LEGISLATIVE COUNCIL

Thursday 14 September 1978

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

QUESTIONS

MARITIME MUSEUM

The Hon. R. C. DeGARIS: I seek leave to make a statement prior to directing a question to the Minister of Health, representing the Minister of Marine, regarding a site for a maritime museum at Port Adelaide.

Leave granted.

The Hon. R. C. DeGARIS: People interested in the Port Adelaide Historical Society and the National Trust have for some time been nurturing plans for a maritime museum or park in the Port Adelaide area. I understand that some time ago the Marine and Harbors Department offered a site to establish such a museum but the society and the trust considered that it was too remote for the purpose. I believe that a suitable site is available and that the Minister of Marine is prepared to allow it to be used, but the Minister of Transport has some objection to the use of it. I believe that the Minister of Marine asked that the position be examined, but since then I have not heard anything about the matter. I ask the Minister to report to the Council on any negotiations with the Minister of Transport about the best site available for the establishment of a maritime museum in the Port Adelaide area.

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

PRAWN FISHING

The Hon. F. T. BLEVINS: I seek leave to make a statement before directing a question to the Minister of Fisheries relating to prawn-fishing fees.

Leave granted.

The Hon. F. T. BLEVINS: As we have read in the press, prawn fishermen met at Port Adelaide yesterday to discuss the matter of increased fees. It has also been announced that the Minister is to meet representatives of the prawn fishermen to discuss interim fee increases. Will the Minister report to the Council on progress being made in these negotiations?

The Hon. B. A. CHATTERTON: It is disappointing to have to announce that there will not be a meeting tomorrow. I was to meet representatives of the prawn fishermen to discuss interim fee arrangements to operate while we considered the long-term options available in determining fees for prawn fishermen. At a meeting held yesterday, the prawn fishermen decided not to accept any interim fee increase, and the fishermen's association has decided to call the meeting off and not discuss the issue with me. It is disappointing that the process of consultation that was going very well has now terminated. I think the fishermen have made a mistake in not continuing, because it was obvious that, whatever option was chosen in determining a final fee, an interim fee would have to be negotiated. Now, the only course that the Government has is to continue without consultation with the fishermen.

ENERGY SOURCES

The Hon. R. A. GEDDES: Will the Minister of Agriculture, representing the Minister of Mines and Energy, say whether the Government has instructed the South Australian Energy Council to inquire into methods of supplying alternative types of energy to South Australia in, say, the next 30 or 40 years?

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.

BIGGLES

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Agriculture, representing the Minister of Education, on the subject of *Biggles* books.

Leave granted.

The Hon. J. C. BURDETT: I refer to a report in the *Sunday Mail*, dated 10 September, by John Kirby, as follows:

> The State Library has succeeded in doing what the combined might of the German Air Force and the world's most dastardly villains have failed to do—they've killed off Biggles!
>
> On the grounds that Captain W. E. Johns' popular schoolboy hero is racist and violent, 87 Biggles books are banned from the State Library Lending Service.

The report points out that there does not appear to be any grounds for saying that the *Biggles* books are racist, apart from the fact that he was engaged in a war against the Germans and in some other wars. It is alleged that he is violent, but there is only one account in any of the *Biggles* books of his having struck anyone, and that was once, and under extreme provocation. It is stated in the report that the *Biggles* books are banned from the State Library Lending Service.

I think that most members of this Chamber would be familiar with the kind of things appearing in *The Little Red School-book*, a copy of which I have in my possession and which was borrowed from the shelves of the Children's Library. Under the heading "Sex" in the contents, the subjects listed are: masturbation, orgasm, intercourse and petting, contraceptives, wet dreams, menstruation, child molesters, pornography, impotence, homosexuality, normal and abnormal, find out more, venereal disease, abortion, legal and illegal abortion, remember, and methods of abortion. It appears that, while *The Little Red School-book* is available, *Biggles* books are not available. Will the Minister investigate this matter and say why *Biggles* books are not available but *The Little Red School-book* is?

The Hon. B. A. CHATTERTON: I will refer the question to the Minister of Education and obtain a reply.

CANNABIS

The Hon. ANNE LEVY: I seek leave to make a short statement before directing a question to the Minister of Health regarding a report on *cannabis*.

Leave granted.

The Hon. ANNE LEVY: It has been reported in the press that the review paper entitled *Cannabis, a Review*, which was prepared by a committee of the Commonwealth Health Department, was not released for general reading following a meeting of Commonwealth and State Ministers of Health. The Commonwealth Minister of Health (Mr.

Hunt), indicated on television that the paper had been referred back for further revision as it was somewhat out of date, and said that, when this had been done and Ministers had had a chance to see it again, the matter would be reconsidered. Can the Minister assure the Council that, when the revised paper is prepared, he will in no way be a party to the suppression of such a document from public knowledge, whether its conclusions happen to agree or disagree with the policy of any of the Governments represented at such a Ministers' meeting?

The Hon. D. H. L. BANFIELD: It was not the intention of the Ministers to suppress this report in any way. At the time that the report was on the agenda for discussion, it had not been circulated to the Ministers beforehand. A brief report was given, and a perusal of it indicated that further consideration should be given to this matter.

That is why the report was not distributed. To my mind, there was no intention of being a party to suppression. I said previously that the intention was not to suppress the report but merely to give us time to consider it. The report contained a number of inconsistencies that we wanted to consider further before it was released.

POLICE RECORDS

The Hon. R. C. DeGARIS: I seek leave to make a statement before asking the Minister of Health, representing the Chief Secretary, a question regarding police records.

Leave granted.

The Hon. R. C. DeGARIS: It has been reported to me that the Women's Adviser to the Premier (Deborah McCulloch) asked the police to keep statistics and records on what pornographic material was found in the possession of those persons accused and found guilty of rape. Will the Minister ascertain from his colleague whether this information is correct and, if it is, will the Chief Secretary release these statistics or the results of such police investigations?

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

APHID-RESISTANT LUCERNE

The Hon. J. R. CORNWALL: I seek leave to make a statement before asking the Minister of Agriculture a question regarding aphid-resistant lucerne.

Leave granted.

The Hon. J. R. CORNWALL: About two weeks ago, the Minister of Agriculture reported to the Council on the introduction of aphid-resistant lucerne in this State. He said that CUF 101 and WL 514 would be allowed entry under a relaxed quarantine. He also said that WL 318 was being considered under the same arrangement. Will the Minister report on any further development regarding WL 318?

The Hon. B. A. CHATTERTON: There have been considerable discussions between the Seed Growers Co-operative, which handles the WL varieties in South Australia, and officers of my department. I hope that an arrangement can be reached whereby WL 318 can be introduced into South Australia under a relaxed quarantine arrangement similar to that applying to CUF 101 and WL 514. The major stumbling block at present is to get the seed industry to come to some arrangement regarding WL 318, because we do not want to be receiving requests for virtually identical varieties to be introduced, thereby having to employ more staff and incur increased costs associated with quarantine, if such other varieties have no value over and above that of WL 318. We are asking the Seed Growers Co-operative to work with the rest of the seed industry to see whether those concerned cannot get together and agree that this variety is the most suitable one. We believe that the whole of our introduction effort should be applied to that variety rather than having a multiplicity of choices which are confusing and which do not give any tangible additional benefits to lucerne growers in this State. I am indeed hopeful that seed will be produced from this variety during the coming year.

HOSPITAL LEVY

The Hon. C. M. HILL: Will the Minister of Health say whether the Government has further considered waiving or reducing the local government hospital levy, to which, as the Minister knows, councils in this State strongly object?

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

ADELAIDE AIRPORT

The Hon. R. C. DeGARIS: I seek leave to make a brief statement before asking a question of the Minister of Tourism, Recreation and Sport on the matter of an international airport for South Australia.

Leave granted.

The Hon. R. C. DeGARIS: I noticed a statement recently from the Tourism Department supporting the upgrading of airport facilities in South Australia to enable international flights to use Adelaide as a port of call. Can the Minister inform me what action the Government intends taking to assist in providing for the upgrading of airport facilities in Adelaide to the necessary standard?

The Hon. T. M. CASEY: Of course, it is a matter for the Commonwealth Government to decide whether or not Adelaide Airport will be an international airport. The Premier has made representations to the Commonwealth Minister, Mr. Nixon, to see whether this matter can be advanced to the stage where the facilities at Adelaide Airport could be upgraded to the required standard. It would seem that at this stage the Commonwealth Government is not interested in raising Adelaide Airport to the standard of an international airport. I notice that Queensland has put in a stake for Brisbane Airport to be upgraded to international standard. In these circumstances, it appears that it will be some time before Adelaide Airport will be considered by the Commonwealth Government for upgrading to international standard.

GUN LAWS

The Hon. N. K. FOSTER: Has the Minister of Health a reply to my recent question about gun laws?

The Hon. D. H. L. BANFIELD: It is proposed that the firearms licensing/registering system be computer-based, and negotiations are currently in train to engage private consultants to design and implement the system. Current estimates are that the programme will take 15 months to develop and, on this basis, the projected date for completion is 1 November 1979. Progress towards the development of a workable firearms control system is proceeding as quickly as possible. However, implementa-

tion of the legislation must necessarily be delayed until the system is sufficiently developed to cope with the increased work load.

URANIUM MINING

The Hon. R. C. DeGARIS: Will the Minister of Health, as Leader of the Government in this Council, inform the Council whether the Government intends making available for perusal the report of the committee of inquiry into uranium mining in South Australia?

The Hon. D. H. L. BANFIELD: I will have inquiries made for the Leader.

THEBARTON COMMUNITY CENTRE

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Thebarton Community Centre.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 September. Page 747.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of the Bill. The principal Act provides the general framework to ensure that a high degree of safety is maintained in the mining industry. I have always been amazed at the areas of industrial activity covered by this Act; one would assume that the Labour and Industry Department would have administered the safety regulations in some of these areas. However, the Mines and Works Inspection Act has covered these industries over many years, and most of these industries would prefer this to continue. Will the industries at present under the Mines and Works Inspection Act remain under this Act after the new amendment is passed? The Minister's second reading explanation states:

> The Bill also includes amendments that are intended to clarify and in minor ways extend the ambit of operation of the principal Act and regulations. In this regard, amendments to the interpretation section of the principal Act put beyond dispute the application of that Act to mining for clay, shale, other earthy substances and offshore mining and to all machinery used in mining operations. A further amendment to that section includes within the scope of the principal Act ancillary mining operations involving the blending or mixing of the products of any mining operation, such as are carried out at pre-mix concrete plants. Amendments proposed to the second schedule of the principal Act specifically empower the making of regulations relating to medical certification of employees and certification of persons in charge of certain classes of mining equipment, and the disposal of overburden or other waste from mining operations.

The Hon. Mr. Geddes dealt with the new definitions when he spoke on this Bill, and there are significant changes in those definitions: for example, the Bill inserts the following definition of "works":

> *(a)* any—
> (i) battery;
> (ii) crushing plant;
> (iii) ore concentrating works;
> (iv) cyanide or chlorination works;
> (v) leaching plant;
> (vi) smelting or metal refining works;
> (vii) pellet plant;
> (viii) salt works;
> (ix) pre-mix concrete works; or
> (x) road-base plant,
>
> that is situated on or adjacent to the place at which a mining operation referred to in paragraph *(a)* of the definition of "mining operation" in this section is carried on;

The definition of "works" in the principal Act is as follows:

> "works" means any battery, crushing plant, ore concentrating works, cyanide or chlorination works, leaching plant, smelting or metal refining works, or other works wherein operations are carried on for the treatment of the products of any mining operation.

There is quite a difference between that and the definition in this amending Bill and, before I am prepared to support this change, I ask the Minister what industries will be taken out of the Mines and Works Inspection Act and be placed with another department. One would assume that that other department would be the Labour and Industry Department. Probably, brickworks are now under the Mines and Works Inspection Act. Will they still come under that Act or will they go to the Labour and Industry Department? Perhaps progress will be reported so that that information can be obtained, but the council should know which industries no longer will be under the principal Act if this Bill is passed.

The Hon. J. R. CORNWALL secured the adjournment of the debate.

DOG FENCE ACT AMENDMENT BILL

(Second reading debate adjourned on 13 September. Page 850.)

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Payment and recovery of rates and special rates."

The Hon. M. B. DAWKINS: I move:

> Page 2—
> Line 9—delete "twenty-eight" and insert "ninety".
> Line 13—delete "twenty-eight" and insert "ninety".

I referred to this clause in my brief second reading speech and I am concerned about the limited amount of time given to people to pay their dues before a fine is imposed. I believe it would be much more proper to have a period of 90 days to allow a person sufficient time to get his mail and to send his payment on. At present, if a person fails to pay the account, he is fined 10 per cent after only 28 days and, if we multiply that by 12, we see that the fine is out of proportion. I think the Minister should consider changing that to 5 per cent, which would be more in line with the provision in the Local Government Act.

The Hon. T. M. CASEY (Minister of Lands): This Bill was introduced to bring the Act into conformity with the Vertebrate Pests Act so that the recovery of outstanding debts could be made in one issue, rather than two. The period provided in the Vertebrate Pests Act was 28 days and the same percentage figure as in this legislation was included. If we provide for 90 days in the Dog Fence Act and for 28 days in the Vertebrate Pests Act, a person will have to send two cheques, and that will not accomplish anything. We want the simpler method of paying both accounts with one cheque, and I cannot accept the

suggested amendment.

The Hon. M. B. DAWKINS: Two wrongs do not make a right. If we missed the provision in the vertebrate pests legislation, that was an error by the Government and by the Opposition. I suggest that a better way would be to amend the Vertebrate Pests Act to make the period 90 days. I still believe that the fine of 10 per cent is too high, and I ask the Minister to reconsider his decision.

The Hon. T. M. CASEY: The honourable member is asking for something that is not practical, because legislation could not be prepared during this session to amend the Vertebrate Pests Act to make the period 90 days. The Bill for that Act was debated here but the honourable member did not say he wanted to increase the period or reduce the fine. Members who spoke in the second reading debate on that Bill said that they wanted uniformity so that landowners could pay one account instead of two. We are not doing anything irregular now.

The Hon. J. C. BURDETT: The Minister has mentioned inconsistency between the amendment and the provision in the Vertebrate Pests Act. Does this indicate that the department administering the Vertebrate Pests Act intends to take over administration of the Dog Fence Act?

The Hon. T. M. CASEY: That is not the intention. Accounts are sent out separately now, and in future they will be sent out together.

The Hon. R. A. GEDDES: The Minister's explanation has caused more confusion. Clause 4 in the amendment is to be added immediately after section 26 of the principal Act, and that provides when payment should be made and that fines should be imposed for delay in payment. The Hon. Mr. Dawkins said that a property owner had until 31 October each year to pay dues under the Dog Fence Act. I agree that there should be an extension of time, and the Minister knows of the problems with communication in parts of the outback.

The Hon. T. M. CASEY: I understand the problems of some outback people with postal difficulties. However, in extenuating circumstances legitimate reasons for delay in payment would be taken into account. The object of this Bill is to bring the payments into line with the Vertebrate Pests Act, so that accounts can be paid simultaneously. If the Bill is altered, two accounts will have to be paid at different times.

The Hon. R. C. DeGARIS (Leader of the Opposition): What is the advantage in having the same conditions set out in the Dog Fence Act and the Vertebrate Pests Act? I see no reason why their accounts cannot be sent together. If we have made a mistake in the Vertebrate Pests Act, let us change it. The legislation seeks to impose a 10 per cent fine for payment made after 28 days. In the commercial area a 10 per cent interest rate on an account for late payment would be considered unreasonable. What is the difference between something that is reasonable from the Government and something that is reasonable from the commercial sector? We can amend both Bills by changing the title.

The Hon. T. M. CASEY: Honourable members opposite, in the second reading debate, said that this was an opportunity to cut administration costs and that the Government was to be commended. As long as the cheque for payment of the account is signed and dated with the correct date, one can say that the account was paid on that date. The Hon. Mr. Dawkins, nine times out of 10, wants to change a percentage or something like this when a small Bill is debated. We are trying to cut administrative costs.

The Hon. M. B. DAWKINS: I ask the Committee to support my suggested amendment. The Government can still send out two accounts in one envelope, and no extra expense is involved. The person to whom the account is sent can wait another two months to send back the payment under the Dog Fence Act. This will not involve the Government in any extra expense in printing accounts, etc., but will give country people a little extra time to pay.

The Hon. J. C. BURDETT: If the Committee passes the suggested amendment, costs can still be saved and the accounts sent out together. If a recipient wants to pay the accounts at the same time and within 28 days, he can do so. If it suits a person to have extra time in which to pay his Dog Fence Board dues, he will, if the amendment is carried, have time to do so. I have heard nothing so ridiculous as the Minister's statement that an account is deemed to be paid when the cheque is written, and not when the money has been received and receipted.

The Hon. T. M. CASEY: In reply to the Hon. Mr. Burdett, an account is deemed to be paid when one signs the cheque therefor and sends it off. If one wrote out a cheque for an account today, one would consider that it had been paid today.

The attitude taken by the Hon. Mr. Burdett and the Hon. Mr. Dawkins staggers me, when the Government is trying to help the man on the land to pay two accounts at once. It is no problem for the department to send out two accounts in the one envelope. However, the Government wants to save the grazier or person paying accounts the trouble of having to send off two separate payments. The Hon. Mr. Burdett is saying that a grazier should be able to pay one account at one time and the other at another time. He is therefore incurring extra expense for the man on the land.

The Committee divided on the suggested amendments:

Ayes (8)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins (teller), R. A. Geddes, C. M. Hill, and D. H. Laidlaw.

Noes (8)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, N. K. Foster, Anne Levy, and C. J. Sumner.

Pairs—Ayes—The Hons. R. C. DeGaris and K. T. Griffin. Noes—The Hons. C. W. Creedon and J. E. Dunford.

The CHAIRMAN: There are 8 Ayes and 8 Noes. I give my casting vote for the Ayes.

Suggested amendments thus carried; clause as amended passed.

Remaining clauses (5 and 6) and title passed.

Bill read a third time and passed.

AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 September. Page 848.)

The Hon. K. T. GRIFFIN: This Bill has three principal aspects, the first being the widening of the range of industries and processes in which Amdel can be involved. Secondly, the powers and functions of the statutory corporation are broadened and, thirdly, the structure of the organisation is considerably revamped. Amdel has developed significantly in the 18 years or so since it was established as a partnership between the Commonwealth Government, the State Government, and private enterprise. Over that period it has developed considerable expertise not only in the mineral industry but also in associated industries and in industries not directly related to the mineral industry.

Amdel has a considerable reputation in this State, in other States, and overseas. Its reputation can be assessed

by perusing its annual report for 1976-77. In that period about half its income came from Australian industry, a significant proportion from the State Government and the Federal Government, and a significant proportion from overseas and other sources. Widening the area in which Amdel can be involved is important and long overdue.

From my experience I know that several times the laboratories have endeavoured to be involved in work which, technically, was beyond the powers laid down in the principal Act. Notwithstanding that, Amdel has had an opportunity, by stretching the imagination, to cover those areas of work in which it has interest and expertise. It is important to put this into proper perspective and to provide expressly for the organisation to have the necessary powers for dealing with other companies, and I stress that these companies need not necessarily be Australian companies.

It is often important for Amdel to be able to point to a specific power in its Act that will enable it to be involved in a joint venture or other project or to undertake a particular area of research or consultancy. Several times questions related to the capacity of the organisation have been raised, but fortunately those questions have been satisfactorily answered. The questions would have been even more satisfactorily answered if there had been specific provision in the Act to which reference could have been made.

Clause 4 *(e)* provides for the widening of the range of industries in which Amdel may be involved. The 1977 annual report of Amdel shows that it has been involved not only in the mineral and associated industries but also in consultancy and research work. According to the report, Amdel has undertaken a considerable amount of research into failure analysis and forensic analysis for insurance companies, loss adjusters, the Police Department, and the legal profession. Amdel has developed considerable expertise in this area and also in computer services, chemical metallurgical analysis, and materials technology. Amdel has given advice with respect to salinity in the Murray River and with respect to related research in other countries, and I refer particularly to the Colorado River.

The annual report also shows that, whilst Amdel has assisted the mineral industry in areas such as corrosion and wear in the processing of minerals and in services to the petroleum industry, it has also been very much involved in research into nuclear physics and chemistry. Amdel has made these sorts of important contributions to Australia and other countries. It has a permanent representative in Indonesia, and it provides services to Sri Lanka, India, Bangladesh, and some other Asian countries. Amdel is also involved in the United States of America and Canada in providing consultancy work and in the development and the sale of various systems. I applaud that diversity of activity.

Clause 7 provides for important expansions of the powers and functions of Amdel. If one examines section 6 of the principal Act one sees that Amdel's powers and functions have been limited in the past. In its expansion of activity in Australia and overseas it must have a broader area of responsibility and a broader statement of its powers and functions. I therefore support the widening of the powers and functions provided for in clause 7. In many respects it will be important for Amdel to be able to draw attention to its powers and functions set out in the legislation, particularly when Amdel is negotiating with Governments and corporations overseas. As a result, it will be able to facilitate joint ventures and operations in other countries.

The structure of the organisation is to be changed by establishing a council that will be responsible for policy. A board of management will be responsible for the day-to-day administration. This change in structure is an important and sensible development for an organisation seeking to conduct its affairs efficiently within its own framework and in its dealings with customers.

Regarding the membership of the council, at present two members are nominated by the Commonwealth Government, two by the State Government, and three by the Australian Mineral Industries Research Association. This Bill provides that in future two members will be nominated by the Commonwealth Government, two by the State Government, and two by the Australian Mineral Industries Research Association. I wonder whether that association has been consulted concerning the reduction in its representation on the council. As it has had three nominees for 18 years, I hope the Minister will clarify this point.

Clause 17 *(e)* specifically provides that the organisation is a public authority and that any full-time officer or employee of the organisation may become a contributor to the South Australian Superannuation Fund.

Some of the employees of Amdel are members of the Superannuation Fund, but I am not sure whether all full-time employees are contributors to, and members of, that fund. I should like to know from the Minister how many full-time officers or employees of Amdel are members of the fund.

Another matter needing attention at the appropriate time is clause 19, which considerably widens the borrowing powers of Amdel, with the consent of the Treasurer. I should like some indication of the context in which borrowings might be authorised by the Treasurer and by which Amdel may want to incur substantial liabilities for its operations. It is not obvious what the extent of its anticipated borrowings will be, or the purpose for which they may be used.

Generally, I support the provisions of the Bill. It is long overdue, and will facilitate the work of Amdel and its operations both internally and externally in this State, in Australia and overseas. I support the second reading.

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

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 September. Page 848.)

The Hon. C. M. HILL: This short Bill overcomes a problem that the State Transport Authority has had, in that its Chairman has been absent from time to time, and arrangements to appoint a deputy have presented some problems. This Bill will clear the way for the Government, if it thinks fit, to appoint a Deputy Chairman from within the authority. This is quite a proper procedure, and is in the best interests of the working of the authority and its operations generally.

The Bill then makes further amendments concerning the role of the deputy to such person who might be appointed Deputy Chairman, because the parent legislation provides for all members of the authority to have a deputy. The latter part of the Bill deals with procedural matters arising in the meetings of the State Transport Authority. As this measure cannot be objected to, I support the second reading.

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

SHEARERS ACCOMMODATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 12 September. Page 744.)

The Hon. R. A. GEDDES: I support the Bill, which has been introduced because of problems experienced by inspectors of shearers' accommodation. At times the owner or occupier of the land has refused to talk to the inspector about shearers' accommodation and, although I cannot blame the landholder or occupier concerned, there are certain responsibilities that inspectors must fulfil. Inspectors should be able to ascertain the intentions of the owner or occupier of the property to improve accommodation supplied for shearers, and that is the principal reason for introducing the Bill. However, I have some arguments against some clauses.

Under clause 2 an inspector may "examine or photograph any building or object". Under the principal Act the inspector is allowed to examine shearers' accommodation but I object to the fact that the inspector may take photographs without having some rider defining the permission to take photographs, and what is actually to be photographed. I envisage adding words to this clause so that the owner or occupier of the land is informed that photographs are to be taken, and that a responsible person shall be present when the photographs are being taken. A camera never tells a lie, but it would be quite easy to take photographs of certain sections of shearers' quarters at times that may not be relevant to the true position.

An owner should at least know what photographs are to be taken and should be able to say why the quarters are perhaps more untidy than they normally are. This is my principal argument against the wording of the Bill. The inspector must be given additional powers but, at the same time, the rights of the owner must not be whittled away. I intend to move amendments in this regard.

The other clause deals with the fact that, even though a person in charge of a property is obliged to give information to the inspector about shearers' accommodation, that person is not obliged to answer questions put to him if the answer would tend to incriminate him. There is help for the occupier regarding the evidence that is given, and there should be similar help regarding the all-seeing eye of a camera, to which I will refer later in Committee.

The Hon. M. B. CAMERON secured the adjournment of the debate.

SIR JOHN BARNARD'S ACT (EXCLUSION OF APPLICATION) BILL

Adjourned debate on second reading.
(Continued from 13 September. Page 846.)

The Hon. J. C. BURDETT: I support the second reading. My main reason for speaking is to give the Council references that I received from the Parliamentary Library Research Service to debates about this matter so that the references can be incorporated in *Hansard*.

I refer first to the English debates. Oddly enough, they were not very illuminating, but they tell us more than the Minister told us in his second reading explanation. In 1860, the Sir John Barnard's Act in England was repealed, and the debates are recorded in *Hansard*, Volume 157, pages 1708 to 1710 and 2037 to 2040, and Volume 158, pages 1696 to 1709. The most illuminating debate was in the West Australian Parliament, and it is recorded in West Australian *Hansard*, Volume 181, 1968-69, at pages 2589 and 2590.

The Stock Jobbing Application Bill was introduced then by Mr. Court, the member for Nedlands, who was then Minister for Industrial Development, and his explanation was much longer than the one our Minister has given and much more illuminating. Subsequent debate is recorded in *Hansard*, 1969, Volume 182, at pages 3236 to 3254, 3368 to 3373, 3693 to 3698, and 3722. The longest and most analytical speech was made by Mr. Bertram, the member for Mount Hawthorn, and that speech commences at page 3236 of Volume 182. He asked that a Select Committee be appointed on the Bill, but he was not successful. Yesterday, the Hon. Mr. Laidlaw referred to the heading to the original Sir John Barnard's Act. The preamble to the 1734 Act is worth reading. It is as follows:

> Whereas great inconveniencies have arisen and do daily arise by the wicked, pernicious and destructive practice of stock-jobbing, whereby many of His Majesty's good subjects have been and are diverted from pursuing and exercising their lawful trades and vocations, to the utter ruin of themselves and families, to the great discouragement of industry, and to the manifest detriment of trade and commerce;

The member for Mount Hawthorn in Western Australia asked why, if the practice was so wicked, pernicious and destructive then, it was not so at the time he spoke. Yesterday, the Hon. Mr. Laidlaw drew a distinction between two practices that were forbidden by the Sir John Barnard's Act. The first was the sale of options and the second was short selling. The Hon. Mr. Laidlaw rightly said that the practice of the sale of options has been going on in Australia for some time and no harm seems to flow from it. A proper and controlled market has arisen and it would be destructive if, as happened once in New South Wales, a person could incur indebtedness for options, escape his liability, and not have to pay, because of the Sir John Barnard's Act.

However, the practice of short selling is another matter, and it is strange that, in the debates to which I have referred, the practice of short selling has not been referred to much. The debates have been almost entirely on the question of options. Short selling is selling shares that one has not got, in the hope of making a profit, and, as the Hon. Mr. Laidlaw has said, it is contrary to the rules and regulations of the Adelaide Stock Exchange, and there seems to be harm in the practice. It surprises me that the Bill before us has been introduced in the form in which it has been. To make the selling of options legal and to enable debts incurred thereby to be lawfully recovered is quite proper.

However, the Attorney-General rightly complains about improper and other practices, and it surprises me that he has introduced a Bill that legalises short selling, which seems to be dubious. It certainly amounts to gambling and taking a risk, and I see little to justify it. If the Hon. Mr. Laidlaw moves an amendment to allow the selling of options but to continue the ban on short selling, I will consider that amendment. I support the second reading.

The Hon. R. C. DeGARIS (Leader of the Opposition): I congratulate the Hon. Mr. Laidlaw and the Hon. Mr. Burdett on the research that they have done on this matter. It is rather strange that we have a Government in this State, with an Attorney-General who has been most outspoken (I think quite unfairly on many occasions) about certain business practices, introducing a Bill in this Chamber to allow people to sell things that they have not

got. That is the effect of this Bill. As the Hon. Mr. Burdett has said, the sale of options is a trade that has been operating for some time. There does not appear to be any grave damage done in options trading, although looking at that matter one does have some doubts about it.

It is somewhat similar to the futures market that has been established. A person can gamble on a futures market and never own or sell any commodity; he can buy and sell parcels and never own anything at all, but it is a means of ensuring a certain income for a commodity. For example, one can look on the wool futures market, find out the price for wool delivered in October the next year, and agree to deliver wool at a certain price in October. In October, one then has to buy wool to cancel the contract on the wool one promised to deliver, and one contract cancels out the other. It is a means of ensuring a price for a commodity some time in the future. The options market is somewhat similar to that but, when one allows a person to sell something that he or she has not got, one is looking at a totally different set of circumstances.

It is quite peculiar for such a Bill to come into this Chamber to allow people on the Stock Exchange to sell shares that they do not own or have. I am certain that the comments that could be made by the Government itself would be that this is a very sharp practice that should not be allowed. Yet, as I understand it, in this Bill the Government is allowing that to happen. I have some doubts as to whether the Bill can be amended, although I may be wrong. I seek leave to conclude my remarks on the next day of sitting.

Leave granted; debate adjourned.

CONSTITUTION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 13 September. Page 845.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This simple Bill provides for an extra Minister, thus increasing the number of Ministers that can be appointed to the Cabinet from a maximum of 12 to a maximum of 13. In discussing the merits of the Bill, the first question that any honourable member must answer is whether the work load on the existing Ministers is such that an extra Minister is required to handle that work load. On that basis it does appear extremely difficult for the Government to justify the extra Ministerial appointment. It is reasonably clear to all who are close to the political scene that several Ministers' workloads are rather small and that it would be reasonable to amalgamate certain portfolios and dispense with the services of some of those Ministers—at least two, anyway. Such a process would not place any particular Minister under any undue strain. If the Government wished to bring into the Ministry a new Minister, it could well do so without its costing the taxpayer anything at all.

On any existing work load analysis or any cost benefit study, it is impossible to justify the appointment of an extra Minister in South Australia. The argument may be advanced, as the second reading speech indicated, that other States have more Ministers than we have in South Australia. That is quite true. The only State that has fewer Ministers than South Australia is Tasmania, but the only State with which we can compare ourselves really is Western Australia, where there are 14 Ministers permitted under the State Constitution. Against this in Western Australia we must balance the enormous areas of that State and the tremendous developmental activity taking place there, compared with the lack of activity in this State. On economic activity alone, one can probably justify 14 Ministers in Western Australia. By comparison with other States, an increase from 12 to 13 is also extremely difficult to justify.

Having expressed that view, I intend to take a course that I seldom take, and it is known as the "But, Mr. President, on the other hand" approach. Although there is little or no justification for the appointment of a thirteenth Minister, the Council must consider whether or not it should interfere in what can be described as an administrative decision. I think it would be right for the Council to reject a constitutional change if the size of the Ministry was being increased, say, to 20 or more. That would be an increase that could be said to be quite an unreasonable constitutional change, but each member in the Chamber must assess for himself or herself whether the increase to 13 is justified or not and, secondly, whether it is reasonable for the Chamber to reject a Bill based on a decision made by the Government to deal with the administrative structure of the Cabinet.

The last point I want to make is even more intriguing than the first two. The question is whether the A.L.P. Caucus is afraid to take the correct action, that it dispense with the services of some of its Ministers who are not performing and replace those Ministers with members possessing better abilities. Is the extra Minister being appointed not because of the overall work load but because of an attempt to solve some developing internal problems in the Government itself? If one is of that view then a vote should be cast against the proposed increase in the Ministry. As yet I am unconvinced of the need for that increase, and up to this point have not been impressed with the arguments of the Minister who introduced the Bill into the Chamber that the increase is warranted.

The Hon. C. J. SUMNER: I take it from the Hon. Mr. DeGaris's contribution that he is opposed to the measure and will be voting against the second reading of the Bill. I must say that I thought during the course of his speech that I was going to have to compliment him for taking what was a very reasonable stand, particularly when he referred to the fact that the size of the Ministry is a matter for the Government to decide, based on what it sees as its administrative requirements. Certainly, it requires a constitutional change, but one would have thought that it was a matter for the Government to decide, given that it is the Government that is in charge of the administration and that it is aware of the day-to-day administrative loads that must be carried by Ministers.

The Hon. R. C. DeGaris: A few are not carrying very much.

The Hon. C. J. SUMNER: I, of course, completely refute that allegation by the Leader. I was trying to give him something of a compliment, but if he keeps up in this fashion I will have to change my tack. I was complimenting the Leader for what I thought was his reasonable approach at least on this point: that it is a matter for the Government to decide, given that it must decide and assess what requirements are necessary within the Administration. If it goes too far in increasing the Ministry and the Administration gets top-heavy, then obviously the remedy is for the Opposition to take the matter to the people at the polls.

Surely, at this stage, it is an administrative matter for the Government, and I should have thought that the Opposition would see it in that way and support the Bill. In fact, I thought that is what the Hon. Mr. DeGaris was doing at one stage of his speech. However, he then veered off and opposed the Bill because he considered the Government was using it merely to solve some internal problems. Of course, that is absolute nonsense. The

Ministers in the Government at present have been Ministers for some time. They are experienced and are doing a good job. The thing that I really cannot understand with Liberal members is that, although they castigate the Government for wanting to increase the size of the Ministry from 12 to 13 members, their own shadow Ministry comprises 13 members. One would think that that was a fairly obvious example of a blatant hypocritical and cynical action from members opposite.

The Hon. R. C. DeGaris: Absolute nonsense!

The Hon. C. J. SUMNER: The Leader of the Opposition in another place has seen fit to appoint 13 shadow Ministers.

The Hon. R. C. DeGaris: Fraser had 35.

The Hon. C. J. SUMNER: I am not concerned about what Fraser had: I am interested to know that the Leader of the Opposition in another place has appointed 13 shadow Ministers. The Hon. Mr. DeGaris knows as well as I do what a shadow Ministery is: it is an alternative Government, the Government that the Opposition is putting forward to the people as an alternative, and it comprises 13 shadow Ministers.

One could reasonably expect, if one was an ordinary member of the public, that, if this team which was being presented to them as the alternative Government at an election was elected, that would be the team to take over. However, the Hon. Mr. DeGaris apparently says that that is not so. So, someone would get the axe: someone would be moved on.

The Hon. C. M. Hill: Actually, you are wrong there. There is an explanation for this.

The Hon. C. J. SUMNER: I would be interested to know what it was.

The Hon. C. M. Hill: If you want it in quick terms, it is the fact that one of them is the shadow Minister for Northern Affairs, for which the Government does not even have a portfolio.

The Hon. C. J. SUMNER: If the Opposition got into Government at an election, it would increase the size of the Ministry to account for the 13 shadow Ministers.

The Hon. C. M. Hill: But that Northern portfolio is somewhat unique.

The Hon. C. J. SUMNER: However, the Liberal Party, if elected to Government, would still increase the size of the Ministry. It would have a Minister for Northern Affairs, whereas this Government wants a portfolio for Community Development. Although that is a difference of emphasis, it is not a difference in the crucial matter of how many portfolios would exist.

Mr. Tonkin has appointed 13 shadow Ministers, and I want to know, if his Party was elected and members opposite are correct in saying that they do not want to increase the size of the Ministry, who would be axed. Perhaps the Hon. Mr. Hill, who is undoubtedly more aware of the intrigue within the Liberal Party, would know. Who would go?

The Hon. C. M. Hill: There is no intrigue.

The Hon. C. J. SUMNER: Who does the Hon. Mr. Hill suggest would go?

The Hon. C. M. Hill: No-one.

The Hon. C. J. SUMNER: So, a Liberal Government would have 13 Ministers.

The Hon. C. M. Hill: Including the one for Northern Affairs, who will not be attending regular Cabinet meetings because he will be based at Port Augusta. You're not concerned with the North: you don't even know it's there.

The Hon. C. J. SUMNER: But that person would be a Minister?

The Hon. C. M. Hill: Yes.

The Hon. C. J. SUMNER: If the Liberal Party was elected to government after the next election, the first Bill it would introduce would be one to increase the size of the Ministry to accommodate that new Minister.

The Hon. C. M. Hill: We would deal with that special circumstance.

The Hon. C. J. SUMNER: But the Liberal Party would have 13 Ministers.

The Hon. C. M. Hill: Yes, to deal with that special circumstance.

The Hon. C. J. SUMNER: It is the Opposition's policy, if it was elected to Government, that it would have 13 Ministers. I would agree with a Liberal Government's proposal to increase the size of its Ministry to 13 members if, at election time, it presented a team of 13 members that it wanted to form the new Ministry. Obviously, I would have no objection to that, just as the Hon. Mr. Hill has no objection to it. He has agreed that a Ministry of 13 is appropriate. Apparently, the Hon. Mr. Hill thinks that, but his Leader in this place (Hon. R. C. DeGaris) does not. Also, his Leader in another place does not think so either, because he opposed this Bill in another place.

The Hon. C. M. Hill: And gave his reasons, which included the financial situation facing this State at present.

The Hon. C. J. SUMNER: I see. So, it is all right for a new Liberal Government to have 13 Ministers, but it is not all right for the present Government to have a Ministry of the same size. That seems to be a peculiar sort of logic. It seems to me that someone would have to go if Mr. Tonkin's current stance was maintained and if he was elected following the next election. I do not know who it would be.

I see that the Hon. Mr. Hill is in the shadow Ministry. Perhaps he would be the one to go. I see from my list that the order is as follows: Mr. David Tonkin, Mr. Roger Goldsworthy, Mr. Harold Allison, Mr. Dean Brown, the Hon. John Burdett, Mr. Ted Chapman, Mr. Stan Evans, the Hon. Dick Geddes, Mr. Graham Gunn, the Hon. Murray Hill, Mr. Allan Rodda, Mr. Keith Russack, and Mr. David Wotton.

I wonder who of those would go? I suppose Mr. Wotton would be in the hot seat, because he seems to be the most junior one on the list. I should think that Mr. Tonkin would be pleased to get rid of Mr. Wotton from his shadow Ministry, particularly in view of the running that that gentleman is making for the Liberal Leadership at present. Members opposite would read regularly of the campaigns being run in the *Advertiser* at present to make Mr. Wotton Leader of the Opposition. In fact, one could be excused for thinking that Mr. Greg Kelton was Mr. Wotton's campaign director. Be that as it may, I am not sure that Mr. Kelton should promote this chap to the extent he does, because it may well do him much harm. If one looks at the list of shadow Ministers, one sees that Mr. Wotton's name is right at the bottom.

The Hon. J. C. Burdett: Isn't that list in alphabetical order?

The Hon. D. H. L. Banfield: Where does Mr. Allison's name appear?

The Hon. C. J. Sumner: It is third on the list.

The Hon. C. M. Hill: After the Leader and Deputy Leader.

The Hon. C. J. SUMNER: Whether or not it is in alphabetical order, I would be concerned, if I were Mr. Wotton, to find my name at the bottom of the list and to find that Mr. Tonkin wanted only 12 Ministers.

The Hon. J. C. Burdett: Aren't the names on that list in alphabetical order, apart from those of the Leader and Deputy Leader?

The Hon. C. J. SUMNER: Yes, as far as I can gather

from a cursory glance. However, I have read the list to the honourable member and, if he had been quicker, he would have picked that up earlier. Whether or not it is in alphabetical order is not the point. The fact is that someone would have to go, and it could be Mr. Wotton, who is at the bottom of the list, or it could be the Hon. Mr. Burdett. He would need to be a little worried about this. Perhaps Mr. Russack would be the one to go. One wonders how he even got into the shadow Ministry. After all, he was a renegade Liberal, having run against a Liberal candidate.

The Opposition has left itself completely open to the charge that it has been hypocritical. It has opposed this Bill in the Lower House. The Hon. Mr. DeGaris opposes it here.

The Hon. R. C. DeGaris: No.

The Hon. C. J. SUMNER: I appreciate that interjection.

The Hon. R. C. DeGaris: Nor have I supported it.

The Hon. C. J. SUMNER: The Leader is sitting on the fence. The Opposition has 13 shadow Ministers, and the Government believes there should be 13 Ministers. Therefore, the Opposition's basis for opposing this Bill is completely unwarranted.

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

BOATING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 September. Page 846.)

The Hon. J. C. BURDETT: I support the second reading of the Bill. The Minister's second reading explanation states:

> The Bill also extends the definition of "boat" to include all motor boats other than those used and operated solely for commercial purposes. Consequently, hire vessels used for pleasure boating are now clearly included under the provisions of Part II and Part III of the principal Act.

Clause 3 defines "boat" as follows:

> "boat" means any vessel that is used, or is capable of being used, as a means of transportation on water but does not include any such vessel used and operated solely for—
>
> *(a)* the transportation for monetary or other consideration of passengers, livestock or goods; or
>
> *(b)* other commercial purposes.

The second reading explanation states that this changed definition means that hire vessels used for pleasure boating are now included. It seems to me that there is a strong argument to say that the second reading explanation is incorrect, and that hire vessels used for pleasure boating would be vessels used for commercial purposes. It therefore seems that the new definition may not achieve what the second reading explanation says it achieves. However, that is a matter for the Government, which can look after its own affairs.

One of the most significant alterations is that section 31 of the principal Act is repealed and a new section 31 is substituted. The section relates to the powers of a police officer or authorised officer. This matter is important because, in the interests of civil liberties and of law enforcement, it is important that a proper balance be struck between enabling the law to be enforced and ensuring that people's liberties are not unduly interfered with. At present there are powers for a police officer or authorised person to act only where he suspects on reasonable grounds that a person has committed an offence. If he so suspects, his powers at present are to direct a person operating a boat to stop and to require that person or any other person in the boat to state his name and address.

In proposed new section 31, most of the powers may be exercised for any purpose connected with the administration or enforcement of the legislation. So, with one exception, it is not necessary that, first of all, an offence be suspected. The powers are far more extensive than those in existing section 31. Proposed new section 31 enables a police officer or authorised officer to direct a person who is operating a boat to manoeuvre the boat in a specified manner; that power does not exist at present. Further, the police officer or authorised officer may direct a person operating a boat to stop the boat and secure it in a specified manner, and the officer may board and inspect the boat; that power does not exist at present. New section 31 (1) *(c)*, dealing with a police officer or authorised officer, provides:

> He may require the operator of a motor boat to produce his licence or permit, within forty-eight hours, or some specified longer period, for inspection—
>
> (i) by a member of the Police Force at a specified police station; or
>
> (ii) by a nominated person at a specified place;

It would appear that, as the Bill stands, if a person was stopped in Ceduna, he could be ordered to produce his licence at Mount Gambier within 48 hours; this seems to be unreasonable. Further, where a person has been reasonably suspected of committing an offence, he may be asked to state his name and address, and anyone who, in the opinion of the police officer or authorised officer, is in a position to give evidence relating to the commission of an offence may also be required to state his name and address. I ask honourable members to look at this expansion of powers and to consider whether, in balance, the new powers are justified or whether they impinge on the rights of the individual without due cause.

The Bill also provides for a new section 35a, which will enable notices to be sent calling on persons against whom offences have been alleged to expiate the offence by payment to the Minister of an amount fixed by regulation. This process of expiation exists in other Acts; for example, the Local Government Act. The general procedure is satisfactory. It should be possible for a person who has committed a minor offence to be called upon to pay a sum without his being convicted and without any court proceedings. Of course, this procedure must be carefully controlled. There should not be any question of blackmail or any attempt to talk a person out of going to court if he wants to do so.

It occurred to me that the Bill should fix a maximum expiation fee, instead of allowing the fee to be fixed by regulation. The general penalty in the principal Act is $200, and it occurred to me that $20 would be a reasonable maximum for the expiation fee. This Bill does not change the principle of the parent Act, and it should be considered further in Committee. I support the second reading of the Bill.

The Hon. J. A. CARNIE secured the adjournment of the debate.

ADJOURNMENT

At 4.10 p.m. the Council adjourned until Tuesday 19 September at 2.15 p.m.