community believed in good faith, we now find that there is every likelihood that the scheme will be phased out by the end of the year. Mr. Ellicott said his Government would confirm the position and grant aid in Australia at the rate of \$1 000 000 a month, the same rate as that at which the Whitlam Government had provided legal aid. At the same time, he announced a drastic change in the Australian Legal Aid Office means test, as a result of which 1 000 000 people in Australia were ruled ineligible to walk outside the doors of that office. I refer to the March 26 issue of the *Melbourne Age*.

Now, to top it all off, in the massive mini Budget speech given in Canberra by the Federal Treasurer on May 20, 1976, we find that all legal aid in Australia

is to be provided from an allocation of \$11 100 000, bearing in mind that the Whitlam Government was spending \$1 000 000 a month. We assume this includes Aboriginal legal aid as well. This figure means that many thousands of Australians will be denied legal aid. Now comes the master-stroke, or perhaps the final crunch for our poor in need of legal aid: Mr. Ellicott is offering the A.L.A.O. to the State Government as a going concern. I have already referred to the *Financial Review* of June 2, 1976, a report in which is headlined "Federal Government cuts link with legal aid services". Mr. Ellicott calls it rationalising legal aid services, but in fact he is asking the States to nationalise legal aid services.

The legal profession has for many years done legal aid work for a lower fee than it would normally charge. This is certainly a more generous practice than those of either doctors or dentists. The State Government has consistently given more direct aid to the legal profession to assist in this way than any other State in Australia, big or small, has given. It is a tragedy in the history of legal administration that legal aid has been brought down in such a manner, without a rethink by the Federal Government on its priorities of funding when it comes to the poor. We will be back to the days of Dickens, when the courts were open to all, just like the Hotel Australia is, if one could afford it.

Having travelled extensively in country areas since I have been a member of Parliament, I was interested to see a report in yesterday's edition of the *Naracoorte Herald*. Because the Australian Labor Party has such good organisation in country areas, I have been able to receive a copy of this report, which came off the press at only 4 p.m. yesterday. It contains a few statements that I think ought to be brought to the notice of honourable members, the press and the public. The report, which is headed "Poetic justice by Banjo", and which refers to the Hon. Ren DeGaris, M.L.C., states:

The Leader of the Opposition in the Legislative Council, Mr. DeGaris, has turned to poetry to refute criticism from the Labor M.L.C., Mr. Dunford. Mr. DeGaris said last week that statements by Mr. Dunford about Liberal M.L.C.'s, quoted in the *Herald* on July 12, were "quite untrue". The Leader of the Opposition, Dr. Tonkin, also criticised Mr. Dunford's statements. Dr. Tonkin said the A.L.P. might be making desperate attempts to win back the South-East but this did not justify the sort of "derogatory and petty" remarks Mr. Dunford was reported to have made about his Parliamentary colleagues.

The Hon. R. C. DeGaris: Who said that?

The Hon. J. E. DUNFORD: Dr. Tonkin, who is now Leader of the Opposition in another place. I bet the colleagues of members opposite wished that they had never sacked Bruce Eastick. Dr. Tonkin is an absolute goose.

The PRESIDENT: Order! The honourable member should not reflect on members in another place.

The Hon. J. E. DUNFORD: They often make allegations against me, allegations that I cannot answer.

The Hon. N. K. Foster: They can say what they like: they are immune.

The Hon. J. E. DUNFORD: The report continues:

Mr. Dunford said when he introduced himself as an M.L.C. in the country most people did not know what the Legislative Council was.

If they did, they would turn handsprings. I know the reason why, and I gave it to the press. The report continues:

He blamed this ignorance on long-serving Liberal M.L.C.'s.

I think the Hon. Mr. Blevins said that one of these blokes had been subjected to only two elections in 19 years.

The Hon. F. T. Blevins: Only one election.

The Hon. J. E. DUNFORD: Only one in 19 years! That is shocking. I did not tell the people that. I wish I had. The report continues:

"I believe they haven't been seen in country areas because of their business interests," he said.

I believe that. I know what members opposite do. I know that they have a couple of businesses going for them. I refer, for instance, to Beaumont Construction, or Beaumont Land Sales.

The Hon. C. J. Sumner: He burnt one of his down the other day.

The PRESIDENT: Order! I think the honourable member ought to return to his speech.

The Hon. C. M. HILL: I rise on a point of order, and ask the Hon. Mr. Sumner to withdraw that remark.

The Hon. C. J. SUMNER: I withdraw the remark, Sir.

The Hon. J. E. DUNFORD: I never said that he burnt it down, but I know that he did some capers.

The Hon. C. M. Hill: What do you mean by that?

The Hon. J. E. DUNFORD: Why does the Hon. Mr. Hill not look up the dictionary? This is what I said:

They only did about two months work for their \$22 500 salaries because of the time they devoted to their business or properties. All they could do was criticise the wage demands of workers, whose average pay was \$120 a week. That is the average award wage in Australia, although some are getting only the minimum wage. Indeed, some who work on properties are getting even less than that. If they are not in a union, because the boss will not let them join, such people are getting perhaps only \$70 or \$80 a week.

The Hon. M. B. Dawkins: That's absolute rubbish!

The Hon. J. E. DUNFORD: I never see the Hon. Mr. Dawkins in the place.

The Hon. M. B. Dawkins: You need new glasses.

The Hon. J. E. DUNFORD: No, the honourable member is always up on his farm—

The Hon. M. B. Dawkins: No!

The Hon. J. E. DUNFORD: —or junketing overseas, or somewhere.

The Hon. C. M. Hill: You're never down in the basement, that's why; you're up in that flash room that you've got.

The Hon. J. E. DUNFORD: I will get the Hon. Mr. Dawkins off the hook.

The Hon. M. B. Dawkins: You have not got me on the hook.

The Hon. J. E. DUNFORD: People are waking up to you. The article continues:

"To say that because he never sees his fellow M.L.C.'s in Parliament House they are not doing their job is patently ridiculous," Dr. Tonkin said. "Mr. Dunford may spend his time in Parliament House; Liberal M.L.C.'s spend their time out in the electorate, keeping in touch with South Australia's citizens".

What rubbish!

The Hon. M. B. Dawkins: You wouldn't know.

The Hon. J. E. DUNFORD: I have been in touch with the people. The article continues:

Dr. Tonkin said the renewed presence of A.L.P. Upper House members in the South-East was the more noticeable because of their monumental lack of interest previously. Mr. DeGaris replied, "The 10 members I lead in the Legislative Council all pull their weight, with credit to the Parliament and in the Liberal Party."

The Hon. Mr. DeGaris will not have to wait long before ex-members of the Liberal Movement pull against him. Because he has had only three days with them, he does not know. They have pulled their weight strongly against him since I have been in Parliament.

The Hon. M. B. Dawkins: You have not been here very long.

The Hon. J. E. DUNFORD: Since I have been here, they have said some very nasty things about the bloke who says, "They all pull their weight." This is stated in the press, but the honourable Leader did not think it would ever get to Adelaide. I would be willing to bet that he would like to cut his tongue out, and I would not be surprised if he sued the *Naracoorte Herald*. I would not like to put them in a cage together. The Hon. Mr. DeGaris is quoted as saying:

Any perusal of *Hansard* will show clearly who are the legislative workers. In the last session, for example, Burdett, Hill, and I made 60 speeches each in the House. They certainly did not make 60 speeches each.

The Hon. R. C. DeGaris: Yes, they did. I said "about 60".

The Hon. J. E. DUNFORD: You are a bush lawyer, because they certainly did not make 60 speeches each.

The Hon. J. C. Burdett: Read the index.

The Hon. J. E. DUNFORD: I have read it. The word "about" is off the mark. The article continues:

Whyte, Geddes, and Cameron, about 30 each.

I must have been absent for a couple of months if they made so many speeches. The article continues:

Dunford 10 and the lowest—Creedon, one.

Honourable members on this side do not make speeches unless we have something constructive to contribute to Parliament. We make speeches only on subjects of which we have some knowledge. I have heard the Hon. Mr. Burdett talking about sex and homosexuality, but he has never been outside Mannum or the law school. I could have made 20 speeches but, if I had done so, I would not have been assisting the people who elected me to Parliament. I am proud of all my speeches, which were constructive and well presented.

The Hon. M. B. Dawkins: What about your maiden speech last year?

The Hon. J. E. DUNFORD: It hurt the honourable member, did it not? You old fossil. I withdraw that: the honourable member is not an old fossil, but he is fairly old in his thinking. The Hon. Mr. Creedon is one of the hardest workers in Parliament. Because I share an office with him, I know that many people come to see him. Further, I was very impressed with his speech last year on the Local Government Act Amendment Bill. Of course, his position as Government Whip does not give him as much time to make speeches as other members have. The Hon. Mr. Creedon does not speak very much because he has a very hard job. The article continues:

When the House is not sitting (usually from March to June each year) as Leader I would be concerned if back-bench members spent most of their time in and around the House. As Leader, it is necessary that my office is manned full-time for obvious reasons, which accounts for the fact that Jim Dunford sees me in Parliament during the recess more often than he sees the other members of the Liberal Party.

So, he admits that. The article continues:

To put the record straight, and with apologies to Banjo, I submit my reply.

Why should a man getting the salary of Leader of the Opposition waste the taxpayers' money by putting out this rubbish? If he does not do better, the Liberals will be on the back benches for as long as I am alive.

The Hon. D. H. Laidlaw: Would you like a bet of 20c on that?

The Hon. J. E. DUNFORD: The honourable member has been caught out making deals with the Liberal Movement behind the Leader's back. It must have taken the Leader a long time to prepare this.

The Hon. R. C. DeGaris: About 10 minutes.

The Hon. J. E. DUNFORD: The article then quotes the following:

There was movement down at Naracoorte, Jim Dunford had arrived  
The man of KI fame was holding sway  
The ALP was failing, and no matter how they strived  
The local branch was just not fit for fray.  
To stimulate their interest and to keep the branch alive  
Said Jim, "The Liberals are a lazy bunch!"  
"Each day I dine in Parliament with waitresses—full five—  
But I rarely see a Liberal in to lunch!"  
There's Arthur Whyte who spends his life in stations far outback  
Dick Geddes who is up Wirrabara way—

I do not know what that means. Having been to Wirrabara, I know that Dick Geddes is one of the richest blokes there. No wonder he is there! He is helping himself to a nice bit of money. The report of the poem continues:

Boyd Dawkins, Dorset breeder, who is on the Birdsville track—

I have heard about Boyd Dawkins. I knew he was a Dorset breeder, but I did not know he was on the Birdsville track. I thought he was out at Gawler. Obviously he has been transferred to the Birdsville track. The poem continues:

And John Burdett who's always worth his pay—

I would not like to employ him as a lawyer to find out how much he charges. Indeed, if ever John Burdett gets his Bill through Parliament it will be interesting to note his worth. The poem continues:

But Jim said, "Here's the answer, and the viewpoint I will push—The Liberals are a really lazy bunch."

"How can they service people when they're poking round the bush? They should be in the dining room for lunch!"

Jess Cooper talks to Women's Groups—

She must talk to them, because she never speaks here, and that is what she is paid to do. She is not paid to talk to women's groups. True, the Hon. Jessie Cooper spoke on the Museum Bill, but that was because she wanted to keep her mates on the board without anyone from the Government interfering. The poem continues:

. . . Don Laidlaw, industry

The businessmen with Murray Hill confide—

What they confide to each other we all know; they discuss what they will do about the L.M. The poem continues:

Frank Potter is the President, he's busy you can see  
And recently two new ones joined the side—

True, two new ones did join the side, but they should be nineteenth and twentieth men. They do not like that at all. The poem continues:

But Jim is quite relentless, and these words he has to say "The Liberals are a really lazy bunch."

I am not denying that I said that, because that is something I have said all my life. The poem continues:

"With wine I dine in Parliament, from twelve to two each day

But I rarely see the Liberals in for lunch!"

That last line is untrue, in part, because Murray Hill is always here, but he is not here for the rest of the day. He comes over to Parliament House from the Adelaide Club for his free lunch. The poem continues:

There was movement down at Naracoorte, Jim Dunford had arrived

The man of KI fame was holding sway  
But the blockade of the island, didn't go as was contrived,  
Our taxes for Jim's costs were used to pay.  
Said Jim, "I put it to you and as clearly as I can  
The Liberals are a really lazy bunch,  
How can you think of helping men, with strikes or with a ban

If you do not come to Parliament—for lunch!"

What is the world coming to when the Leader of the Opposition in this Council spends his time in this way? He should be trying to prop up his Party to give it a chance to win the next election. He should not be writing this rubbish. This verse will not be printed in Adelaide (except in *Hansard*), because Ren will say not to print it, and that will be the finish. How did this situation come about? What did I really say? I refer to the *Naracoorte Herald* of July 12, 1976. On the front page is a photograph of me, but it is not a good one.

The Hon. R. A. Geddes: We can still recognise you.

The Hon. J. E. DUNFORD: The report of what I said is as follows:

"Without exaggerating, it has been a very warm reception," Mr. Dunford told the *Herald* on Friday. "Certainly people have been extremely friendly and you don't always expect this in a situation of drought and unemployment."

I will not read all of it, although it is very good. The report continues:

Mr. Dunford said when he introduced himself as an M.L.C. in the country, most people did not know what the Legislative Council was. He blamed this ignorance on long-serving Liberal M.L.C.'s.

With only one election in 19 years why would anyone need to canvass country areas of this State? The report continues:

I believe they haven't been seen in country areas because of their business interests," he said. They only did about two months work for their \$22 500 salaries because of the time they devoted to their business or properties. All they could do was criticise the wage demands of workers, whose average pay was \$120 a week.

Mr. Dunford said he was in Parliament House nearly every day and, apart from the Leader of the Opposition in the Legislative Council, Mr. DeGaris, it was very, very rare to see another M.L.C.

I now refer to that part of the report that I claim to be untrue. In my comments I was dealing with Liberal members of this Council, but this paper has suggested that I was talking about all other members of this Council. I make it clear that I regularly see my Whip, with whom I share an office. I regularly see the Hon. Mr. Cornwall, the Hon. Mr. Sumner, the Hon. Anne Levy, and the Hon. Mr. Foster. I see my colleagues nearly every day.

The Hon. C. M. Hill: Your offices are on the first floor. You do not see us because our offices are in the basement.

The Hon. J. E. DUNFORD: That is where you belong. In making my comments I was referring to the Opposition.

The Hon. C. M. Hill: You say that you see your colleagues every day.

The Hon. J. E. DUNFORD: If the honourable member is suggesting I am lying to the Council he should say so. We can check who is here. If you mean it, say it. A record is kept of who comes to this place.

The Hon. C. M. Hill: If you say that you see all your colleagues almost every day—

The Hon. J. E. DUNFORD: I said that I did not see much of you people.

The Hon. D. H. LAIDLAW: I rise on a point of order, Mr. President. I hope the Hon. Mr. Dunford is willing to pay credence to the fact that since I have been a

member I have been serving in an honorary capacity on two committees that the Labor Party asked me to be part of, and their meetings have not been anywhere near here.

The PRESIDENT: That is not a point of order. The honourable member could have asked the Hon. Mr. Dunford to give way so that he could make that remark.

The Hon. J. E. DUNFORD: If the honourable member has a reason I will withdraw my comment. For a couple of months he was apparently on those committees and not looking after his other business interests and travelling overseas to look at the cheap labour market. That part of the report which is correct is as follows:

Mr. Dunford said he had told Victoria and Mallee sub-branches that he would visit them at least three times a year—

and I have been three times a year—

and he was always prepared to give people the best representation possible irrespective of their Party affiliations. His particular interests were industrial and consumer affairs. He said he had not attacked the Liberal Party to any great extent at meetings in the South-East, but had pointed out the promises which the Prime Minister, Mr. Fraser, had broken. Disenchantment with Mr. Fraser was present not only among his colleagues.

Mr. Dunford said Mr. Fraser had gone back on promises on Medibank and wage indexation and only a rebellion within his Party had prevented the reintroduction of TV licence fees. "If he keeps on going the way he is going in breaking promises and putting all these restrictions on in dealing with inflation, we are certainly going to have a depression equal or worse than the 1930's."

"Labor won't have to do a great deal to make political promises in order to defeat him. His present policies and attitudes are self-destructive. And there's a lot more discontent and disaffection in the State Liberals." Mr. Dunford said State Liberals were well aware that the South Australian Government now had to find an extra \$20 000 000 for roads "taken off us by the Fraser Government".

They would also have noticed that while Mr. Fraser was "flush with victory" six months after the Federal election, he had lost the biggest State in Australia—New South Wales—to Labor.

That is what I said to the press, and I said a lot more. When the Commonwealth Labor Government was in office it said to people who were paying off their homes and who earned less than \$14 000 "You can take mortgage rates off your taxable income." That was a great help to married couples, but it is gone.

The Hon. N. K. Foster: They knocked off their indexation, too.

The Hon. J. E. DUNFORD: Yes. I said how people in the South-East were disenchanted with the Liberals. I see the troops are getting restless. The Governor's Speech is one I am proud to second. There are many things in it on which I intend to speak later and at length, but in this session of Parliament I may make only 10 speeches; I will do as requested, by my Party. If I cannot contribute properly to a particular issue in this Council, I will not get up and speak just to make history, or to show that I can make as many speeches as the Hon. Mr. DeGaris can.

I think the public should know why he made 60 speeches last session. He was the Leader of the Opposition. Whenever a Minister introduced a Bill, he got up to say something in reply. That is the reason he speaks. If one was the Leader of the Opposition, it would not be too difficult to make 60 speeches on the 100 Bills before the Council. I am proud to be a back-bencher, and, if my Leader says that I should make more speeches, I shall try to apply myself, as I did last year. This report put out in the country papers should be answered. What is the poetry of the Liberals when the workers organise themselves?

I want to conclude by saying something appropriate to the Liberals. I will recite a short article from the *Herald* newspaper, speaking of union haters, of whom there are many amongst members of the Liberal Party and the people they represent. The article states:

What a hypocritical lot the haters of unions are. With few exceptions, they try to cover their anti-union views by adding, after a broadside of criticism "Of course, I believe in unionism" or other words to similar effect. They decry the entry of trade unions into any area they describe as "political". The unions, they declare, should limit their efforts to attending to their members' industrial requirements. As if the policies of governments on health, social services, education, pollution, increased armaments and international relations had nothing to do with the security of their members and their families that the unions seek to serve.

The Hon. N. K. Foster: And prices and property.

The Hon. J. E. DUNFORD: Of course. The article continues:

Political acts by governments of conservative flavor are often wielded with no intent other than reducing the value of gains made by unions by arbitration or militant action to increase their members' standards of living.

The union-haters, among the most virulent of whom are the pontificating radio talk-back merchants, never condemn wealthy investors for withholding capital for development and employment, or choosing to invest in a country other than their own, where workers' standards are low. In other words, engaging in "a strike of capital" against the land in which they dwell.

I thank you for your tolerance, Mr. President.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the motion for the adoption of the Address in Reply to the Governor's Speech. I express my sympathy to the families of James Ferguson, the member for Yorke Peninsula and later the member for Goyder, from 1963 to 1973; of Horace Hogben, one of the members for Sturt from 1933 to 1938; and of William MacGillivray, the Independent member for Chaffey from 1938 to 1956. His Excellency, in concluding his Speech, said that in the ordinary course of events this would be the last occasion when it fell to him to call Parliament together for the dispatch of business.

I support the view of the Hon. Jim Dunford on this point and I record my personal appreciation of the services of His Excellency as Her Majesty's representative in South Australia: I believe we have been singularly fortunate in this State in those who have served as Her Majesty's representatives, and no other representative of Her Majesty has exceeded the respect that Sir Mark has generated both for himself and for the office of Governor. Sir Mark has brought to the office of Governor his own particular approach, which at times may have brought to him a little criticism, yet no-one can deny his sincerity, his sense of justice, his love of people and his love of the State of South Australia. I know I would reflect the views of all honourable members of this Chamber when I express my appreciation of Sir Mark's service to this State and wish His Excellency and Lady Oliphant long life and happiness in their retirement from public life.

There are many matters in the Governor's Speech with which one could deal. To begin with, I refer to the rural sector in South Australia, which faces, at present, a very bleak season. While there is little any Government can do to solve the problems of the rural sector, as far as seasonal conditions are concerned, Government policies have made the task of the rural sector excessively difficult. The rural sector has always been able to ride out the seasonal tribulations, but it is much more

difficult to do so, when the policies of Governments are oriented more and more to what I will term fancy policies to attract popularity in vote-dense areas.

The most damaging policy to the economic health of the rural sector over the past three or four years, has been the annual inflation rate of about 10 per cent. This has not only inflated the price of land, but has increased the costs of the rural producer, producing, as he is, a product for the world market place. It may be argued (as it has been) that inflation is a world-wide problem, and that therefore there is nothing we, in this country, can do about it. All this argument really says is that every Government is overspending, because the root cause of inflation is excessive Government spending.

Therefore, simply and clearly, the only real cure for inflation is a reduction of Government spending. One of the problems we face in Government spending is that the political Parties think that they alone produce economic health, that they alone produce goods and services, and that they alone should be the administrators of the welfare dollar. Certainly the State should concern itself with the welfare of the people but, if the concern for votes prompts over-expenditure, which ignites inflation, what are we really achieving? I believe that the people understand this point more clearly than most politicians realise.

In his paper published in *Quadrant* in June, 1975, Colin Clark suggests a point that he propounded in 1945 of examining the gross national product and the inflation rate, and he concluded that the safe upper limit of taxation was 22 per cent of the gross national product or 25 per cent of the net national income. If taxation exceeds that upper limit of 22 per cent of the gross national product or 25 per cent of the net national income, inflation occurs. The original article written by Clark on this matter was published in the 1945 *Economic Journal of Great Britain*, of which Keynes was the editor and, in private correspondence between Keynes and Clark, Keynes agreed with the general conclusion to which Clark came. Clark, in his paper, states:

All the evidence which I could find from other countries in the 1920's and 1930's led to the same conclusion, that about 25 per cent of net national income was the limit, beyond which taxation began to generate inflationary pressures.

Some people see no harm in inflation, but the economic harm and injustices that inflation inflicts can be seen clearly in certain key sectors of the State and the nation. First, there are the farmers, miners, and all others who sell their product on the export market. The fall in export prices, accompanied by severe internal inflation, has been the real root cause of the dramatic decline in the economic health of these important sectors of our economy. Of course, in the short term, add to these two factors the present season, and we can understand the serious plight of the rural sector at present.

Secondly, there are the people in that group who during their lifetime have provided for themselves and are living on fixed incomes, including the retired people living on private superannuation rather than a State pension, and the injured people living on compensation payments, as well as some other people. Thirdly, there are the young people who want to buy their own house. Savings and insurance are the only forms in which this group can accumulate funds to purchase their own house. It is in this area that the plunder of savings by inflation is most vicious.

Inflation is caused by Government policies. It is a most contemptible way to solve the problem of Govern-

ment finance. Having stated Clark's view that, once the taxation rate exceeds 22 per cent of the gross national product or 25 per cent of the net national income, inflation is created, I have tried to check this thesis against the inflation rate and the taxation level in Australia over the past 10 years. The following table shows this point:

Year	Gross national product (\$m.)	Federal, State and local taxes, fees, fines, etc. (Excludes pay-roll tax received by States from State departments) \$m.	Inflation rate per cent	Tax income expressed as percentage of G.N.P.
1965-66 ..	20 777	5 051	3.8	24.3
1966-67 ..	22 763	5 421	4.1	23.8
1967-68 ..	24 297	6 038	3.3	24.8
1968-69 ..	27 214	6 748	2.6	24.8
1969-70 ..	30 071	7 724	3.2	25.6
1970-71 ..	33 088	8 604	4.4	26.3
1971-72 ..	36 634	9 801	7.2	26.7
1972-73 ..	41 781	10 740	5.4	25.6
1973-74 ..	50 557	13 683	12.9	27.0
1974-75 ..	58 530	17 719	16.7	30.8

If one applies the thesis put forward by Clark in 1945 and agreed to by Keynes, namely, that the prime cause of inflation is related to the amount of gross national product taken by Governments in taxation, and if one applies that to Australia from 1965 to 1975, one sees that his thesis is correct. It is strange that Clark in his paper gives credit for the original thought on this question to Ned Hanlon, a Labor Premier of Queensland. In his comment on Hanlon, Clark states:

My Premier was Ned Hanlon, one of the old school of self-educated Labor leaders, and on the whole they made a better job of it than whoever is educating Labor leaders now.

Something similar was said by Sir Jack Egerton recently. I began by referring to the rural sector, but the views expressed bear equally on practically all sections of the community to their detriment, because Government policies create inflation to solve Government financial problems. Inflation is detrimental to the interests of most people, but the overall effects on the rural sector are more severe, particularly as at present we face a season of productive uncertainty. Government expenditure, however, has two major agencies, the Commonwealth and the States. While the main spender is the Commonwealth, nevertheless, the State role is not insignificant. Therefore, both the State and the Commonwealth have a role to play to contain the most vicious and pernicious economic disease, inflation.

Politicians may be excused for exploiting, for their political advantage, continuing increases in expenditure, but I believe that the general public is more aware of the answer to the problem than most politicians realise. I hope the State Government understands the position and that it will, in its Budget, consider this seriously in its financial policies as a first priority to help contain the inflation problem. This can be done in 12 months if there is a genuine desire by all to see that the problem is solved.

The second point on which I wish to touch relates to the decision of the Governor-General in dismissing the Whitlam Government and commissioning Mr. Fraser to form a caretaker Government until an election could be held. I do not intend to debate all the issues involved in that decision. However, I should like to develop one in particular.

To begin the argument, the first question is whether the Governor-General is bound to accept the advice of his

Ministers in all matters. Harrison Moore, in his *Commonwealth of Australia*, at page 95, stated that the Governor-General, in exercising his powers under section 5 of the Constitution, would generally, but not necessarily, act on the advice of his Ministers. In 1914, the Chief Justice advised the Governor-General, in connection with a double dissolution, that he had a duty of independent exercise of discretion. Although the circumstances leading to the double dissolution in 1914 were different from the circumstances obtaining in 1975, nevertheless the Governor-General's discretionary powers in relation to section 57 are dealt with in a memorandum of Sir Samuel Griffith, Chief Justice of Australia, on the double dissolution section of the Constitution.

The facts leading to the double dissolution of 1914 are worth examining briefly. The House of Representatives had a small Liberal majority in 1914, the Senate being controlled by the Australian Labor Party. On having several Bills rejected by the Senate, Prime Minister Cook informed the Governor-General that the small number supporting the Government in the Senate rendered it impossible to manage the public business, and advised the Governor-General to dissolve simultaneously the Senate and the House of Representatives.

The communication from the Prime Minister to the Governor-General was accompanied by a memorandum, wherein it was agreed that the discretionary power entrusted to the Governor-General under section 57 of the Constitution was one that could be exercised by him in accordance with the advice of his Ministers, representing a majority in the House of Representatives.

The Governor-General accepted the advice to dissolve both Houses, but was careful to make it clear to Prime Minister Cook that he did so because his own view of the Parliamentary situation was that the condition contemplated by section 57 had arisen, and not because he agreed that he had no discretion. So strongly did the Governor-General feel that the question of a double dissolution was not one to be determined solely on the advice of Ministers that he suggested to the Prime Minister that he should consult the Leader of the Opposition. The Prime Minister disagreed with that suggestion by the Governor-General, who then asked whether the Prime Minister raised any objection to his consulting the Chief Justice, Sir Samuel Griffith. The Prime Minister raised no objection.

The Governor-General accordingly consulted Sir Samuel, who furnished him with a written memorandum, to which I have just referred. An extract from that memorandum relevant to the question of the exercise of the Governor-General's powers is as follows:

An occasion of the exercise of power of double dissolution under section 57 formally exists whenever the event specified in that section has occurred, but it does not follow that the power can be regarded as an ordinary one which may properly be exercised whenever the occasion formally exists. It should, on the contrary, be regarded as an extraordinary power to be exercised only in cases in which the Governor-General is personally satisfied after independent consideration of the case either that the proposed law as to which the Houses have differed in opinion is one of such public importance that it should be referred to the electors of the Commonwealth for immediate decision by a means of a complete renewal of both Houses, or that there exists such a state of practical deadlock in legislation as can only be ended in that way. As to the existence of either condition he must form his own judgment. Although he cannot act except upon the advice of Ministers, he is not bound to follow their advice, but is in the position of an independent arbiter.

Forsey, in *The Royal Power of the Dissolution of Parliament in the British Commonwealth*, published in 1943, makes the following comment, which also is relevant:

The danger of Royal absolutism is past, but the danger of Cabinet absolutism, even of Prime Ministerial absolutism, is present and growing. Against that danger, the reserve power of the Crown, and especially the power to force or refuse dissolution, is in some instances the only constitutional safeguard. The Crown is more than a quaint survival, a social ornament, a symbol. It is an absolutely essential part of the parliamentary system. In certain circumstances, the Crown alone can preserve the Constitution.

Sir Robert Menzies, in the foreword on the events preceding the tendering to His Excellency the Governor-General in March, 1951, of advice to dissolve simultaneously both Houses of the Parliament of the Commonwealth of Australia, said—

The Hon. N. K. Foster: The Crown in England has no political Constitution. There's no Constitution in England. He's talking rubbish when he talks about the Constitution.

The Hon. R. C. DeGARIS: There is a Constitution in England, although there is not a written Constitution.

The Hon. N. K. Foster: It is not a Constitution compared to our own. You cannot say that it's a Constitution.

The Hon. R. C. DeGARIS: It is always referred to in Parliamentary circles as "the Constitution".

The Hon. N. K. Foster: You have to make the difference. Although I haven't been in the Chamber all the time during which the Hon. Mr. DeGaris has been speaking, if he makes a differentiation between the Senate and the House of Lords, he should in all honesty show the difference. Let me put it this way: will the honourable Leader give way?

The Hon. R. C. DeGARIS: Certainly I will give way.

The Hon. N. K. FOSTER: I have not been in this Chamber for all the time that the honourable Leader has been speaking, but I have listened to him for about two seconds flat, which is enough time to give me some idea of the silly way in which he is carrying on. If the honourable member is to make a distinction between the Senate and the House of Lords, he should, for God's sake, make an honest distinction in this place regarding the Constitution of Australia, which is a written Constitution. Would the honourable Leader then not agree that it is subject to a constitutional method of alteration, whereas his so-called Constitution in Great Britain bears no comparison in that or in any other sense? In fact, the so-called Constitution of Great Britain is no different from the conventions that the Party of which he is a member has been guilty of breaking in the last few months.

The Hon. R. C. DeGARIS: I fully appreciate that the Hon. Mr. Foster has been out of the Chamber, because his interruption has absolutely nothing to do with the point I have been making.

The Hon. N. K. FOSTER: Will the Leader give way again?

The PRESIDENT: The Leader is trying to explain, and the Hon. Mr. Foster should have patience.

The Hon. R. C. DeGARIS: The honourable member's point has nothing to do with the point I have been making. If he asks a question after he has read my speech in *Hansard* tomorrow, I shall be pleased to answer the question, but at this stage I do not want to be sidetracked.

The Hon. N. K. FOSTER: Will the Leader give way?

The Hon. R. C. DeGARIS: Yes.

The Hon. N. K. FOSTER: Thank you. Given that the Leader has insisted that there is no difference between the Constitution of Great Britain and the Constitution of Australia in so far as it affects the Crown or the Crown's representative, will he agree that the Queen of England could not have acted in the way in which Kerr acted?

The Hon. R. C. DeGARIS: I have not said that there is no difference between the Constitution of Australia and the Constitution of Great Britain. Australia has a written Constitution, whereas Great Britain does not. If the honourable member stays in his place in the Chamber and hears what I have to say, we will not be interrupted by inane questions from him.

The Hon. N. K. FOSTER: I rise on a point of order, Mr. President. It was not an inane question.

The PRESIDENT: What is the honourable member's point of order?

The Hon. N. K. FOSTER: I did not ask the Leader an inane question: I asked him to give way, and he acceded to my request. It is no good saying that I have abused Standing Orders.

The PRESIDENT: Order! That is not a point of order.

The Hon. N. K. Foster: I know that.

The Hon. R. C. DeGARIS: I was dealing with what Sir Robert Menzies had to say in tendering to the Governor-General on March 16, 1951, advice to dissolve simultaneously both Houses of the Commonwealth Parliament. Sir Robert said:

In the course of our discussion, I had made it clear to His Excellency that, in my view, he was not bound to follow my advice in respect of the existence of the conditions of fact set out in section 57 but he had to be himself satisfied that those conditions of fact were established.

The important thing there is that he said that the Governor-General was not bound to follow his advice. I am dealing with the claim that the Governor-General must always follow his Ministers' advice.

The Hon. N. K. Foster: The Prime Minister was ignored.

The Hon. R. C. DeGARIS: Further opinion is expressed by Dr. Evatt in an article in the *Canadian Bar Review*, Vol. 18, 1944. It says:

I have never appreciated the force of the argument that because the Governor-General chose to act upon the advice of Ministers who retained the full confidence of the House of Representatives (so that the possibility of any alternative Ministry had to be ruled out of consideration) therefore every Governor-General must act upon the advice of Ministers who had been defeated in the House of Representatives.

One of the areas of disagreement in the Governor-General's decision of November 11 is the linking of two questions: first, the question of his duty to act on the advice of his Ministers when the argument advanced by his Ministers was that the Senate was in breach of the Constitution in rejecting Supply. The Governor-General is obliged to consult his Ministers and his law officers; having received that advice, should the Governor-General act on that advice, or can he use his own discretion? If he does have the right of discretion, he must have the right to seek other advice, and be free to act upon that other advice. The first point is crucial to the argument I am advancing. There is no doubt that the Governor-General has a discretion that he can exercise under sections 5 and 57 of the Constitution. The second point hinges on the first point: if a discretion is available to the Governor-General, he has a right to seek advice from other than the Attorney-General and the law officers. Following the 1914 precedent, His Excellency sought the opinion of the Chief Justice, Sir Garfield Barwick.

The Hon. C. J. Sumner: What if it had come before the court later?

The Hon. R. C. DeGARIS: I am willing to argue that question after I finish this stage of my argument. I ask the Council to bear with me. The question now arises

as to the propriety of the Chief Justice's tendering an opinion to the Governor-General in the circumstances as they were in November, 1975.

The Hon. C. J. Sumner: It was a gross breach of judicial propriety.

The Hon. R. C. DeGARIS: The grounds for criticism are, first, that the giving of an opinion is inconsistent with his judicial functions and, secondly, the Chief Justice's previous position as Attorney-General in the Liberal Government of Sir Robert Menzies. The first criticism has been answered by the Chief Justice himself in his letter to the Governor-General. The letter states:

In our conversation I considered myself, as Chief Justice of Australia, free, on Your Excellency's request, to offer you legal advice as to Your Excellency's constitutional rights and duties in relation to an existing situation, which, of its nature, was unlikely to come before the court.

The Chief Justice's point has been challenged by Mr. Colin Howard, who claims that the matter may have been justiciable and, therefore, was a matter that could have come before the court. Mr. Justice Murphy also made available to the press a letter that he wrote to the Chief Justice. On the other hand, both the Attorney-General at that time and the law officers, in tendering their advice to the Governor-General, said that only a political decision could resolve the problem, and it was not a matter for the courts. Indeed, it is clear that the refusal to pass Supply is non-justiciable. It has been argued that, if the Bill had been presented to the Governor-General for assent and if he had so assented without the Bill's passing the Senate, then the question would have been justiciable. I agree with this view. But this hypothesis does not alter the question raised by the refusal of Supply in the Senate as being non-justiciable. There remains one criticism, and that is in relation to partiality, because of the association of the Chief Justice with the previous Liberal Government. This one criticism is of concern to me. In my opinion a discretion on certain matters lies with the Crown or the Crown's representative. That discretion must carry with it the right to seek advice from sources other than the Attorney-General or the law officers.

It is proper for the Governor-General in such circumstances to request an opinion from the Chief Justice when he is required to use his discretionary powers in determining whether to reject or accept the advice of his law officers. This draws attention to the consequences of political appointments to the High Court.

Where would Mr. Justice Murphy have stood if the matter of the Senate's right to reject Supply had come before the court in the light of what he had stated previously? This, again, draws attention to the consequences of political appointments to the High Court. As I have said, this is one criticism that cannot be argued with cool logic. There is probably a lesson to be learnt from both the 1914 and the 1975 requests by Governors-General for an opinion from the Chief Justice, and a following of the palace example may be desirable. The Crown and the Crown's representative must be sheltered from any possible charge of political involvement. At the same time, the discretion of the Crown or the Crown's representative must be preserved as a critical discretion in the preservation of our Parliamentary system and our Constitution. There should be available to the Governor-General a body of counsel to whom the Governor-General can turn for advice in such circumstances.

The Hon. N. K. Foster: He should take the advice of his responsible Ministers, and you know it.

The Hon. R. C. DeGARIS: That is not required according to the Constitution. The argument of Labor lawyers and politicians is along those lines, but that argument does not stand up to examination. I am saying that the same protective screen should surround, and be available to, State Governors, so that the criticism, which has been levelled at the Chief Justice and the Governor-General and which really amounts to a charge of partiality, cannot be so levelled.

I should like to give an illustration. The position could develop in South Australia where the Government at an election obtained less than 50 per cent of the seats in the House of Assembly, another major Party also obtaining less than 50 per cent, and a minor Party or an Independent winning the balance of power. Before Parliament meets the Premier advises the Governor that writs should be reissued for another election. If one makes the bold statement that at all times the Governor must follow the advice of his Ministers, does he then order a new election or not? If such advice was tendered to the Governor in this State, to whom would he turn for advice? The answer is clear: he would turn to the Chief Justice of this State.

The Hon. N. K. FOSTER: Will the honourable Leader give way?

The Hon. R. C. DeGARIS: Yes.

The Hon. N. K. FOSTER: The Leader is trying to pull the wool over our eyes on this matter. He seeks to support his argument by referring to the position in 1975 concerning the Whitlam Government, and he is now saying that, where there is an equal number in the principal Parties in the Lower House and where no clear majority is held by either Party, the Premier can go to the Governor and seek another election. The Leader is overlooking the fact that the writs are out and are not returned, whereas, in the 1975 fiasco and prostitution of office by the people referred to by the Leader, there had been an election, writs had been returned, Parliament was in session, and the majority in the Lower House was held by the Government that was sacked. If the honourable Leader relates those facts to what he is advancing, he might eventually wake up to himself.

The Hon. R. C. DeGARIS: I do not believe that the honourable member's comments are relevant. I gave an illustration where the bald statement was made that the Governor must always take the advice of his Ministers. That is not always so, and it is not the case under the Australian Constitution. Would members of the Labor Party opposite be willing to advocate a referendum of the Australian people seeking to change the clause providing the Governor-General with his discretion? If the Labor Party is serious, let it advocate such a situation. I am certain that we could solve this problem straightaway by holding a referendum.

The Hon. C. J. Sumner: Would you use your good offices with Mr. Fraser to have a referendum?

The Hon. R. C. DeGARIS: The Labor Party would not want that, because such a referendum would be carried strongly. However, I wish to return to my original point. In the existing circumstances, I believe it is correct that the Governor-General should turn to the Chief Justice for an opinion on any specific matter. Could there be the same criticism in South Australia if the Governor requested legal advice, on a constitutional question, from the Chief Justice? There is no doubt that there could be, although I would not in any way support such a criticism.

Should we not be providing the Governor and the Governor-General with advisers to be called upon by the Governor or Governor-General when, in the opinion of

either of those gentlemen, they feel that such discretion needs to be exercised under the Constitution? In this way the Crown and the personality of the Governor or Governor-General could be protected from unnecessary and unwarranted criticism.

The Hon. C. J. SUMNER: Will the honourable Leader give way?

The Hon. R. C. DeGARIS: Yes.

The Hon. C. J. SUMNER: The Leader has referred to the responsibility or the discretion that he believes the Governor has. He has said that the Governor does not have to take the advice of his Ministers, because this is not written into the Constitution. Does the honourable Leader believe that the Governor can refuse assent to a Bill that has been passed both in this Council and in another place?

The Hon. R. C. DeGARIS: I believe the Governor has a discretion in that matter. In my time the Governor has recommended amendments to a Bill.

The Hon. N. K. FOSTER: He did not ask that; he asked whether he can knock it back.

The Hon. R. C. DeGARIS: Hypothetically, yes, he could. What has that to do with the case I have been putting? All I am saying is that, when a constitutional question arises, when the Governor or Governor-General has to exercise a discretion, the Governor or the Governor-General as Her Majesty's representative in this State or country should be protected from unnecessary and unwarranted criticism by having available to him a body of expert opinion upon which he can call instead of having, as at this stage, only one place to go, that is, the Chief Justice of the Supreme Court or the Chief Justice of the High Court.

The Hon. N. K. FOSTER: Do you believe that the Chief Justice should then consult his colleagues after accepting an approach from a Governor-General who has shirked his responsibility?

The Hon. R. C. DeGARIS: I do not know whether or not he should consult his colleagues. I am not touching on that question. The next question that could arise is: who should these people be and how should they be appointed? If they tender advice, should that advice be made public? Many questions are left for further debate, and I do not intend pursuing them now—

The Hon. N. K. FOSTER: It is a pity.

The Hon. R. C. DeGARIS: —except to say that the example of the palace could be followed in Australia, with benefit, to protect the personality of the Governor and shelter the Crown from any charge of political involvement. The last thing I want to do is take up the point made by my friend Mr. Jim Dunford. It is unfair when a poem of such worth is split up in *Hansard* by comments of honourable members. This question arose from a rather unfortunate allegation made by the Hon. Mr. Dunford. I do not think he really believes what he said; I hope he does not.

The Hon. J. E. Dunford: I did; I make that clear.

The Hon. R. C. DeGARIS: The Hon. Mr. Dunford said that we did only about two months work for a salary of \$22 500 a year. That is an unfortunate allegation.

The Hon. J. E. Dunford: No.

The Hon. R. C. DeGARIS: I think it is unjust.

The Hon. N. K. FOSTER: Do you think it is not right?

The Hon. R. C. DeGARIS: If we want to go into this matter carefully, we should look at the number of people in the Labor Party who have outside jobs.

The Hon. N. K. Foster: Who? Go through them; don't muck about.

The Hon. R. C. DeGARIS: If we want this criticism rightly laid, let us do it correctly. There is no member of the Liberal Party or the Labor Party in this Chamber who works for two months a year for \$22 500 a year. I think it is an unfortunate reflection on the work of honourable members of this Council. I was upset about it and I wrote this poem, which should be read right through without interruption. I may add that I did it in my spare time, and not as an official duty. The poem reads as follows:

There was movement down at Naracoorte, Jim Dunford had arrived;

The man of KI fame was holding sway.

The ALP was failing, and no matter how they strived,

The local branch was just not fit for fray.

To stimulate their interest and to keep the branch alive,

Said Jim, "The Liberals are a lazy bunch!

Each day I dine in Parliament with waitresses—full five—

But I rarely see a Liberal in to lunch!"

There's Arthur Whyte who spends his life on stations far outback,

Dick Geddes who is up Wirrabara way;

Boyd Dawkins, Dorset breeder, who is on the Birdsville Track,

And John Burdett who's always worth his pay;

But Jim said, "Here's the answer, and the viewpoint I will push—

The Liberals are a really lazy bunch,

How can they service people when they're poking round the bush?

They should be in the dining room for lunch!"

Jess Cooper talks to women's groups, Don Laidlaw, industry; The business men with Murray Hill confide.

Frank Potter is the President, he's busy you can see,

And recently two new ones joined the side.

But Jim is quite relentless, and these words he has to say:

"The Liberals are a really lazy bunch.

With wine I dine in Parliament, from twelve to two each day, But I rarely see the Liberals in for lunch!"

There was movement down at Naracoorte, Jim Dunford had arrived;

The man of KI fame was holding sway;

But the blockade of the island didn't go as was contrived,

Our taxes for Jim's costs were used to pay.

Said Jim, "I put it to you and as clearly as I can,

The Liberals are a really lazy bunch.

How can you think of helping men, with strikes or with a ban,

If you do not come to Parliament—for lunch!"

The Hon. C. M. HILL secured the adjournment of the debate.

#### GOLD BUYERS ACT REPEAL BILL

Second reading.

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

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

It provides for the repeal of the Gold Buyers Act, 1916-1967. The repeal of this Act is intended to enable South Australians to take advantage of the recent relaxation of Commonwealth requirements relating to the ownership of gold.

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

#### POLICE OFFENCES 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 amends the Police Offences Act in relation to two separate matters. First, it enables a court before which a person is convicted of an offence under section 33 of the principal Act (relating to the publication or exhibition of pornographic material) to order the confiscation of that pornographic material. Secondly, it amends section 78 of the principal Act. This section requires a police officer, upon making an arrest, to convey the person whom he has detained to the "nearest police station". However, there are many police stations at which facilities do not exist for the care and custody of persons who have been arrested. The amendment is designed to make it clear that the expression "nearest police station" is to be understood as referring to a police station at which such facilities are continuously available.

Clause 1 is formal. Clause 2 empowers a court to order confiscation of pornographic material where a person has been convicted of an offence under section 33 of the principal Act. Clause 3 inserts a definition of "nearest police station" in section 78 of the principal Act.

The Hon. J. C. BURDETT secured the adjournment of the debate.

#### ADJOURNMENT

At 5.18 p.m. the Council adjourned until Wednesday, July 28, at 2.15 p.m.