

LEGISLATIVE COUNCIL

Tuesday 22 August 1978

The **PRESIDENT (Hon. A. M. Whyte)** took the Chair at 2.15 p.m. and read prayers.

PETITION: QUARRY TRUCKS

The **Hon. C. W. CRÉEDON** presented a petition signed by 157 residents of South Australia praying that, in view of the activities of Monier quarry trucks in the Kalbeeba area (near Gawler), the Council urge the Minister or other responsible authority to take the necessary action to build a heavy traffic road with correct signs to make the area more conducive to quiet residential living.

Petition received.

QUESTIONS

IMMUNISATIONS

The **Hon. R. C. DeGARIS**: Has the Minister of Health a reply to my recent question regarding immunisations?

The **Hon. D. H. L. BANFIELD**: The immunisation status of the population is assessed regularly by the South Australian Health Commission, and results of recent surveys suggest that whooping cough immunity is currently satisfactory. The numbers of children immunised in South Australia vary from year to year but have remained reasonably constant in recent years, as is shown by the annual number of doses of Triple Antigen distributed by the Commonwealth Serum Laboratories. From 1973-77 the annual number of doses distributed was as follows: 1973, 74 428; 1974, 68 326; 1975, 74 437; 1976, 72 372; and 1977, 68 405.

Taking account of the decreasing birth rate, these figures show that the number of children immunised against diphtheria, tetanus and whooping cough has not decreased. Furthermore, the number of cases of whooping cough diagnosed at the Adelaide Children's Hospital has remained relatively constant over the past five years at about 40 a year, suggesting that immunisation levels generally are being maintained. Similar figures indicate that the poliomyelitis vaccination rate has reduced slightly over the last two years, possibly due to a lowered birth rate and reduction in the infant population.

It is considered that the level of poliomyelitis vaccination is satisfactory, bearing in mind that the use of live oral vaccine may result in the vaccination of contacts of vaccinees so that the number of immunised people is larger than the number of people given vaccine. Public education on the matter of immunisation is important for maintaining the immunisation status of the community. The commission, along with the Mothers and Babies' Health Association, private doctors and other groups, maintains on-going advisory and educational programmes. There is no indication that a special campaign is required at this time.

PRAWN FISHING

The **Hon. F. T. BLEVINS**: I seek leave to make a statement before asking the Minister of Fisheries a question regarding prawns.

Leave granted.

The **Hon. F. T. BLEVINS**: Prawn fishermen have been very vocal about their low income and the State Government's iniquity in asking them to contribute by way

of fees to the continued prosperity of their business and, incidentally, to keeping other fishermen out of their patch. I have been told that rock lobster fishermen, among others, have asked to be considered as favourable applicants for any prawn authorities passed in by those who are unable to pay the new fees. Some have even offered to guarantee paying even higher fees if their applications are successful. Will the Minister give the Council some idea of comparisons between the incomes of other fishermen and those of prawn fishermen? Perhaps his answer will explain the growing list of applicants for any surrendered prawn authority.

The **Hon. B. A. CHATTERTON**: True, a number of fishermen throughout the State have contacted the Licensing Branch of the Fisheries Division, as well as my Ministerial office, saying that they would be willing to take up any prawn authorities at the rate of the new fees or, indeed, for a higher fee. These people have included rock lobster fishermen as well as others engaged in this State's fishing industry.

Members interjecting:

The **PRESIDENT**: Order! The honourable Minister is giving a concise reply, and I should like to ensure that he is heard in silence.

The **Hon. B. A. CHATTERTON**: Thank you, Sir. The figures relating to the various fisheries for which the honourable member has asked make interesting comparisons. The value of the total catch of the scale fishery is about \$9 800 000 and, if one deducts from that figure the value of the tuna catch, which is a managed fishery requiring special authority, one gets a net figure for the scale fishery of about \$5 800 000. If that is divided amongst all the people in the scale fishery, the average gross income for scale fishermen in this State is \$6 750. If one compares the situation regarding rock lobster fishermen, one sees that the total gross value of the catch is \$6 600 000, which, divided amongst the 370 rock lobster authority holders, gives an average annual gross income for rock lobster fishermen of \$17 954.

Regarding abalone fishing, a gross value of \$1 500 000 is divided among 35 fishermen, with a gross annual average income of \$43 343. As I said before, prawn fishing has a gross value of \$9 700 000, divided among all the authority holders and the Ministerial permit holders, resulting in a gross annual average income of \$162 117.

The **Hon. C. M. HILL**: Can the Minister of Fisheries report to the Council the result of the latest negotiations between him and the prawn fishing interests concerning possible adjustments in fees or any other arrangements to which the Government is prepared to agree to alleviate the financial plight of these people, who are finding it difficult to pay the enormously increased fees? Has he considered allowing these fishermen time to make the necessary adjustments?

The **Hon. B. A. CHATTERTON**: I stated last week, when the increased fees were originally announced, that any fishermen who had cash flow problems as a result of the increased fees would be allowed to make payments on a quarterly basis; that offer still stands. It would substantially assist any prawn fishermen who expected cash flow problems associated with meeting increased fees. Last Friday at Port Lincoln the prawn fishermen attended a meeting which the Director of Agriculture and Fisheries attended on my behalf; at that valuable meeting the Director discussed the whole issue with them, and many misconceptions were cleared up. We have agreed that fishing industry representatives and I will hold another meeting tomorrow, and I hope we will be able to resolve the whole matter amicably.

The **Hon. J. A. CARNIE**: I seek leave to make a short

statement before asking a question of the Minister of Fisheries about prawn fishing licences.

Leave granted.

The Hon. J. A. CARNIE: A letter dealing with proposed increases in prawn licence fees, from the Agriculture and Fisheries Department to the Australian Fishing Industry Council, states:

In recent discussions with industry representatives I believe it has been generally agreed that the fishing power or capacity of a vessel is a function of its size and engine rating. I propose that the fees reflect this differential . . .

The letter goes on to give the formula that has been stated in this Council and elsewhere, and it then states:

This gives a maximum fee in St. Vincent Gulf (currently approved vessels) of a little less than \$5 000 per vessel, while the maximum in Spencer Gulf for a very much larger and more powerful vessel would approach \$9 000.

Last week and again today the Minister has quoted the average gross income of those 53 people holding prawn fishing licences. In the *Port Lincoln Times* of 17 August the Minister is reported as giving the breakdown of the average gross incomes in St. Vincent Gulf and Spencer Gulf. The article states:

Mr. Chatterton said that increasing prosperity of the South Australian prawn fishery was now resulting in average gross incomes of \$155 900 (1976-77 figures) in Spencer Gulf and \$175 300 in St. Vincent Gulf.

St. Vincent Gulf fishermen have an average gross income of almost \$20 000 in excess of Spencer Gulf fishermen, yet under the increases Spencer Gulf fishermen would pay a maximum fee of \$9 000, compared to a maximum fee of \$5 000 for St. Vincent Gulf fishermen. Forgetting altogether, for a moment, the size of the licence fees, which is apparently to be the subject of another argument (I gather that the Minister is meeting the fishermen again tomorrow to try to resolve this matter), does the Minister agree that there is an anomaly in the ratio between the fees and the gross income in each of the gulfs? If so, will he look at that anomaly and do something to correct it?

The Hon. B. A. CHATTERTON: I will certainly look at it, if there is an anomaly, but I do not think that the figures quoted by the honourable member really reflect the true situation. What they really indicate is the range in vessel size in Spencer Gulf, compared to that in St. Vincent Gulf.

The Hon. J. A. Carnie: That would mean that the net income in St. Vincent Gulf would be greater because their costs are lower still.

The Hon. B. A. CHATTERTON: No, it does not mean that at all. The situation in St. Vincent Gulf is that there is a limitation on vessel size in the beginning, and that is why the honourable member is quoting the maximum fee in each case, not the average fee.

The Hon. J. A. Carnie: I am quoting the average income.

The Hon. B. A. CHATTERTON: If the honourable member is going to quote the average income, he needs to quote the average fee against that. The figures he has quoted reflect the range in Spencer Gulf which is very much greater, because there are some large vessels in Spencer Gulf with considerably greater fishing power. Therefore, on the proposed scale of fees, the people concerned would be paying a much higher fee. I do not think a comparison can be made between the average income in each area and the maximum fee: it would be more valid to make the comparison between the average income and the average fee. I can ascertain those figures for the honourable member so that he can make a comparison. I think that that is the comparison that should be made and that it is more valid than one based on the figures quoted by the honourable member.

McDONALD'S

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Leader of the House, representing the Attorney-General, a question about the South Australian Trading Stamp Act.

Leave granted.

The Hon. N. K. FOSTER: My question concerns a company known as McDonald's Hamburgers. Several weeks ago I asked a question about the treatment of its employees, and the Hon. Mr. Carnie sought to misrepresent me in this matter. I would like to draw the attention of the Council and particularly the honourable member's attention to part of my earlier remarks, namely:

The company should be the subject of investigation so that either its honesty and integrity regarding these matters can be confirmed or the company can be forced to comply with industrial laws of this State.

I asked an absolutely fair question, and I knew what the answer would be, because I had made my own investigations into this matter. Will the Minister ascertain from the Attorney-General whether or not this company indulges in a practice which could be an offence against the South Australian Trading Stamp Act, inasmuch as it offers some form of bonus to those who frequent this type of establishment? I understand that requests, involving a voucher system for the provision of so-called free meals, by similar types of business undertakings have been refused; and I want to find out whether this is so, and whether such a practice contravenes the Act.

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

RURAL STUDIES

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

Leave granted.

The Hon. M. B. DAWKINS: In recent times the Further Education Department has instituted an agriculturally-based course that culminates in a certificate of rural studies, after a period of study involving passing in, I think, eight subjects from about 12 that may be offered so that a choice can be made. Initially, there was confusion about the value of this course compared to the value of courses provided by agricultural colleges. However, I understand that any such misunderstandings have now been overcome. Some colleges of further education can offer a complete course, but others can provide only part of it, and a student cannot complete the course in circumstances where sufficient of the subjects are not available. Will the Minister ask his colleague how many colleges of further education can now offer the complete course and whether other colleges hope to do so soon?

The Hon. B. A. CHATTERTON: I will refer the question to my colleague and bring back a reply.

PRAWN LICENCES

The Hon. F. T. BLEVINS: I seek leave to make a brief statement prior to asking a question of the Minister of Fisheries regarding prawn licences.

Leave granted.

The Hon. F. T. BLEVINS: When the Minister was

replying to my earlier question, the Hon. Mr. DeGaris interjected or suggested that perhaps the prawn licences should be auctioned. That struck me as being one of his more intelligent interjections in this Council, and I am wondering whether the Minister would care to comment on the matter now or to think about it and tell us later whether he will take up the suggestion and auction prawn licences, if there is dispute now (as there appears to be) about licence fees. Then, the auction system would ensure that the licence fees paid would represent their true value.

The Hon. B. A. CHATTERTON: I know that the matter of auctioning prawn licences has been discussed by the industry and other people. I do not favour the idea, because I believe it would incorporate into fishing industry costs a large value that really hinges around the right to fish in the industry. I think that the idea has considerable problems associated with it in relation to the large amount of capital requirement built into the industry and in relation to the interest on that capital. The suggestion would create a cost structure that was not really desirable.

MANUFACTURING SKILLS

The Hon. D. H. LAIDLAW: I seek leave to make a brief statement prior to directing a question to the Minister of Health, representing the Premier, in relation to publicising South Australian manufacturing skills.

Leave granted.

The Hon. D. H. LAIDLAW: The Federal Treasurer (Mr. Howard), in his Budget speech last Tuesday, has announced that, as an aid to manufacturing industry, funds will be made available in 1978-79 to sponsor a community-wide programme to be known as Project Australia. It will be designed to increase awareness of the skills, achievements and potential of Australian industry. This is a subject dear to my heart, and I have asked on a previous occasion in this Chamber whether the South Australian Government would provide funds to help sponsor a Buy Australian campaign. A similar campaign financed jointly by Government and employer organisations proved most successful during the 1960's.

My question is in two parts. First, will the Economic Development Department consider associating with Project Australia with the object of giving nation-wide coverage to the inventions and trade skills of South Australians? Secondly, if the Government is short of funds, will it consider cutting down support for the South-East Asia Development Corporation and its developmental projects in Malaysia, and direct such finances towards promotion of South Australian skills with the object of reducing South Australian rather than Malaysian unemployment?

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

PADDLE STEAMER INDUSTRY

The Hon. N. K. FOSTER: I direct a question to the Minister of Tourism, Recreation and Sport and seek leave, prior to asking it, to make a brief explanation.

Leave granted.

The Hon. N. K. FOSTER: I realise that the Minister has made a press statement recently regarding the paddle steamer *Industry*, which at the moment is moored at Renmark. I understand that, although this vessel is not as old as many on the River Murray and is in pretty good condition, it has been neglected and its boilers, etc., need

to be looked at. A group of people in Adelaide is concerned about preserving this vessel, and it has expressed disquiet about the attitude displayed by the Mayor and council officers in Renmark. If I remember correctly, the Mayor said, in effect, "If anybody else wants it, they can have it." Will the Minister ascertain whether or not the Renmark Mayor and council are interested in the paddle steamer *Industry*, or whether they are prepared to relinquish that interest on an undertaking by *bona fide* organisations in South Australia that they will seek the support of interested people in the community, including the Government and semi-government organisations, in an effort to raise about \$10 000 in order to preserve this historic vessel, rather than leave it under the control of the Renmark council, which has displayed such an unwillingness to move in this regard?

The Hon. T. M. CASEY: This matter dates back a few years when the Government, in arrangement with the council at Renmark, agreed to lease the vessel on the condition that it would be tied up at Renmark, as it now is and as the Hon. Mr. Burdett would know, and used as a museum. That arrangement was made in a signed lease and contract with the Government, and it has been adhered to in every respect by the Renmark council.

I understand that a group of people actually want to sail this craft on the Murray, although under the agreement between the council and the Government that is not permissible. That matter would have to be negotiated between the council and the Government, because of the way the lease was worded in the first place. The idea was that the vessel be tied up and used as a museum, and the latest report I have received from the council shows that the agreement between the council and the Government is largely serving the purpose for which it was intended. Many people have inspected the vessel as a museum and, if the agreement between the council and the Government is to be altered so that this craft can traverse the river, a marine survey will have to be carried out, and much repair work may be necessary. The matter rests with the council, which is justified in adopting its present attitude, bearing in mind the terms of its agreement with the Government.

GOVERNMENT VEHICLES

The Hon. R. A. GEDDES: I seek leave to make a short statement, prior to asking a question of the Minister representing the Minister of Mines and Energy.

Leave granted.

The Hon. R. A. GEDDES: The Budget announcement that the price of petroleum products in Australia will increase to world parity prices must cause a considerable increase in the cost of running Government vehicles in the foreseeable future. Although I asked a similar question on 15 March this year, and have not received a reply, I again ask: will the Government consider converting Government vehicles, or as many as possible that are used primarily for urban use, to the use of liquid petroleum gas instead of petroleum?

The Hon. B. A. CHATTERTON: I will ask the Minister of Mines and Energy whether he has a reply for the honourable member.

LOCAL GOVERNMENT FINANCE

The Hon. C. W. CREEDON: I address a question on rates and taxes to the Minister representing the Minister of Local Government, and prior to doing so I seek permission to make a brief statement.

Leave granted.

The Hon. C. W. CREEDON: The Australian Minister Assisting the Prime Minister in Federal Affairs said recently that local government had no need to increase rates, as the Government tax-sharing scheme would provide it with a real increase in spending power. Senator Carrick said that rate increases had significantly abated during the time of the Fraser Government and that the trend should continue in the future. He also said that, although the Government had not increased the local government share of personal income tax this year, councils would gain an extra \$18 000 000, but the greatest benefit to local government would be reduced inflation and reduced interest rates. Senator Carrick said that during the years of the Fraser Government local government had benefited greatly by way of revenue supplements. Will the Minister say, first, whether in fact rate increases have significantly abated during the time of the Fraser Government? Secondly, what real increase in spending power does local government find itself with that was not apparent under the previous Federal Government of Mr. Whitlam? Thirdly, has local government benefited greatly by way of revenue supplements, or have in fact any of these supplements or subsidies been removed? Fourthly, has the Federal Government supplied the Minister's department with any guarantee that the local government share of personal income tax will increase to 2 per cent?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague in another place and bring down a reply.

ABORTION

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to asking a question of the Minister of Health on the subject of abortion statistics.

Leave granted.

The Hon. J. C. BURDETT: On 16 March 1978 a Bill was assented to amending the Criminal Law Consolidation Act in order to provide for hospitals, as well as doctors, to keep statistics in regard to abortions. This was a private member's Bill introduced in another place, but was passed with Government support, but it has not yet been gazetted. Can the Minister tell me when it is expected that this Act will be gazetted?

The Hon. D. H. L. BANFIELD: As I understand it, the Bill provides for regulations to be drawn up, and that has not yet been done. We are working on the regulations, and as soon as they are completed the Act will be proclaimed.

The Hon. J. C. Burdett: Have you any idea when that will be?

The Hon. D. H. L. BANFIELD: No.

ETSA

The Hon. R. A. GEDDES: I seek leave to make a statement before asking the Minister of Agriculture, representing the Minister of Mines and Energy, a question regarding Electricity Trust of South Australia workers.

Leave granted.

The Hon. R. A. GEDDES: Following objections by the Northern Flinders Aboriginal Community Group regarding the siting of the new Leigh Creek township, I understand that there has been a delay on site work for the new township, affecting the ETSA work force. Will the Minister ascertain whether the new township proposals are to proceed and, if they are, when they will be commenced?

The Hon. B. A. CHATTERTON: I will refer the honourable member's question to the Minister of Mines and Energy.

WINE SALES

The Hon. J. R. CORNWALL: I seek leave to make a statement before asking the Minister of Agriculture a question regarding wine sales.

Leave granted.

The Hon. J. R. CORNWALL: Wine-grape growers, particularly in South Australia's Riverland, are incensed at the savage hike in brandy excise in last week's Federal Budget. Numerous representations had been made to the Liberal and National Country Party coalition Government in Canberra over the past 12 months, and particularly after last year's vintage, to reduce substantially the brandy excise and even, it was suggested, to place a moratorium on all excise payments for two years. Following last week's outrageous rise in excise, Mr. O'Halloran Giles, the Federal Liberal member for Wakefield, was reported as saying that it would be a bonanza for winemakers. According to Mr. O'Halloran Giles, it is a bonanza for winemakers, who will now be able to rush out and sell limitless quantities of wine to a grateful public which is queueing up to buy it. Will the Minister of Agriculture tell the Council whether the hike in the price of Australian brandy will mean a saving to purchasers of red wine, and whether the present grape surpluses are likely to be absorbed in increased wine sales?

The Hon. B. A. CHATTERTON: I thought that the predictions by Mr. O'Halloran Giles and other apologists for the Federal Budget were extraordinary. Their economic reasoning seemed to be so isolated. If this involved merely a question of a spirit excise increase, perhaps the wine industry might benefit. However, that was certainly not the Budget strategy. One must examine the matter in the context that the prices of petrol, cigarettes, and beer will rise, as will personal income tax. In that context, it seems to be extraordinary that anyone could predict that many surplus consumer dollars would be circulating with which more wine could be bought. Those concerned are being naive if they consider this to be a bonanza for the wine industry as a whole and that that industry will benefit from a switch from brandy drinking to wine drinking. The wine industry will be lucky indeed, when one considers all the attacks that have been made on consumer spending, to hold its position in the market.

The other factor that enters into this matter is the lack of knowledge that obtains regarding the grape industry and the fact that the surpluses that have been created have involved mainly varieties that would not be suitable for the production of table wines, particularly white table wines, and so on, the consumption of which is expanding. Although there are surplus supplies of poorer quality red varieties that can be used for brandy, these cannot be converted into table wines that are attracting the market at present.

ENERGY USE

The Hon. R. A. GEDDES: Will the Minister of Agriculture ascertain from the Minister of Mines and Energy how many committees or councils the Government has established to inquire into the future use of energy in South Australia and also to develop a Government policy on energy? What are the names of the committees or councils; who are the members; and are the reports that

they have made available to honourable members on request?

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

POLLUTION CONTROL

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Minister of Lands, representing the Minister of Transport, a question regarding vehicular pollution control methods and design rules.

Leave granted.

The Hon. N. K. FOSTER: Honourable members have no doubt noticed recently that the Federal Minister for Transport (Hon. P. Nixon) has made statements that are inconclusive, in that one has been unable to ascertain from them whether the Minister has set up a committee to inquire into whether the vehicle anti-pollution laws that came into force at various stages over the past five years have led to a higher rate of petrol consumption by certain motor vehicles of Australian manufacture. There is a grave doubt whether emission controls have been effective in influencing vehicle pollution in Sydney, Melbourne, and other mainland capital cities. Can the Minister say to what extent the Federal Minister's public statements are correct, and ascertain whether the Federal Government intends to review its policy regarding vehicle exhaust and pollution control as a result of any findings that have been made?

The Hon. T. M. CASEY: I will refer the honourable member's question to the Minister of Transport and bring back a reply.

FISHING LICENCES

The Hon. R. C. DeGARIS: Will the Minister of Agriculture provide the Council with a list of different licences issued for fishing in South Australian waters? Also, would he tell the Council which licences can be sold either with or without a boat, and whether some licences can be sold for profit, whereas others cannot, and will the Minister explain why that situation exists in South Australia? Also, can the Minister justify such a policy?

The Hon. B. A. CHATTERTON: The basic licences to fish in South Australia are, of course, the A-class and the B-class fishing licences, which apply only to the persons to whom they are issued. Within the managed fisheries, we have several authorities that are linked with vessels authorised for that fishery. The principal ones that concern the administration are the rock lobster and the prawn fishery. Over and above that, there is a permit to dive for abalone, which licence applies only to the diver himself; he alone has permission to operate in that manner. That is a brief outline of the situation relating to the sea fisheries. A slightly different situation obtains in relation to inland waters. The licences which are transferable on the vessel and on which profits are made would be for authorities for rock lobster and prawn fisheries.

The Hon. R. C. DeGaris: One would probably be paid to take a rock lobster licence!

The Hon. B. A. CHATTERTON: That is the situation which has come about and which the Government commissioned Professor Copes to examine. This was done in the hope of providing some sort of solution to the economic problems facing the rock lobster fishery. The honourable Leader's interjection regarding the value of an

authority reflects the profitability within the industry, and particularly the profits that can be made in future.

In the present depressed situation of the rock lobster industry, authorities have little or no value, while those in the prawn industry have considerable value. That is the historical situation, and it is a burning issue in the fishing industry. The problems associated with transferability of authorities are well outlined in the Copes Report on the rock lobster industry. Problems are created when future profits are capitalised on the transfer of authorities. At present we are discussing the matter with the industry.

STATE EMBLEM

The Hon. ANNE LEVY: I seek leave to make a short statement before asking a question of the Minister of Tourism, Recreation and Sport about badges.

Leave granted.

The Hon. ANNE LEVY: I have had sent to me an attractive lapel badge and brooch that are available for purchase from the Western Australian Government travel centre. The badge is a really delightful representation of the swan, the Western Australian emblem. It is a modern, creative design based on the swan. Can the Minister say whether our Tourist Bureau should consider producing a badge that uses either the piping shrike or the Sturt pea as the motif? I am thinking of a design incorporating the elements of one of the South Australian emblems, but not necessarily a strict representation. Perhaps a competition could be held among designers and creative artists to produce an appropriate design. Many visitors to South Australia and, indeed, many South Australians would be pleased to have an attractive badge that is symbolic of South Australia in the same way as the badge to which I have referred is symbolic of Western Australia.

The Hon. T. M. CASEY: Having had the opportunity of seeing the Western Australian badge, I agree with the honourable member that it is attractive. I draw her attention to the fact that it is easier to prepare a design based on a swan than it is to prepare a design based on the piping shrike. Nevertheless, I am prepared to take up the honourable member's suggestion, and I am sure my department will be happy to consider the matter. I will inform the honourable member when her suggestion has been assessed.

PAYNEHAM ROAD CLOSURE

The Hon. J. C. BURDETT: I seek leave to make a short statement before asking a question of the Minister of Health, representing the Minister of Works, about the closure of Payneham Road.

Leave granted.

The Hon. J. C. BURDETT: Recently, the Hon. Mr. Carnie asked a question about the closure of Payneham Road at the main shopping centre at St. Peters, which closure had been brought about by the Engineering and Water Supply Department for the purpose of attending to its mains. The closure, which lasted for a considerable time, caused much hardship to people in the shopping centre. A reply has not yet been given to the Hon. Mr. Carnie's question. I am now told that, while most of the work on Payneham Road has been completed and most of the restrictions have been removed, work has commenced around the corner from Payneham Road in Nelson Street. People in business have been told that, when the work in Nelson Street has been completed, further work will be carried out in Payneham Road and that there will be

further closures. Can the Minister say whether it is intended that, when the work in Nelson Street has been completed, there will be further work done in Payneham Road, involving further closures?

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

LOCAL GOVERNMENT

The Hon. C. J. SUMNER: Will the Minister of Lands ascertain from the Minister of Local Government whether it is Government policy that local government should be accorded recognition in the South Australian State Constitution in accordance with recommendations made at the Hobart meeting of the Constitution Convention? At that meeting the following resolution was passed:

This convention, recognising the fundamental role of local government in the system of government in Australia and being desirous that the fulfilment of that role should be effectively facilitated . . . invites the States to consider formal recognition of local government in State Constitutions.

If that is Government policy, has any action been taken to implement it?

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

ENERGY CONSERVATION

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to my question of 3 August about energy conservation?

The Hon. B. A. CHATTERTON: The Minister for National Development, Mr. Newman, has proposed that consultants be employed to advise on the nature of any publicity campaign and presumably also on the effectiveness of any money that is spent. The publicity campaign that has been suggested would concern energy conservation generally, and it is difficult to assess what impact it would have on people concerning the need to conserve liquid fuels. It is even more difficult to assess what impact any campaign would have on the use of liquid fuels. Accordingly, the Minister of Mines and Energy considers that it is not possible to assess, even approximately, the amount of money that would be necessary for the purpose indicated by the honourable member.

GAWLER RAILWAY YARD

The Hon. C. W. CREEDON: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Transport about the car park at Gawler railway station.

Leave granted.

The Hon. C. W. CREEDON: The customer car parking area at Gawler railway station is fairly extensive, because it needs to accommodate vehicles of passengers, some of whom travel long distances to Gawler to catch trains to Adelaide. The car parking area is a sea of mud at present and is liberally dotted with potholes, the largest of which is about four metres by one metre. The potholes are always in evidence, but in the summer the mud becomes dust. It is a very unpleasant area at any time for customers and employees.

I have heard that tenders were provisionally called for grading the car park. Is the Minister aware of the condition of the Gawler railway yard, can he say whether

tenders were called for its upgrading, and will it be upgraded soon?

The Hon. T. M. CASEY: I will refer the question to the Minister of Transport for a reply.

RICE STRAW CONVERSION

The Hon. C. M. HILL: I seek leave to make a short statement, before asking a question of the Minister of Agriculture concerning the proposed factory in Malaysia to convert rice straw into high-protein animal feed.

Leave granted.

The Hon. C. M. HILL: About 12 months ago reports appearing in the *Advertiser* and in the *Australian* stated that the Premier had announced, whilst in Kuala Lumpur, that a South Australian company might establish a \$28 500 000 industry to convert rice straw to high-protein animal feed to operate next year. The Premier was purported to have said, among other things, there was a big demand for stock feed in Australia. At the same time, I understand, the Minister of Agriculture made some comment about the matter here in Adelaide. The reports indicated that a research study had to be undertaken before the project would finally get off the ground. It is of some interest to note one particular paragraph at the end of the press report which stated:

The South Australian Director-General of Trade and Development, Mr. W. L. C. Davies, said he knew nothing of the proposal, or that any South Australian firm intended to set up a plant converting rice straw into animal feed.

Can the Minister of Agriculture say whether anything has come from that scheme or, alternatively, if he cannot, will he admit that there was some slight exaggeration in those reports?

The Hon. B. A. CHATTERTON: The only comments I have made have been in reply to questions in this Council on whether the conversion of rice straw to animal feed concentrate is possible or not. Certainly, it is possible but the economics will have to be investigated. Basic research has been done in many countries as to whether that is possible, and processes have been developed in some of them. As to the specific questions about the progress of the scheme that was announced, I will refer them to the Premier and bring back a reply.

FROZEN FOOD FACTORY

The Hon. C. M. HILL (on notice):

1. On what date was work commenced on the Government's Frozen Food Factory and what is the expected completion date?

2. What is the current estimated completion cost of the factory?

3. What was the original estimate of the cost of this factory?

4. What major itemised variations in the estimated cost have occurred compared to the original estimates?

5. What is the total working capital of the factory and what sources of funds were used to provide this working capital?

6. How much of the working capital is now being used, and for what purpose?

7. On what date will frozen food be, or has frozen food been, supplied to Government hospitals and institutions?

8. Have any alterations been necessary at any Government hospital or institution to receive frozen food and, if so, which hospitals and institutions have either:

(a) had alterations or additions completed;

- (b) are in the process of being altered or added to; or
(c) have alterations or additions planned?

9. What is the cost or estimated cost of any such alterations or additions at each Government hospital or institution, respectively?

10. What staff reductions will occur, or have occurred, at each Government hospital or institution, as a result of frozen food delivery?

11. What total salary savings will occur, or have occurred, at each hospital or institution following the introduction of the frozen food from the factory?

12. Will frozen food be supplied to organisations other than the Government hospitals and institutions and, if so, what organisations will be supplied and what will be the basis of fixing prices that will be charged to these organisations?

13. What alterations or additions have been made or will be required to these organisations to receive the frozen food?

14. What was the profit or loss on the operations of the frozen food factory for the year ended 30 June 1978 and what is the estimated profit or loss for the year ending 30 June 1979?

15. What capital, if any, was written off for the year ended 30 June 1978 and what is the estimated amount of capital, if any, to be written off for the financial year ending 30 June 1979?

16. Will the Frozen Food Factory require additional funds for working capital this year and, if so, how much will be required and, if further funds are required, why is the factory not capable of providing its own additional working capital?

17. If further funds are to be provided what source will be used to provide the funds?

18. Have any serious problems occurred in the operation of the Frozen Food Factory and, if so, what were these problems?

19. Have any independent investigations been carried out concerning the operation and efficiency of the Frozen Food Factory and, if so, what are they and what action has been taken to implement any such recommendations?

The Hon. D. H. L. BANFIELD: Replies to this series of questions are not available because the personnel who would prepare the replies have been engaged on the preparation of the Auditor-General's Report, to be presented soon. Details will be obtained as soon as possible.

LOTTERIES COMMISSION

The Hon. M. B. DAWKINS (on notice):

1. How much revenue have South Australian hospitals received from the State Lotteries Commission for the financial year ended 30 June 1978?

2. What is the percentage of the total revenue of the State Lotteries Commission that is being distributed to hospitals?

3. What is the percentage of the total revenue of the State Lotteries Commission that is being used for administration and prize money, respectively?

4. Are all the net profits of the State Lotteries Commission being directed to the assistance of South Australian hospitals?

The Hon. D. H. L. BANFIELD: The replies are as follows:

1. \$6 970 000.
2. 1977-78—27.9 per cent.
3. 1977-78—Administration and operating expenses

(including depreciation)—7.2 per cent. Prize money—61.3 per cent.

4. Yes.

ROYAL ADELAIDE HOSPITAL

The Hon. K. T. GRIFFIN (on notice):

1. In the past 12 months has a report been sought from consultants or other persons in relation to the domestic staff, cleaning staff, and/or other staff of the Royal Adelaide Hospital?

2. If such report has been sought and received:

(a) who prepared the report;

(b) when was it received;

(c) to which staff did it relate;

(d) what were the recommendations of that report and what savings, if any, were estimated to be achieved if the recommendations were implemented;

(e) have the recommendations, or any of them, been implemented;

(f) if any of the recommendations have been implemented, which recommendations; and

(g) if any of the recommendations have not been implemented, why not?

3. If a report has been sought but not yet received, when is it expected that it will be received?

The Hon. D. H. L. BANFIELD: The replies are as follows:

1. Yes.

2. (a) Management Services Section, S.A. Health Commission.

(b) and (c) One dealing with domestic staff at Northfield wards, Royal Adelaide Hospital, was received on 21-8-77 and one dealing with main kitchen, cooks and kitchenmen was received on 7-2-78.

(d), (e), (f) and (g) The original investigation was necessary to determine staff establishments at the Northfield wards as a result of the proposed changeover to frozen food. Because of the success of this investigation, it was extended, with the support and co-operation of the Royal Adelaide Hospital administration, to other areas of the hospital.

Numerous suggestions resulted from these investigations. Many have been implemented whilst others have either been partially implemented or are receiving further consideration. At this stage it is not possible to calculate the full extent of the savings but it is expected that they will be about \$60 000 in the first year of operation.

3. Not applicable.

ALCOHOL AND DRUG ADDICTS (TREATMENT) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 August. Page 489.)

The Hon. J. C. BURDETT: The Alcohol and Drug Addicts (Treatment) Act Amendment Bill of 1976 and the Police Offences Act Amendment Bill of the same year, came into Parliament with a great fanfare of trumpets. These Bills were said to be very advanced and humane, and that they were very enlightening in treating drunkenness as a personality problem instead of as an offence. The Bills were hailed by the press as being a great step forward. Yet, after two years the Acts still have to be proclaimed. In the meantime, as stated in the second

reading explanation of this Bill, it has been found necessary to amend the Bill to provide for existing premises, and premises also used for other purposes, to be declared as sobering-up centres.

This Government seems to have an obsession about being first off the cab rank. It seems to think that simply passing a Bill is going to cure the problems of society. Many problems of society cannot be cured by legislation, but nothing will be achieved until the legislation is enforced. We had a similar situation in regard to the firearms legislation. That Bill was acclaimed in the press as tightening controls and protecting the public, but it has yet to be proclaimed. I have heard that it is unlikely to be proclaimed this year.

Under the existing law a person found drunk in a public place may be arrested and locked up in police cells. He is normally brought before a court the next morning, although he could be locked up for seven days, usually in police cells. Under this Bill, a person found drunk in a public place may be taken to a sobering-up centre. In many cases this may be a police lockup and he may, in some circumstances, be held for up to the rather odd period of 102 hours. We are just about back where we started from.

The Hon. Mr. Hill has mentioned the need for local governing bodies, and local residents, to have some protection in the matter of where centres are to be established. He has emphasised the need to see that civil rights are not improperly interfered with. As I will support his amendments, I support the second reading.

The Hon. D. H. L. BANFIELD: I thank honourable members for the attention they have given to the Bill. The Hon. Mr. Hill asked how many overnight shelters had been established to which intoxicated persons may be taken.

The Hon. Mr. Hill seems concerned that the Alcohol and Drug Addicts Treatment Board can establish sobering-up centres and treatment centres in contravention of the provisions of the Planning and Development Act. I think that the honourable member is referring to the recent purchase of Birralelee, at Belair, and I suppose we may say that Mr. Dean Brown was trying to outdo him as the shadow Minister of Health.

The Hon. C. M. Hill: That's in his district. Don't stop a House of Assembly member from attending to the needs of his own district!

The Hon. D. H. L. BANFIELD: Are you going to reply to the debate or am I?

The Hon. C. M. Hill: You are not making a very good job of it.

The Hon. D. H. L. BANFIELD: On television, Mr. Brown was wanting us to visualise drug traffickers going from the Belair Recreation Park across to Birralelee. Mr. Brown was looking behind every tree for drug traffickers, and he was trying to put the fear of God into every person in his district. That honourable member had not gone out and seen how these centres were conducted. He was not interested in assisting these people.

The Hon. C. M. Hill: He was trying to assist his own constituents.

The Hon. D. H. L. BANFIELD: He was not assisting them. If he had been, he would have known the position and would not have tried to create disquiet in the minds of constituents. Creating fear in people is no way to protect them. He should have made investigations before he tried to get your job.

The Hon. C. M. Hill: You are talking rubbish.

The Hon. D. H. L. BANFIELD: Of course he talked rubbish, and I told him so when he came to see me with a

deputation. Now, the Hon. Mr. Hill has confirmed that.

The Hon. C. M. Hill: You didn't tell him that at all.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Hill and the Hon. Mr. Burdett have made much of the fact that the Bill has not been proclaimed. Of course it has not been, and the same thing applies to the Firearms Act. At least, we have made a move, but members opposite are not interested in that. We cannot get regulations and other things drawn up so quickly. When Bills are passed through this Parliament, members opposite complain if they are not proclaimed the next week.

The Hon. C. M. Hill: This Bill was passed about 20 months ago.

The Hon. D. H. L. BANFIELD: I do not care. It is no use proclaiming a Bill until certain provisions are made, and we cannot do what we have in mind until the Bill has been proclaimed. The Hon. Mr. Hill should know that, because he had a short time as a Minister in Government. I excuse the Hon. Mr. Burdett for not knowing these things, because not only was he not a Minister but it is unlikely he will reach that position.

Concern was also expressed that the Alcohol and Drug Addicts Treatment Board did not retain authority to supervise the police in the exercise of their authority under the amended provisions. However, it is considered that the Police Commissioner is competent to supervise the functions of his officers in carrying out their duties under this Act, and the police conduct in this area will be controlled by police regulations and standing orders.

However, new paragraph (c1) of section 7 gives the board power to supervise superintendents of any other independent organisations that may become involved, and new section 7 (c) gives the board supervising and management powers over its own officers, be they superintendents or otherwise.

Country police stations will be declared sobering-up centres. Metropolitan police stations (not being declared sobering-up centres) will have powers in accordance with section 8 of the amending Bill. It is intended that drunken persons detained in metropolitan police stations will be transferred to the Osmond Terrace sobering-up centre as soon as practicable. Persons apprehended by police will be accommodated in existing police cells. The honourable member implied that there is a risk that intoxicated people would be mixed with prisoners in prison on remand. If the honourable member made inquiries, I am sure that he would discover that only people charged with serious crimes are remanded in custody in these enlightened times. He would also discover that in the metropolitan area such remand prisoners are invariably placed in the Adelaide Gaol or Yatala prison. He would also find that in country areas these same people would be remanded to the nearest regional prison.

The honourable member can be assured that there is no intention on the part of the Government to declare any prison a sobering-up centre under the Alcohol and Drug Addicts Treatment Act. Some doubt was expressed that the police would need a new code of conduct in dealing with drunken persons, because this work will be new to police. It should be pointed out that dealing with drunken persons is not new to police officers. They are the most experienced persons in the State in dealing with drunken persons. The Hon. Mr. Hill has several amendments on file, and I shall be pleased to reply in Committee to any further questions that may be raised.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Declaration of institutions and specified drugs."

The Hon. C. M. HILL: I move:

Page 2—

Line 9—After “amended” insert “—

(a)”.

After line 20—Insert paragraph as follows:

(b) by inserting after subsection (3) the following subsection:

(3a) The provisions of the Planning and Development Act, 1966-1978, shall, notwithstanding the provisions of this Act, apply to and in relation to any institution established, or centre declared, under this section and the use of the institution or centre for the purposes of this Act.

As the Minister has said, I have placed this amendment on file because of representations that have been made to me by Mr. Dean Brown, the member for Davenport. However, some of the Minister's references to Mr. Brown a few moments ago were quite scurrilous. I have not had lengthy discussions with the member for Davenport about this matter, but I have spoken to him sufficiently for him to convince me that he acted absolutely in good faith and that he quite properly had the welfare of constituents in the Belair area at heart when he, on their behalf and probably with their representatives, called on the Minister to put the case of those residents in the locality who had misgivings about where the Government was purchasing property for use as a rehabilitation hospital for persons addicted to alcohol or other drugs. A member of Parliament can do nothing more proper than that.

The Hon. D. H. L. Banfield: Didn't you see him on television?

The Hon. C. M. HILL: No.

The Hon. D. H. L. Banfield: Then you don't know what you're talking about.

The Hon. C. M. HILL: I know Mr. Brown sufficiently well to be able to rely on his word and his description of what took place more than I would rely on the comments the Minister made a few minutes ago. In the Bill, the Minister is seeking that, irrespective of any planning controls or any local government controls, he should be in a position to declare any premises to be a sobering-up centre.

He wanted the right to declare any institution or part of an institution to be a committal centre or a voluntary centre, or to declare “any such institution or part of an institution or any premises or part of any premises to be a sobering-up centre”. To have the power to do that, without nearby residents having the right to put their case before an appeal body (not the right to stop the Minister from doing that) and, of course, to put the case of the Minister and the Alcohol and Drug Addicts Treatment Board under this Act is the machinery which the Minister was sidestepping in this Bill.

If my amendment is passed and the Minister takes action and declares any institution or any premises to be a sobering-up centre or a committal or voluntary centre, then at least those who are upset in the neighbourhood can make their objection known and can have their case heard by the Planning Appeal Board. My amendment does not suggest that these institutions should not be established in residential areas at all. Residents who live near a proposed centre ought to be able to take their case to an independent appeal body and at least have some chance of having the Minister's plans changed.

In the case to which the Minister referred, regarding Mr. Brown and Birrale Hospital, those people had the right to go before the State Planning Authority. Obviously, residents had that right before this Bill was introduced: they went before the authority and before their local council. The council had a conference with the

Alcohol and Drug Addicts Treatment Board, and possibly the Minister made some representations to those people, too; I do not know about that. As a result of all that, however, the State Planning Authority gave consent to the board to establish its hospital in the area in question, subject to three conditions being met, and so a compromise was reached. Whether or not the residents were fully satisfied with that, I do not know, and I am not really concerned with that at the moment. But at least in that legislation people had the right to make their appeal heard. Now, under clause 4, the Minister could sidestep the matter, and people would not have that right to take their case to the State Planning Authority and, subsequently, the Planning Appeal Board. My amendment would ensure that that right remains, and I think it is proper for that change to be made in this Bill.

The Hon. D. H. L. BANFIELD (Minister of Health): This amendment removes any doubt as to the Alcohol and Drug Addicts Treatment Board being bound by the provisions of the Planning and Development Act. As a Crown instrumentality, it has always regarded itself as being so bound, and this amendment is therefore not opposed.

Amendment carried; clause as amended passed.

Clauses 5 to 7 passed.

Clause 8—“Apprehension of persons under the influence of a drug.”

The Hon. C. M. HILL: I move:

Page 3—

Line 29—Before “to a sobering-up centre” insert “if it is not reasonably practicable in the circumstances to take the person to a place referred to in paragraph (a) of this subsection,”.

Line 31—Before “to a police station” insert “if it is not reasonably practicable in the circumstances to take the person to a sobering-up centre,”.

This is an amendment which I explained in some detail in the second reading debate. Under the Bill, a police officer could take people to a police station and hold them, not under arrest but simply in custody for a period of up to four hours. I am not making any inferences against our Police Force, for which I have the highest respect. However, we have a duty to see that such situations do not arise. A police officer could be offended by some comments a person made on the street; that officer might suspect that that person was under the influence, and under clause 8, although the officer might know the place of residence of the person, as well as knowing that a sobering-up centre was nearby, he could say, “I am taking you to a police station and will hold you there for four hours.” The only right that person would have is set out later in the clause and covered in my second amendment, which provides that he or she must be allowed reasonable opportunity to communicate with a solicitor, relative or a friend. It does not lay down what those people must or can do if visiting a person in custody: that is involved in my second amendment to this clause.

The purpose of my first amendment is to see that the police officer can only take such a person under the influence of either alcohol or a drug to a police station as a place of last resort. In other words, if the police officer knows the place of residence of the apprehended person, or knows of any other sobering-up centre or admission centre approved by the Minister for treatment in such cases, if my amendment is passed that police officer is bound to take the apprehended person to those other places first. It is only where a police officer, as a last resort, has nowhere to take the person other than to the police station that he can take him to that station.

While some balance must be struck on the question of civil rights, it is important and proper that this amendment be passed to ensure that the possibility of police action being improperly used is minimised.

The Hon. D. H. L. BANFIELD: I am not against the amendment, but I am against the explanation of the amendment. The Hon. Mr. Hill said that only as a last resort could people be taken to a police station. If, say, some drunks were out in the open and exposed to bashings, police officers who were on another job might see this situation and, if a police station was nearer than a sobering-up centre, it would be practical for the police at that stage to take them not to the sobering-up centre but to the police station.

I should like the Hon. Mr. Hill to clarify this matter, because there are circumstances in which a person should be taken to a police station. I have every confidence in this State's Police Force, and, as this aspect has worked well in the past, there is no reason why it should not do so in future. After all, this Bill is designed to help people who are under the influence of alcohol or a drug.

The Hon. C. M. HILL: The Minister is simply playing with words, because the meaning of the amendment is clear. If the Minister has difficulty understanding my explanation, I cannot help him further.

The Hon. D. H. L. BANFIELD: I realise what the honourable member means, but that is not what he says. He says, "as a last resort". The Hon. Mr. Hill's explanation is entirely different from what is proposed, and I did not want there to be any misunderstanding on the part of people who read *Hansard*. I have no objection to the amendment.

Amendment carried.

The Hon. C. M. HILL: I move:

Page 4, after line 48—Insert subclause as follows:

(9) Notwithstanding the provisions of this section, a person detained in pursuance of this section shall, at the request of a solicitor acting on behalf of, or a relative or friend of, that person, be discharged and released into the care of the solicitor, relative or friend.

This amendment deals with the situation that arises where an apprehended person is given a reasonable opportunity to communicate with a solicitor, relative or friend. When reviewing the legislation, one must ask oneself, "What happens then?" Earlier in the clause, the police are given the right to detain a person for up to four hours. As I read the Bill in its present form, a solicitor, relative or friend could well be contacted within 10 minutes, and it seems that such people would have to sit in a cell, if the policeman concerned so required it, for up to four hours.

My approach is that, if the solicitor, relative or friend says to the policeman, "This apprehended person, who is not under arrest, is, I agree, under the influence of liquor, but I am willing to take him home and care for him for the next few hours until he becomes sober," in the spirit of this Bill such a procedure should be permitted. We should not have on the Statute Book a law that can give a policeman a right to say to that solicitor, relative or friend, "You are here and must stay with him or go away. I have established communication and, under the law, my job is done." I do not want that situation to arise. If a person is willing to take an apprehended person off the police officer's hands and can assure the policeman that he is willing to care for the detained person, he should be able to do so.

The Hon. D. H. L. BANFIELD: Obviously, the Hon. Mr. Hill is not giving his explanations too clearly. He says that the amendment will allow a detained person to communicate, but the amendment does not say that. It has nothing to do with communication.

The Hon. C. M. Hill: This is only where they are

detained.

The Hon. D. H. L. BANFIELD: I realise that, and these people are detained for their own safety. The Hon. Mr. Hill's amendment makes it mandatory for a person in charge of a sobering-up centre to release an intoxicated person, on demand, into the custody of a solicitor, relative or friend, regardless of the condition of the intoxicated person, or the type of person seeking his release. The situation could arise where a detained person's drinking friend could demand that the intoxicated person be released, and the person in charge of the centre would be obliged to accede to the demand. The person in charge of the centre could therefore be obliged to release the intoxicated person to the care of an unsuitable person, knowing that the welfare and health of the intoxicated person could be placed in jeopardy. Is that the sort of thing that the Hon. Mr. Hill really wants? I do not think it is.

It is not uncommon for a wife to present herself in these circumstances, and it is not uncommon to find that both husband and wife are alcoholics, in which event the person in charge would be obliged to place the intoxicated person in the charge of an intoxicated spouse, regardless of his well-being. I ask honourable members to reject the amendment, because this Bill is designed to assist the care and protection of an individual, and not to let people act in the way to which I have referred.

The Hon. C. M. HILL: Because there may be a drafting error, I should like to consult with the Parliamentary Counsel. The aim of my amendment is to qualify subclause (8), which has nothing to do with sobering-up centres: it deals only with a person who has been apprehended and taken to a police station. Perhaps my amendment, instead of providing for a new subclause (9), should be related more closely to subclause (8). I intended to deal only with the case of a person taken to a police station, and I did not want to interfere with the Minister's plan to sober up people in sobering-up centres. So that my amendment can be drafted in such a way that it refers specifically to subclause (8), I ask the Minister to report progress, because I want to confer with the Parliamentary Counsel.

The Hon. JESSIE COOPER: Perhaps the Minister would accept the amendment if " , or " were struck out; then, it would be at the request of a solicitor acting on behalf of a relative or friend of the person. Surely the Minister's objection to the amendment would be removed if my suggestion were adopted.

The Hon. D. H. L. BANFIELD: I cannot see any advantage in the provision, because I do not think we can release a person, who has been apprehended, to a friend. If a drunks' party is going on, a mate of an apprehended person might go to a police station and say, "I want that person released." Under the Hon. Mr. Hill's amendment, there would be no option: the person would have to be released. This clause refers not only to police stations but also to a place of residence and a sobering-up centre. I cannot accept the amendment.

The Hon. C. M. HILL: I again ask the Minister to report progress so that I can consult with the Parliamentary Counsel. I am concerned about the situation where a police officer takes a person to a police station and states that the person will be kept there for up to four hours. That person must be allowed a reasonable opportunity to communicate with a solicitor, relative or friend. If a solicitor, relative or friend appears and says that he is prepared to take the person into his care, I believe that the person should be released from the police station; my amendment is as simple as that. I am not getting the provision bogged down with sobering-up centres. I am trying to put checks and balances into the legislation so

that, in the unlikely event of a police officer's acting improperly, the balance will lean toward the rights of the individual citizen. I am not trying to circumvent the Minister's procedures in connection with sobering-up programmes. If a wife says, "I can take my husband home," surely it is in the police officer's best interests to release the husband. Perhaps the drafting of my amendment is not exactly what I intended.

For the third time I ask for the opportunity, and the right, to have another look at the provision with the draftsman, and bring it back today if the Minister wishes to get the legislation through. I am not being obstructive in any way, but I believe the Minister should give me that opportunity to change this amendment so that we can have a debate on it along the lines that I intended.

The Hon. R. C. DeGARIS (Leader of the Opposition): A redrafting might satisfy both points of view. A compromise could be reached by deleting "or" after the words "on behalf of".

The Hon. D. H. L. BANFIELD: I am prepared to report progress, but I make clear that this person has to be released to a solicitor, relative or friend. I have asked the Hon. Mr. Hill whether, if any one of these three people presents himself at, say, a police station and says, "I want that man," the person concerned shall be discharged and released into the care of such people. If he is discharged, it does not give the police officer the opportunity to sum up the position. The Hon. Mr. Hill says that he shall be released because somebody has applied for that release, whether it is a drunken mate or anyone else. I do not think that is what the Hon. Mr. Hill wants, although I have asked him repeatedly and he has replied that that is what he wants. Under those circumstances, if he persists with that attitude, I must indicate that I am opposed to the amendment.

The Hon. R. C. DeGARIS: The point made by the Minister is very valid. One thing that worries me about this amendment is the situation where a person who is taken in for drunkenness may be fairly difficult and should not be released. If he is to be released, it must be with a relative or friend who can be trusted with him. On the other hand, there may be a reason why that person should stay in confinement or under control for a period until a certain attitude he may have had, because of alcohol, is overcome. My suggestion was not to allow a solicitor to secure the release of a person, unless he was acting on behalf of the person's wife or somebody else.

The Hon. D. H. L. BANFIELD: As long as it is not mandatory, I am quite happy to have a look at the suggestion, although the Hon. Mr. Hill has been adamant about his amendment. As some of these arguments are valid and some are not, I am happy to have progress reported at this stage.

Progress reported; Committee to sit again.

SOIL CONSERVATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 August. Page 490.)

The Hon. B. A. CHATTERTON (Minister of Agriculture): A number of points were raised in this debate by the Hon. Mr. Geddes, and I would like to make some brief comments on them. The honourable member mentioned the very valuable soil conservation work that is being done at Pissant Creek and Hermitage Creek. They are good examples of what can be done on a large scale to cope with soil conservation problems within a total catchment, benefiting the landholders in that area, as well as the

whole community. That work has saved the local councils in those areas considerable costs in repairs to roads that are no longer so often cut by floodwaters. It has also saved people living in townships from the considerable problems that occur with flash flooding. These projects are a very useful type of soil conservation exercise.

What is disappointing is the sort of stop-go situation that we have had with soil conservation schemes, which were hitherto financed with a large proportion of Federal Government money. When funds were available to carry out this sort of work, it was possible to get a high proportion of landholders to participate. In 1976-77 we had great difficulty in getting the money from the Federal Government to complete these works, and we still do not know what that Government's attitude is towards any further extension of such projects. A considerable amount of study has been undertaken by the Soil Conservation Standing Committee, which has compiled a great deal of research data, showing the necessity for soil conservation schemes such as this and others throughout Australia. However, we still have not had any indication from the Federal Government whether it is prepared to fund these schemes on the basis that they are essential to the long-term conservation of this basic resource. I hope the Federal Government will make some decision and provide funds on a continuing basis (and not proceed on a stop-go basis as it has done in the past), so that we can get a practical programme such as this going, and gradually work through all the sections that are at risk in our farming areas.

I will deal now with specific matters that have been raised. I think the first point was on the question of the subdivision of districts that are too big. There are already provisions in section 6A (7) of the Act in that regard, so that I think that that matter is covered.

The honourable member has also asked why an amendment is included to cover a body corporate. This was specifically included to cover the Outback Areas Community Development Trust. The honourable member also raised the matter of land other than freehold land. He has on file amendments to cover that, and they are quite acceptable to me.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. R. A. GEDDES: I move:

Page 1—

Line 17—Leave out "and".

After line 25—Insert paragraph as follows:

and

(c) by striking out the definition of 'owner' and inserting in lieu thereof the following definition:

'owner' of land, means—

(a) a person (including a public authority) who holds an estate of fee simple in the land or who is a mortgagee in possession of the land;

or

(b) in relation to land held of the Crown by a Crown Lease—the lessee.

I thank the Minister for his explanation and I particularly thank him for the obvious concern he has expressed about this kind of legislation in South Australia. I agree with him that there is a pressing need for finance for these projects. I also think that the State could afford more money for them, but it is a strange thing that agriculture has been the poor relation in regard to money from the Treasury. I guess one of the problems is to convince the bureaucratic mind that soil erosion is important and that money given

for it will benefit the nation and the State in the long term. The problems have been with the Soil Conservation Board and many other branches of agriculture for many years, and at this stage I will leave sleeping dogs lie.

Regarding my amendments, in the Bill as printed there is no reference to Crown leaseholders in regard to orders, and I consider it necessary to include them in regard to an order being placed on an owner of Crown lease land regarding preservation of vegetation on his land or preservation of his soil. The provision should apply equally to a leaseholder as to a freeholder.

Amendment carried; clause as amended passed.

Clauses 4 to 13 passed.

Clause 14—"Protection of trees."

The Hon. R. A. GEDDES moved:

Page 14—

Line 14—After "1886-1975" insert ", or comprised in a Crown Lease".

Line 23—Leave out "to that land" and insert ", or on the Crown Lease, relating to that land".

Line 26—After "duplicate certificate" insert ", or a copy of the Crown Lease,".

Lines 29 and 30—Leave out "that is not subject to the Provisions of the Real Property Act, 1886-1975" and insert "that is neither subject to the provisions of the Real Property Act, 1886-1975, nor comprised in a Crown Lease".

Amendments carried; clause as amended passed.

Clause 15—"Devolution of liabilities of respondents under orders."

The Hon. R. A. GEDDES moved:

Page 4—

Line 38—After "1886-1975" insert ", or is comprised in a Crown Lease".

Line 47—Leave out "to that land" and insert ", or on the Crown Lease, relating to that land".

Line 50—After "certificate" insert ", or a copy of the Crown Lease,".

Page 5, lines 1 and 2—Leave out "that is not subject to the Real Property Act, 1886-1975" and insert "that is neither subject to the Real Property Act, 1886-1975, nor comprised in a Crown Lease,".

Amendments carried; clause as amended passed.

Remaining clauses (16 to 19) and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (AGRICULTURE) BILL

(Second reading debate adjourned on 8 August. Page 345.)

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Duties and functions of the board."

The Hon. C. M. HILL: The provision being deleted stated that the board was to have access to certain records of the Agriculture Department. Is this an example of Ministerial power being exercised unreasonably over a board? Boards are set up under most Acts of Parliament and their functions and duties should be quite clear. While they are answerable to the Minister, their activities should not be over-restricted by the possibility of Ministerial control. Who will define whether a request by the board is reasonable or not? It seems that that function falls to the Minister. If that is so, the Minister could reply to requests made by the board for information, "I deem those requests unreasonable, and therefore I shall not make available for the board's inspection any records or documents from my department." In the new clause the word "shall" seems to make it mandatory on the Minister

to provide information as requested by the board. Perhaps the board's activity might be restricted as a result of the wording of this clause. Has the Minister the right to say, under this new clause, whether he will provide information or not? As a last resort, will he give a clear undertaking that he will exercise great care and not be unreasonable in any way at any time when the board makes requests for information so that it can carry out its duties and functions to the best of its knowledge and ability?

The Hon. B. A. CHATTERTON (Minister of Agriculture): There was no intention with this amendment to restrict the board in any way. It makes wider the ability of the board to request documents. It could be that the board requires documents and records from other sources; under this provision it can so request. In the drafting of this amendment it was not intended to restrict in any way the work of the board. The board's operations are being undertaken by the Victorian Co-operative. The decline in demand for artificial breeding in this State has made it uneconomic to undertake the original functions that were intended. Originally, the Victorian Co-operative leased facilities at Northfield, but that operation has become uneconomic with the serious situation facing the dairying industry. The Victorian Co-operative now produces semen in that State and sends it in bulk to South Australia. It does not collect semen or keep bulls here. It was not feasible to keep the operation going at the level of activity originally intended and set up.

The Hon. M. B. DAWKINS: I have had a look at this amendment, and it seems that any objection to it hinges on the word "reasonable". A commonsense interpretation of that word should remain in the legislation, otherwise it would be possible for the board to be unreasonable, as it may be possible for the Minister to be unreasonable. On balance, the amendment as it stands is sensible, and should remain.

Clause passed.

Clauses 9 to 14 passed.

New clause 14a—"Powers of committees."

The Hon. B. A. CHATTERTON: I move to insert the following new clause:

14a. Section 9 of the principal Act is amended by striking out from paragraph (b) the passage "on the recommendation of the Director of Agriculture".

This amendment was omitted in error. It is similar to other amendments that have been included within the general provisions.

The Hon. M. B. DAWKINS: I have examined this amendment and the other new clauses to be inserted, and I believe they will do what the Minister said they would do. They should have been included in the original Bill.

New clause inserted.

Clauses 15 to 18 passed.

New clause 18a—"Powers of committees."

The Hon. B. A. CHATTERTON: I move to insert the following new clause:

18a. Section 9 of the principal Act is amended by striking out from paragraph (b) the passage "on the recommendation of the Director of Agriculture".

This is identical in intent to the previous amendment.

New clause inserted.

Clauses 19 to 21 passed.

New clause 21a—"Powers of committees."

The Hon. B. A. CHATTERTON: I move to insert the following new clause:

21a. Section 9 of the principal Act is amended by striking out from paragraph (b) the passage "on the recommendation of the Director of Agriculture".

This is identical in intent to the previous amendment.

New clause inserted.

Remaining clauses (22 to 26) and title passed.
Bill read a third time and passed.

TRAVELLING STOCK RESERVES

Adjourned debate on motion of the Minister of Lands:

That portions of the travelling stock reserves adjoining sections 216 and 219, in the hundred of Copley, sections 14 and 15 in the hundred of Gillen, section 1 in the hundred of Handyside and pastoral block 1146 north out of hundreds as shown on the plan laid before Parliament on 5 April 1977 be resumed in terms of section 136 of the Pastoral Act, 1936-1976, for railway purposes.

(Continued from 15 August. Page 487.)

The Hon. R. A. GEDDES: I support this motion, of which the Council has been informed by means of a pamphlet placed on the notice board delineating the travelling stock reserves concerned. I have checked with the Stockowners Association of South Australia Incorporated, which is normally consulted by the Government before any travelling stock routes are closed. That association in turn established contact with the owners of land adjoining the country involved, and they quietly agree with the transfer.

One strange thing about the matter is that the suggested take-over of stock routes in other areas was first made by the Commonwealth Railways in its plan to build the Port Augusta to Whyalla railway line in 1975. It has taken from then until 15 August, when the Minister introduced the motion, to get the matter before Parliament. What a shocking state of affairs it would have been, the railway line having been built and operating, if the landholders or persons concerned had legitimate complaints to lay before Parliament or if they considered that injustices were being done in this respect. It seems to me to be a raw deal, not on the Minister's part, but on the part of those people who advise him, that no action was taken or positive results about what was going to happen were made known until 15 August. Despite this, the railway line has been built and is in use.

My slight criticism is directed not so much at the Government but with sincere intent. If there is to be laxity in departments, and an attitude of "What does it matter; they do not use the stock route, anyway," it could create much hardship, especially in pastoral areas. Who knows what the future holds for the movement of stock, which is at present being carted by rail or motor transport? Who can tell whether, for the movement of cattle, we may in future have to revert to using travelling stock reserves? With those few remarks, I support the motion.

Motion carried.

BARLEY MARKETING ACT AMENDMENT BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

This Bill has two functions. These are to enable the Australian Barley Board to make early payments to growers of barley and oats for grain delivered to the board, and to extend the Governor's powers to make regulations under the Act so that regulations may be made governing the eligibility of growers to vote for representation on the board. Under the present legislation, the board is unable to pay growers until it becomes aware of the expenditure that it has incurred in

relation to the transport, storage and marketing of the grain in question. The Act does not permit the board to make payments pursuant to an estimation of these outgoings. This restriction is capable of causing considerable delay, and financial inconvenience to growers.

The Australian Wheat Board, which operates under a different Act, is not fettered in this manner, and consequently is able to make more prompt payments. Both the Government and the Australian Barley Board believe that the prevailing restrictions in the Barley Marketing Act ought to be removed. This Bill, therefore, will provide for minor amendments to the Act that will enable the board to make payments on the basis of estimated expenditure for transport, storage and marketing.

Turning now to the second matter which is the subject of this Bill, the board has experienced certain difficulties in the past in identifying persons who are eligible to vote for representative board members. Investigations have shown that the most efficient means of identification would be through the board's own register of deliveries, with the stipulation that growers must have lodged a certain minimum tonnage of grain with the board in the previous season to be eligible. The most satisfactory method of introducing such a scheme would be by regulation, but this is precluded by the existing terms of the Act. Consequently, the Bill seeks to modify the regulation-making power so that suitable measures can be introduced. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 19 of the Act, which sets out the manner in which the price to be paid by the board for barley is determined. The amendments enable the board to estimate the costs of transport, storage and marketing in order to finalise its calculations. Clause 3 provides for a corresponding amendment to section 19a of the principal Act, which deals with payments for oats.

Clause 4 repeals section 21 of the principal Act, which contains the regulation-making power, and enacts a new section in its place. This restates the existing powers and introduces a new authority to prescribe the manner in which elections contemplated by the Act are to be held, and the eligibility of persons to vote in those elections.

The Hon. R. A. GEDDES secured the adjournment of the debate.

URBAN LAND (PRICE CONTROL) ACT AMENDMENT BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

The principal purpose of this Bill is to provide a flexible basis upon which to implement land price control. Under the Act at present all land that constitutes a vacant allotment of residential land (and fulfils the other requirements specified by the Act) is subject to price control if it is in the areas set out under the definition of "controlled area" in the Act. Because of fluctuating

conditions affecting the market for residential land, it is desirable to provide the means for lifting price control in one area and imposing it in another, and varying the area of control from time to time as the prevailing conditions may require. To achieve this the Bill removes from the Act the stated areas in which control now applies, and empowers the Governor, by regulation, to declare that any specified part of the State is subject to control.

Section 30 of the Act, provides that the principal Act will expire on 31 December 1978. This section is repealed. Thus, the effect of the Bill is that the Act will remain in force indefinitely, but will have application only in those areas that are from time to time brought within its provisions by regulation. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 5 of the Act. Paragraph (a) strikes out the definition of "controlled area" which presently sets out the specific areas of the State that are subject to control, and redefines the phrase to mean a part of the State declared by regulation to be subject to control. Paragraph (b) redefines "the control period" to mean, in respect of a controlled area, the period during which the controlled area is constituted under the Act. Paragraph (c) gives power to the Governor to make regulations declaring controlled areas.

Clause 3 adds a subsection to section 25. Section 25 requires that a legal practitioner or landbroker make a certificate on each instrument as to the application of the Act to the land dealt with by that instrument. The section also requires statutory declarations to be made in certain cases. The amendment allows the Registrar-General to waive a requirement of the section. This will be useful during times that no part of the State is subject to price control or where a solicitor or broker is not acting in the transactions, and the Commissioner of Land Price Control has indicated that the Act has been complied with. Clause 4 repeals section 30, which provides that the Act will expire at the end of this year.

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

ART GALLERY ACT AMENDMENT BILL (No. 2)

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

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

That this Bill be now read a second time.

The object of this Bill is to ensure that the Art Gallery Board is empowered to lend works of art of which the board has care or control to any person, body or corporation. The present provisions enable the board to lend works of art to any institution, or, with the consent of the Minister, to any person. However, the board is of the view that the term "institution" may not include private or commercial galleries or other commercial organisations. These amendments put the position beyond doubt. The requirement of Ministerial consent to certain loans is removed and replaced by a general Ministerial power to establish policies governing the exercise of these powers by the board. I seek leave to have the explanation of the

clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 18 of the principal Act, which sets out the power to lend exhibits, by deleting the passage "any institution or with the consent of the Minister to any person" and substituting the passage "any person or body of persons". By virtue of the Acts Interpretation Act, 1915-1975, "person" includes any body corporate. A new subsection (1a) is also inserted requiring the board to observe any policy or direction given by the Minister relating to the board's powers to lend works of art. This effectively extends the Minister's power of direction over all loans.

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

DOG FENCE ACT AMENDMENT BILL

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

The Hon. T. M. CASEY (Minister of Lands): I move:
That this Bill be now read a second time.

This short Bill is designed to bring provisions in the principal Act, the Dog Fence Act, 1946-1975, providing for the payment and recovery of rates and special rates, into line with the corresponding provisions in the Vertebrate Pests Act, 1975-1977. As rates are imposed under both Acts on the same lands, this amendment should enable the rates to be notified and recovered jointly and thereby reduce administrative costs. In addition, the Bill includes a minor amendment requested by the Auditor-General. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure come into operation on a day to be fixed by proclamation. Clause 3 amends the definition of "occupier" so that it corresponds to the definitions in the Vertebrate Pests Act, 1975-1977. Clause 4 inserts a new section 27 in the principal Act which corresponds to the provision providing for the payment and recovery of rates under the Vertebrate Pests Act, 1975-1977. Clause 5 repeals the present provisions dealing with the payment and recovery of rates. Clause 6 amends section 34 of the principal Act which requires the Dog Fence Board to prepare an annual "balance-sheet" by requiring it instead to prepare an annual "statement of receipts and payments".

The Hon. R. A. GEDDES secured the adjournment of the debate.

ELECTRICAL WORKERS AND CONTRACTORS LICENSING ACT AMENDMENT BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

This Bill makes very minor amendments to the Electrical Workers and Contractors Licensing Act. The Act, which is administered by the Electricity Trust of South Australia, provides for the constitution of an advisory committee. The functions of the committee are to investigate and report to the trust on matters affecting the administration of the Act, and to exercise any powers and functions delegated under the Act. At present section 11 (3) provides that the membership of the advisory committee is to include two Ministerial representatives, one nominated by the Minister of Works and one by the Minister of Education. Ministerial responsibility for the Electricity Trust has now been transferred to the Minister of Mines and Energy. It is therefore now appropriate to substitute a reference to that Minister for the previous reference to the Minister of Works.

Clause 1 is formal. Clause 2 deletes the definition of "Minister". Clause 3 substitutes a reference to the Minister of Mines and Energy for the previous reference to the Minister of Works. Section 11 (4), which contains some obsolete material, is also updated by the Bill.

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

ADMINISTRATION OF ACTS ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This Bill amends the Administration of Acts Act on three separate subjects. First, it provides that the Governor may commit the administration of an Act to a Minister specified by proclamation, or transfer the administration of an Act, or any statutory Ministerial function, from one Minister to another. At present, the power to commit an Act to the administration of a particular Minister exists by implication rather than by any express legislative enactment. The definition of "Minister" in the Acts Interpretation Act certainly implies that the power exists. However, it is thought that the matter should be placed upon an explicit and unequivocal foundation. Secondly, the Bill empowers a Minister to delegate statutory powers and functions to another Minister.

At present this power can be exercised by a Minister in whom the administration of an Act is vested. However, certain Ministers (for example, the Attorney-General and the Treasurer) are frequently vested with statutory powers and functions under Acts that they do not in fact administer. The power of delegation is therefore extended by the present Bill to allow any Minister, whether he is responsible for the administration of the relevant Act or not, to delegate statutory powers and functions. Thirdly, the Bill provides a simple means of establishing for the purpose of court proceedings which Minister is responsible for the administration of a particular Act or vested with a particular statutory power or function. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 replaces section 3 of the principal Act, enabling the Governor by proclamation to commit the administration of an Act to a Minister or to

transfer the administration of an Act, or Ministerial powers or functions, from one Minister to another.

Clause 3, by amending section 6 of the principal Act, will enable a Minister who does not have the administration of an Act but does have powers and functions under that Act to delegate those powers and functions to another Minister. Clause 4 enacts new sections 7 and 8. New section 7 will facilitate proof in court of the Minister who has administration of an Act or who has powers or functions under an Act. New section 8 is self-explanatory.

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

POLICE REGULATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 16 August. Page 552.)

The Hon. D. H. L. BANFIELD (Minister of Health): I oppose this Bill. I do not intend to canvass the issues at length, as I believe my colleague the Hon. Mr. Sumner has already done this very well. I am sure he has convinced honourable members opposite that they should not proceed with the Bill. As the Hon. Mr. Sumner said, members opposite agitated for the establishment of a Royal Commission, and now they will not accept its findings. Honourable members opposite will recall the pangs of agony they suffered for some time, and then when a Royal Commission was set up they did not want it. Three or four weeks after the Commissioner of Police had been sacked, the people went into the streets at the behest of the Liberal Party, which had seen fit to make Mr. Willett the organiser; indeed, soon afterwards he became a paid member of the Liberal Party, because it believed he had done such a good job arousing the feelings of people in this State. These people rallied spontaneously to the cause of the Police Commissioner, four or five weeks after the event! Commander Willett did such a magnificent job in organising his troops at this rally that he got a good job out of the whole thing, but we have not heard much about him lately. We now find that the people are already turning against the Liberal Party. Having just seen the latest Gallup poll result, I assume Mr. Willett is not going over too well in his public relations job, for which he is being paid thousands of dollars a year.

This Bill has been promoted by members opposite, contrary to the findings of the Royal Commission, which members opposite wanted set up. Members opposite requested the Royal Commission and we gave it to them, and now they must accept the findings. The Hon. Mr. Hill is asking us to accept a Bill which provides for the dismissal of the Police Commissioner by the Governor on the presentation of an address from both Houses. Alternatively, there is the possibility of suspension of the Commissioner, followed by a statement of reasons to Parliament, and the subsequent action of either removal from or restoration to his office. This, of course, is contrary to the findings of the Royal Commissioner. Indeed, not only is it contrary to her findings, but, having had her attention drawn to what the Hon. Mr. Hill wanted, she specifically rejected it. I draw honourable members' attention to paragraph 177 of the Commissioner's report, where she says:

I have reached the conclusion that Parliament should not be involved in the removal from office of a Commissioner of Police. I do not think it feasible to keep in office a Commissioner of Police whom the Executive does not trust

or with whom its relationship is unworkable . . . I am not satisfied that Parliament is the proper tribunal for the fact finding which would of necessity, precede an address from both Houses of Parliament or from either House of Parliament.

I therefore suggest that members opposite accept the Commissioner's finding. At paragraph 179, she went on to refer to an opinion, with which I agree, expressed by Mr. Justice Bright in an earlier Royal Commission report, as follows:

I respectfully agree with and adopt the opinion expressed by Bright J. as a Royal Commission that, while uniformity should not be adopted for the sake of uniformity, some inferences can be drawn from the comparable legislation concerning Commissioners of Police. I have referred in paragraphs 162-163 of this report to the provisions concerning dismissal in the United Kingdom, the various States and Territories of Australia, and New Zealand. It is clear that in none of those places, other than New South Wales and Queensland does Parliament have any part to play in the dismissal of a Commissioner of Police.

It is clear from the Royal Commissioner's report that the right to dismiss the Commissioner of Police should remain in the Executive, and is not properly exercisable by Parliament or any other body. True, the Royal Commissioner recommended some modification to the prerogative right to dismiss the Police Commissioner, in that she stated that there should be set forth in the Statute (that is, the Police Regulation Act) a series of grounds for dismissal. The Government accepts these recommendations and, as the Premier has foreshadowed, action will be taken to implement them.

I know that the Liberal Party is not under instructions to vote, but it will be significant to see everyone of them line up on this side of the House when a division is held. They will not be under instructions; it will merely be a coincidence! In spite of the fact that many Liberal members agreed with the Commissioner's findings in this regard, we will see those uninstructed people opposite voting for this Bill! Even the conservative *Advertiser*, which goes out of its way to support Liberal policy and does all it can to support the Liberal Party at every opportunity it gets, is not on side with that Party on this issue, but that will not stop members opposite from carrying out their instructions and voting for this Bill. This is what the *Advertiser* said on 4 August this year.

Despite the unique nature of the Commissioner's office the Government must carry the ultimate responsibility for his performance and should therefore retain the right to fire as well as to hire. Mr. Hill insists that Parliament should have a say. But as, under his proposal, the Commissioner could still be dismissed, after suspension, at the instance of only one House his fate would still be firmly in the hands of the Government . . . But the Hill amendment seems unnecessary for two reasons. One is that there is no present bar to a dissatisfied member raising the matter. The other is that the foreshadowed right of appeal to a court would bring the facts to light, and would do so in a calmer and less politically charged atmosphere.

Two Royal Commissions have been held concerning actions of the police, and they have come down on the side of Parliament not being the body to dismiss a Police Commissioner. In paragraph 177 on page 44 of the Royal Commissioner's report, Her Honour states:

Should the Commissioner of Police be dismissed only upon an address from one House or both Houses of Parliament: I have reached the conclusion that Parliament should not be involved in the removal from office of a Commissioner of Police. One reason which leads me to this decision is that I do not think it feasible to keep in office a Commissioner of

Police whom the Executive does not trust or with whom its relationship is unworkable. The maintenance of peace and good order is so vital to good government and to the safety of the community that it can not properly be allowed to be endangered by continued disharmony between the Government and the Commissioner of Police. A further reason is that I am not satisfied that Parliament is the proper tribunal for the fact finding which would, of necessity, precede an address from both Houses of Parliament or from either House of Parliament.

I know that, if it was not for the instruction that members opposite have received, we possibly would find only the Hon. Mr. Hill in support of this measure. However, the Government cannot and will not support it.

The Hon. R. C. DeGARIS (Leader of the Opposition): I do not agree that the Police Commissioner should be totally under the control of the Executive. The Government has put forward the argument that he has been so for a long time. I refer to the confrontation with the Commissioner some years ago regarding a big march, when the Premier caught the first aeroplane out of the State to avoid difficulty that he was in at that stage.

The Hon. C. J. Sumner: That is ridiculous.

The Hon. R. C. DeGARIS: It is not. It is a fact.

The Hon. F. T. Blevins: It is a lie.

The Hon. R. C. DeGARIS: It is not a lie. The Government, through the Minister of Health, has tried to make out the case that the Royal Commissioner has made a determination and, therefore, the Government must follow it. However, how often have we seen the Government totally ignore Royal Commission reports, or change the recommendations?

The Hon. Anne Levy: Like the Royal Commission on Human Relationships?

The Hon. R. C. DeGARIS: Also like the Royal Commissions regarding petrol selling and shopping hours. The argument that Parliament must slavishly follow a Royal Commission determination is a ridiculous assertion. I will give my reasons for stating that the Police Commissioner should not be under the control of the Executive. I believe that the administration of justice falls into two categories. The first is the role fulfilled by the Police Force, with the Commissioner at its head, and the second is the role fulfilled by the courts. Both those must be outside the direct control of the political Executive. If they are not, we cut across the important aspect of Western democracy, namely, the separation of power in regard to Parliament, the Executive, and the administration of justice.

I know that there are arguments that place the Judiciary in a separate category from the Police Commissioner, but I do not accept them. However, the Hon. Mr. Hill has put forward a Bill in which those two are treated separately, and the Police Commissioner is put in a category with the Public Service Board members and the Auditor-General. Will the Minister tell me that the Auditor-General should be sacked by the Government because the Executive does not trust him?

The Hon. D. H. L. Banfield: Don't his reports have to come to Parliament?

The Hon. R. C. DeGARIS: So does the Police Commissioner's report. Will the Minister tell me that the Executive should have the right to sack the Auditor-General because the Executive does not trust him? Should that apply to any other people referred to by the Hon. Mr. Hill in his Bill? I will guarantee that, in a period of 120 years, there would have been occupants of positions referred to by the Hon. Mr. Hill whom an Executive did not trust. Will the Minister suggest that they should be in

the same category?

The Hon. D. H. L. Banfield: Have they misled a Government?

The Hon. R. C. DeGARIS: The Minister's point was not on the question of misleading the Government: it was on the question that the Executive cannot trust someone. If the Commissioner had misled the Government, Parliament would make that determination just as well as would any other body, and it should make that determination if necessary. If we place the Police Commissioner in exactly the same position as any other public servant, where he can be dismissed by the Executive simply by the Executive's saying it does not trust him, we will have lost an essential part of the administration of justice in this State. I support the second reading.

The Hon. C. M. HILL: When explaining the Bill, I tried to give a balanced view of the attitude that the Premier had announced publicly regarding this whole matter, as well as putting forward my own reason for thinking that the Bill was the best way to right the wrong that had occurred. Because of that somewhat balanced view, I do not want to repeat arguments that I have dealt with. I ask the Council to support the measure, and I simply comment on two general aspects that have been referred to by members opposite. The first is the one that the Hon. Mr. DeGaris has dealt with adequately, and I support all that he has said in that respect. That is that Parliament, any political Party, or any Government is not bound to accept the findings of a Royal Commission.

The Hon. C. J. Sumner: I said that.

The Hon. C. M. HILL: The honourable member did not. Most of his argument was based on the fact that his Government had accepted the findings and, therefore, we should accept them.

The Hon. C. J. Sumner: My argument was that you called for it over all that time, got a Royal Commission and got some determinations—

The Hon. C. M. HILL: And did not accept the findings; that is right. That was the main slant of the honourable member's argument, that there had been a Royal Commission and that we did not accept its findings but that we should have done so. He made two main thrusts: that was one. I, the Hon. Mr. DeGaris, and the Hon. Mr. Burdett, who spoke the other day, completely reject the statement made by the Government in this debate that we simply should accept the findings of the Royal Commission. Secondly, the Hon. Mr. Sumner made great play upon the fact that I did not agree with the second finding of the Royal Commission. He mentioned it time and time again in his speech, but he omitted three very important words from the second of the three findings that the Commissioner brought down, namely:

whether the decision of the 17th day of January 1978 to dismiss Harold Hubert Salisbury from the office of Commissioner of Police was justifiable in the circumstances . . . Yes.

The Hon. Mr. Sumner left out the words "in the circumstances", which have all the meaning in the world in that particular context. He said time and time again in his speech, "Of course it was justifiable," but he should have asked himself whether it was justifiable in the circumstances. I said in the second reading debate, and I repeat, that it was not justifiable at all in the circumstances. The problem between Mr. Salisbury and the Government could have been overcome, in my view, by continued discussion, and an offer for continued discussion was made by the Commissioner himself.

I was interested to read one of the strictly confidential appendices to Her Honour's report, namely, appendix L, at page 61. There are eight pages of questions and answers in this report by the Royal Commissioner to the Premier,

and the last paragraph to the Premier was:

If there are any points or aspects that need clarification, perhaps this could be done in discussion.

In other words, the departmental head was quite prepared and offered the proposal that some discussion ought to take place if the Government was not satisfied. The whole problem could have been resolved by discussion, but the Premier and this Government would not have any of that. I do not place great weight upon those two arguments that both the Hon. Mr. Sumner and the Minister used today, that we should accept the Royal Commission's findings, or on the argument that his dismissal in the Government's view was justifiable, because the words "in the circumstances" are paramount in that context.

The arguments for this Bill, for which I ask this Council's support, can be summarised as follows: there is no doubt that there is need for independence by a Police Commissioner, and Her Honour in her report stresses this point of independence, as follows:

Of course, the paramount duty of the Commissioner of Police is, as is that of every citizen, to the law.

Later, in discussing the question of independence in the context of the question whether to prosecute or not to prosecute, she said:

That is not to say that the Commissioner of Police is in any way bound to follow governmental direction in relation to prosecutions. Nor should it be so.

I stress those words in the report. "There are many other police functions in respect of which it would be unthinkable for the Government to interfere." The Hon. Mr. Sumner cannot deny that there is a need for independence by the Police Commissioner, as well as a need for protection. If there is a need for protection, it should be adequate protection, not the kind of protection that the Government advocates of sacking the Police Commissioner and then saying to him, "You have got the protection to go into court and get damages." That is the kind of protection that the Government wants to give, even though it admits that the Commissioner must have independence. With the need for independence, which is indisputable, and with a need for protection, I say he can be protected only through Parliament, that is, by this Bill's going on to the Statute Book. I stress that this approach of coming into Parliament is a moderate one. My Bill does not say that both Houses have to agree to the Commissioner's dismissal before he can be so dismissed: it only says that one House could pass a resolution.

The Hon. C. J. Sumner: What sort of protection is that?

The Hon. C. M. HILL: It is at least some protection and far better protection than sending him to court to try to get damages if he can. There should be, and there is in this Bill, a need for reinstatement. There is no provision for reinstatement in the recommendations of Her Honour or in the Government's policy on this matter. Under the Government's approach, the man is dismissed; he is not suspended. It is extremely poor when dealing with an officer of this kind, who needs this protection and independence, not to have the door left ajar so that if the Government makes a bad decision he can be reinstated.

The Hon. C. J. Sumner: If this Bill is passed, and in the Lower House the Government majority supports the Government's decision to suspend him and he is dismissed, he would not have any claim in court.

The Hon. C. M. HILL: I said he could be reinstated by the provisions of this Bill, but he cannot be reinstated by the Government's approach. This same need for protection is already recognised by the Legislature, as we have submitted in our remarks on this Bill. That same need for protection is provided for Public Service Commissioners, the Auditor-General, and the Valuer-

General. Does the Government say that that provision should not be there? Is the Government in favour of the Public Service Commissioners being in a situation where they can be sacked and go to the courts for damages, or where the Auditor-General can be sacked, where he cannot be suspended? Is the Government saying that it does not favour the machinery that it set up in the legislation dealing with the Valuer-General? It is ludicrous to take that point of view in this debate.

Finally, the concern of the people must be respected in an issue of this kind. Over 66 000 people signed petitions, which were not all signed on the one day. It was only the one rally, and I quite agree there was some emotion involved, but over a period of time more than 66 000 people took a pen in their hands to protest. The concern of the people is not reflected in a Royal Commission; a Royal Commission deals with evidence before it. The concern of the people is not reflected in this court of appeal that the Government proposes. That court quite properly simply deals with facts, but the concern of the people is reflected in the Parliament. That is another very important reason why this matter should be brought to Parliament. The great ground swell of public opinion that arose when Mr. Salisbury was sacked should have been an issue referred to this Parliament. If the same situation arises again with the present or any future Police Commissioner, that concern of the people will be echoed and reflected where it should be—in the Parliament.

I summarise by saying that an issue of this kind should in future be brought before Parliament. We, as legislators, should protect the independence that the Police Commissioner must retain. We must do everything possible to avoid the shameful treatment that was meted out to Mr. Salisbury and put the matter right in the best possible way. I ask honourable members to support the second reading.

The Council divided on the second reading:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris, R. A. Geddes, K. T. Griffin, C. M. Hill (teller), and D. H. Laidlaw.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. J. E. Dunford.

The PRESIDENT: There are 9 Ayes and 9 Noes. I should like to make clear the reasons for my ruling, there having been some questioning about my casting vote. This was a ruling that was made by my predecessor, and I regard it as correct that a Bill introduced in the Council has a democratic right to proceed through all stages and that it should, if possible, go to another place for debate. I do not think it is necessary for me to make an explanation on each division but, as my ruling has been questioned, I intend to do so on this occasion. I give my casting vote for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—"Appointment of Commissioner, etc."

The Hon. C. J. SUMNER: If the Police Commissioner is suspended, and the procedures set out in this clause are followed (that is, the reasons therefor are laid before Parliament, and one House concurs in the suspension, thereby leaving the Governor to remove the Police Commissioner from office), where does it leave the Police Commissioner? Presumably, it leaves him with no right of appeal to the court. One would think that the Police

Commissioner was in a much worse position under that procedure than he was in relation to the Royal Commission's recommendations, as I should have thought that this provided a code for the dismissal of the Police Commissioner and did not give him a right of appeal to a court. His rights of appeal are to the Parliament. If the Government in the Lower House supports the Police Commissioner's suspension, he is dismissed and that is the end of him. He would have no right of appeal to a court.

The Hon. C. M. HILL: I did not hear Government members raising this point when the Government Bill relating to the Valuer-General was introduced. It was considered then that the precedent established for the Public Service Commissioners and the Auditor-General was sufficient. It was sufficient for the Valuer-General, yet, when my Bill seeks to introduce the same procedure in relation to the Police Commissioner, a Government back-bencher gets up and says, "That is all wrong." He is condemning his own Government for introducing legislation with which he does not agree.

If both Houses fully debate this matter and one House decides that the Police Commissioner should be suspended, the matter goes back to the Government for further consideration. It is entirely the Government's decision whether it wants to consider the question of compensation to be paid to or of any settlement for the party concerned.

The Hon. C. J. SUMNER: The Hon. Mr. Hill has not answered my question. Does he contemplate that the Police Commissioner would have the right of appeal to a court if the procedure specified in clause 2 was followed?

The Hon. C. M. HILL: No, I do not think so.

The Hon. D. H. L. BANFIELD: What makes the matter worse is that the Hon. Mr. Hill says that his Bill will allow one House to uphold a suspension, but he then says that the Police Commissioner should not have the right of appeal to a court. However, the Government's proposal would give the Police Commissioner that right of appeal to a court. Does the Hon. Mr. Hill think that, because another place supports the Government's action, that should remove the Commissioner's right to have access to the courts? The Hon. Mr. Hill is excluding him. This shows that the Bill has been introduced merely for political purposes, not in the interests of the Commissioner of Police.

The Hon. C. M. HILL: There is no political motive at all behind the introduction of this Bill. Years ago, honourable members on this side of the Council had a belief (a mistaken belief) that the Commissioner of Police was in the same category as the Auditor-General, the Valuer-General, and the Public Service Commissioners, whose case would be heard in Parliament if their suspension or dismissal was contemplated. If the Minister says that this Bill was cooked up recently, he is wrong. True, this Bill does not provide for an appeal to the court; such a procedure is the Government's approach. In taking this approach, the Government is taking the matter away from Parliament, whereas this Bill brings the matter before Parliament for debate, thereby respecting the Commissioner's independence. If a Government saw fit to make some settlement with a dismissed Commissioner, that matter could be discussed between the Government and the dismissed Commissioner at the appropriate time. This Bill does not provide that the Commissioner should go to court.

The Hon. C. J. SUMNER: This Bill leaves the Commissioner of Police with absolutely no protection. The Government would be able to suspend him and then get support from the Lower House, where it would have a majority, for the Commissioner's suspension and dismissal.

sal. As a result, the Commissioner would be out of office without any recourse whatever. If this Bill is defeated and if a Commissioner of Police is dismissed, the matter can still be discussed in Parliament, perhaps by means of a censure motion. I point out that the dismissal of Mr. Salisbury has been discussed in Parliament. In terms of concrete protection for the Commissioner of Police, this Bill does absolutely nothing, and it certainly does not give him the protection that the Royal Commissioner's proposal gives him: that is, the right to appeal to a court if his dismissal does not comply with the guidelines set out in the legislation. I therefore cannot see how the Hon. Mr. Hill can say that his Bill protects the Commissioner.

The Hon. C. M. HILL: On this question, the Hon. Mr. Sumner is like a babe in the wood. If this legislation had been on the Statute Book when the Salisbury affair arose, Mr. Salisbury would not have been suspended, because the Government would have known that, if this matter were to come before Parliament, the public would have become understandably enraged when the full story was made known through debates in Parliament. We must recall how the Premier's credibility plummeted following the dismissal of the Commissioner under the provisions that then existed. Having dismissed the Commissioner, the Premier brought in another man through the back door to prevent the reinstatement of Mr. Salisbury. That raised a groundswell of public opinion. If this legislation had been on the Statute Book, the Government would have known that the matter had to come before Parliament, while the Commissioner was suspended but with the possibility of reinstatement. This Bill will act as a check, in case a situation comparable to the Salisbury affair arises in future. In dealing with Mr. Salisbury, the Government was dealing with a man of absolute integrity, and the reason for his dismissal was nothing but theoretical, doctrinaire rubbish. If this legislation had been on the Statute Book, requiring the Government to bring the matter before Parliament, the Government would not have treated Mr. Salisbury in the way it did. The Hon. Mr. Sumner has much to learn about the realities of political life.

The Hon. N. K. FOSTER: If a Commissioner of Police wilfully withholds information from the elected Government, he should not have the rights that the Hon. Mr. Hill suggests he should have, that is, the rights that the Valuer-General, the Auditor-General, and the Public Service Commissioners have if the Government seeks to dismiss them. We should get away from the word "executive", which honourable members opposite use so often. The elected members of Parliament are the ones who take the risks. If what the Government did in regard to Mr. Salisbury was unfair and if Mr. Salisbury was totally correct, members opposite, who have far better access to the media than we have, could raise the matter during the next election campaign. Then, the people would have the right to defeat the present Government if they believed that it was wrong for the Government to treat Mr. Salisbury in the way it did. However, the Opposition wanted a Royal Commission, which the Government originally did not want. When Parliament resumed after the dismissal of Mr. Salisbury, this Council met for only two hours. The Opposition ran rampant in its coverage in the media, stating that it intended to set up something like a Royal Commission. There would have been no right of appeal.

The Hon. R. C. DeGaris: Is there an appeal against the Royal Commissioner's finding?

The Hon. N. K. FOSTER: I will come to that. The Opposition saw in the Salisbury affair an opportunity to make some political gain, and the Opposition appeared to make a gain, until the Government decided to appoint a

Royal Commission.

Having got your Royal Commission, you then said you had a victory. You screamed that you had forced the Government into a Royal Commission. Now that the Royal Commission has given its findings there has been no deep criticism of or backing off by the Government in the principle it showed in this matter. The former Police Commissioner, from his own mouth, kept harping on television, "I have no loyalty to the elected Government whatsoever." He made no mention of the Premier, the people, or the Government. He said, "I have a loyalty to the Crown." That is not good enough in a democratic society.

We cannot elect the Crown. It may have a constitutional right in this place, but it has no actual material role in political affairs of any democratic country. It was on that basis Salisbury sacked himself, or confirmed his dismissal. He confirmed his dismissal by refusing to acquaint the Government with information. The Government was protecting the people who had elected it. To do otherwise would have been a retraction of the principles of that Government, and there was no question about that. The Liberal Party was activated purely by political motives. You called him all sorts of names, "Holiday Harold", and what have you. That came not from the lips of the Government, but from the lips of the Opposition. You said he did not measure up as a Police Commissioner.

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

The Hon. N. K. FOSTER: Members of your Party.

The Hon. R. C. DeGaris: When?

The Hon. N. K. FOSTER: Many times in the Parliament, not necessarily in this Chamber. The fact is that the Government, the Executive, to use your words, "should have the right to dismiss a Commissioner". If he is blatantly dismissed by this or any other Government in future, this Bill gives him no course other than it allows politicians to clap on for one day, two days or two weeks. It contains nothing that will protect the individual.

However, there is nothing in what the Government has said to prevent the dismissal of any Commissioner, or indeed a commissioned officer of the Police Force. If this Bill is passed, you know as well as I do that this is a Party House and that the Parliament is a Party Parliament. The matter will be determined on Party lines, and those who have the numbers will win the argument. That is what it means, and he has no further redress, as the Hon. Mr. Sumner says, and correctly so.

It is wrong, in principle, to move a private member's Bill, on the basis that the matter of dismissal of a senior person within the Police Force has to be the subject of a Parliamentary debate. If the media proposed not to print it, not one person would know what has been said in regards to the whole matter. Members opposite know that as well as I do.

As you know, there have been Liberal Party Governments in Australia that have sacked Police Commissioners; there have been two. There was little or no furore about the one in Victoria in 1936, when Sir Thomas Blamey was dismissed. He was dismissed for withholding and misrepresenting the actual situation to the Government. The total debate on that matter in the Victorian Parliament was less than one-and-a-half columns of the State *Hansard*. It was raised, not during the course of Government business, or an Opposition censure motion, but in the adjournment debate and brought forth one speaker, no more, and that was the end of Blamey. There was no suggestion whatsoever of a Royal Commission being wrong. He was sacked, incidentally, by a fellow by the name of Dunstan, so there are some parallels in regard to this particular matter. There are also

some if you look at the British system.

In living memory there have been two leaders of the Government in Australia sacked by the Crown. From a judicial point of view, there was absolutely nothing done about it. This Bill is quite false; it does nothing for the individual. It provides nothing more than some form of Parliamentary debate, and that is the end of the matter. That is a denial of the rights of the individual that you so falsely rise to protect.

The Hon. R. C. DeGARIS (Leader of the Opposition): I want to direct a question to Mr. Sumner.

The Hon. C. J. Sumner: I did not introduce this Bill.

The Hon. R. C. DeGARIS: The Hon. Mr. Sumner made the point that the Police Commissioner had better protection under the recommendation of the Royal Commissioner than under Mr. Hill's Bill. If that is so, it means we are offering to the Police Commissioner, under the Royal Commissioner's recommendation, greater protection than that afforded to the Valuer-General, the Auditor-General and others. I would like to know whether what he says is genuine, or whether he is putting forward an argument to this House, recommending that the other gentlemen should also be afforded the much wider protection that he claims in the recommendations of the Royal Commissioner.

The Hon. C. J. SUMNER: I am not here to debate the position of the other officers. I know that the Royal Commissioner said that the Auditor-General, the Valuer-General, and Public Service Commissioners, were people who were completely independent of the Executive arm of the Government. As they are more independent officers, Parliament has had a traditional role in their dismissal, as it has in the dismissal of judges, members of the independent Judiciary, and with the Ombudsman. We are certainly not debating them here. The point I make is that they are in a different position from that of the Police Commissioner and other heads of the normal executive arm of Government. As the Royal Commissioner said, these officers are in a more independent position. I am sure that the Hon. Mr. Hill's Bill gives the Police Commissioner less protection than that proposed by the Royal Commissioner.

The Hon. R. C. DeGARIS: In that case, I should think the Government would be perturbed. Surely that cuts across all the arguments put by the Hon. Mr. Foster, the Hon. Mr. Sumner, and the Minister of Health. I suggest that the idea that the Royal Commissioner's recommendation gives the Police Commissioner much more protection than the Hon. Mr. Hill's Bill is a load of garbage.

Clause passed.

Title passed.

Bill read a third time and passed.

CLASSIFICATION OF PUBLICATIONS BILL

Read a third time and passed.

PERSONAL EXPLANATION: HANSARD

The Hon. R. C. DeGARIS (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. R. C. DeGARIS: On page 559 of *Hansard* of 16 August 1978, in a speech I made during the second reading debate on the Classification of Publications Bill introduced by the Hon. John Burdett, the following statement appears:

I believe this to be an accurate report of that workshop.

It should be, "I believe this to be an inaccurate report of that workshop," and I should like that correction to be made.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL

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

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

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

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

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

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

From time to time the Government is approached by representatives of industries which have established, or are proposing to establish, operations in this State, seeking the Government's approval of some form of agreement or arrangement that will be necessary if industrial or commercial operations are to be carried out profitably. The Trade Practices Act, 1974, of the Commonwealth provides a mechanism (under Part VII of that Act) by which an approval or a clearance can be obtained in respect of an agreement or arrangement of this kind which might otherwise fall foul of that Act.

In the past, the Government has been prepared to support applications under Part VII of the Trade Practices Act where it is clear that a particular agreement or arrangement is necessary for the efficient conduct of industry or commerce and does not prejudice the interests of consumers. However, the procedures under Part VII have their disadvantages: an elaborate application is usually involved and uncertainty as to the result of an application may in some cases be sufficient to deter the application being made in the first place.

The Government believes that, where an agreement or arrangement is clearly for the benefit of this State, there should be a simple mechanism for ensuring that it does not fall foul of the Trade Practices Act. The present Bill therefore provides that regulations may be made authorising any Act or thing that might otherwise result in a contravention of the Trade Practices Act. Section 51 of that Act contemplates the existence of such a power of authorisation under the law of the State, for it provides that in determining whether a contravention of Part IV of the Trade Practices Act has been committed regard shall not be had "to any act or thing that is, or is of a kind, specifically authorised or approved by, or by regulations under, an Act passed by the Parliament of the State".

Clause 1 is formal. Clause 2 enables the Governor, on

the recommendation of the Treasurer, to authorise any act or thing that might otherwise constitute a contravention of Part IV of the Trade Practices Act. The Treasurer may make such a recommendation where he is satisfied that it is in the public interest to do so.

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

STATE BANK ACT AMENDMENT BILL

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

ADJOURNMENT

At 6.2 p.m. the Council adjourned until Wednesday 23 August at 2.15 p.m.