LEGISLATIVE COUNCIL

Wednesday 20 February 1980

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

QUESTIONS

PRIVATE ENTERPRISE WORK

The Hon. B. A. CHATTERTON: I seek leave to make a statement before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question regarding the activities of the Department of Agriculture and Fisheries *vis-a-vis* private enterprise.

Leave granted.

The Hon. B. A. CHATTERTON: The Government has said on many occasions that it wishes to hand over as many areas of activity as possible to private enterprise. Specifically, I quote from a recent Agriculture Department circular, in which the Director-General said:

> Officers must positively seek out activities that can be performed by the private sector.

I have been approached by a number of constituents who are concerned to know what is the future for the following areas of activity within the Agriculture Department that can be carried out by private enterprise. The first area of activity mentioned is the seed testing laboratory, which activity is carried out by private companies overseas. Does the Minister of Agriculture intend that this should happen in South Australia?

Another area of activity mentioned is the tuberculosis and brucellosis campaign, where private veterinarians already do some work under contract. Is it the Minister's intention significantly to increase the private content of the campaign? The other area mentioned to me is the rural assistance area, where the branch has always drawn up mortgages and other documents needed to secure loans. This work could be done by private land brokers. Will the Minister make this change to enable private enterprise to profit from this procedure?

I refer, finally, to the design of farm dams and contour dams which can be undertaken by private engineers or surveyors. Does the Minister intend to hand over that area of the department's activity to people in private practice?

The Hon. J. C. BURDETT: I will bring the honourable member's question to the attention of my colleague in another place and bring back a reply.

PEST PLANT BOARDS

The Hon. M. B. DAWKINS: I seek leave to make a statement before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question regarding pest plant boards and the control of noxious weeds.

Leave granted.

The Hon. M. B. DAWKINS: I wish to draw the Minister's attention to the operation of various pest plant boards, and I seek to secure his opinion as to the efficiency (which may vary from board to board) or otherwise of the same, having regard to the size of some of the areas that some boards serve. In some cases, they serve very large areas as a result of the merging of several district councils into one board and the consequent removal of the word "local" from this part of local government activity.

More specifically, I refer to the earlier presence, as I understand it, at the Gawler caravan park, which adjoins the North Para River, of the weed Californian burr about which nothing was apparently done and which has since spread down the Gawler River to the sea. Will the Minister ascertain what action, if any, is being taken by the boards (I use the plural because the river is a boundary for much of its length between country areas and the greater Adelaide area) to eradicate this noxious weed?

The Hon. J. C. BURDETT: I will refer the question to my colleague in another place and bring back a reply.

PUBLIC ACCOUNTS COMMITTEE

The Hon. J. R. CORNWALL: I ask the Attorney-General a similar question to that which I asked yesterday and to which I did not receive a satisfactory answer. Does the Government intend to open the proceedings of the Public Accounts Committee to the press and the public?

The Hon. K. T. GRIFFIN: I indicated yesterday what changes had been initiated by the Government with respect to the Public Accounts Committee and the way we were endeavouring to upgrade its status and capacity to do its job. No decision has been made on the matter to which the honourable member has referred.

VINE DISEASES

The Hon. D. H. LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about vine diseases.

Leave granted.

The Hon. D. H. LAIDLAW: During this growing season there have been outbreaks of downy and oedium or powdery mildew in most of the grapegrowing areas in the State. Some of the outbreaks in the Riverland have been severe. These diseases spread at a great speed through a vineyard and, as happened in 1975, can destroy a crop completely and hamper growth in subsequent years. Growers have spent large sums this year spraying copper and other chemicals to prevent or minimise the effects of downy mildew and oedium.

A recent article in the *Grapegrower* says that these diseases are originating in plantings of black grapes which, because of no demand, have been left unpruned and uncared for during the past year. The spores are blown by the wind and settle in vineyards miles away. These outbreaks are likely to intensify year by year.

Has the Minister of Agriculture considered this most serious problem and can he advise what action the Government might take to overcome it?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague in another place and bring back a reply.

GAWLER RAIL SERVICE

The Hon. C. W. CREEDON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Transport, a question about the closing of the Gawler North railway service.

Leave granted.

The Hon. C. W. CREEDON: There is a persistent rumour doing the rounds that the State Transport Authority intends to close its services on the Gawler North line. As far as I am aware, that section of line is owned by the Australian National Railways. I have been told that

A.N.R. intends to increase its charges over that section of railway. Gawler North station is the boarding point for a great many children going to Gawler High and the Catholic school in Evanston. It is also an unloading point for people who want to come into the Gawler shopping centre, especially women and elderly people who have no other means of transport.

Can the Minister assure the Gawler people that the service from the Gawler Oval station and the Gawler North station will not be closed?

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

WATER HYACINTH

The Hon. J. A. CARNIE: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about water hyacinth.

Leave granted.

The Hon. J. A. CARNIE: In late 1975 and early 1976 grave fears were expressed at the growth of water hyacinth in the Gwydir River in northern New South Wales, and I raised this matter in the Council by way of an urgency motion. Although the infestation was hundreds of kilometres from the South Australian border, there was a real fear that floodwaters could carry the weed into the Darling system and so into the Murray River.

Water hyacinth pollutes water, making it undrinkable by humans or animals and, because of the solid matter that it forms on the surface, it depletes oxygen, killing fish. As well as that, it chokes irrigation systems. Under favourable conditions it is capable of reproducing itself every 12 to 15 days or, put another way, in one season 10 plants will become 650 000 plants. Soon after the time to which I have referred, the South Australian Government co-operated with the New South Wales Government in an eradication programme involving spraying and drainage.

In view of the serious consequences to South Australia as a whole if this weed gains entry to the Murray River, I ask the Minister how successful was the eradication programme at that time. Has the department kept contact with the New South Wales Government to find out whether there have been any further outbreaks? In particular, have there been any outbreaks in the Darling River or Murray River systems?

The Hon. J. C. BURDETT: The question of water hyacinth is a most serious one and one that I have raised on several occasions. I think that possibly not only the Minister of Agriculture but also the Minister of Water Resources should be consulted on the matter. I will refer the question to my colleagues in another place and bring down a reply.

MISLEADING ADVERTISING

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation prior to asking a question of the Minister of Consumer Affairs relating to misleading advertising.

Leave granted.

The Hon. FRANK BLEVINS: I think that all honourable members, particularly those who have gone house-hunting at one time or another, are worried about some advertisements that real estate people put in the newspaper. An example is an advertisement for a "compact residence" that is little more than a hole in the wall. I was prompted to ask this question by a letter in the *Advertiser* of 30 January in which a Mr. D. McInerney dealt with this problem very briefly and well. His letter states:

> Surely the relevant authorities should take a closer look at advertising by members of the real estate industry and prosecute those responsible for misleading the public.
>
> Recently I drove about 160 kilometres to attend a well publicised auction of "antiques." Most of the offering could only be described as junk—and I assume the numerous other people who left within minutes of their arrival agreed with me.
>
> This is not the first time I have been similarly "conned" by misleading real estate ads. One only has to read the daily houses for sale and auction columns, attend the open inspections of "gentlemen's residences, manors, executive residences, and settlers cottages," to see the misdescription and misuse of superlatives that seem to be a trademark of some real estate advertising.

I am sorry that the Minister of Housing is not here today, because I am sure that he could give us first-hand information on what these descriptions mean. However, I feel that it is a matter not only for the Hon. Mr. Hill but also for the Minister of Consumer Affairs. Will the latter Minister consider providing stronger consumer legislation to prevent the use by some real estate agents of misleading advertising?

The Hon. J. C. BURDETT: I consider that the Unfair Advertising Act already has sufficient provisions. I read the letter and referred it to my department at the time. It is fairly obvious that the letter is inaccurate, because, when the writer was talking about the sale of antiques, that did not seem to be a matter with which a real estate agent would be dealing.

The Hon. J. R. Cornwall: He could well have an auctioneer's licence.

The Hon. J. C. BURDETT: He may have but the matter referred to was the question of real estate agents, and I felt that the letter did not hang together in some respects. In any event, I referred it to the department, which stated that it had not had a series of complaints about the matter. If the author of the letter would like to explain to the department exactly what the complaints were and against whom they were made, the matter will be investigated. As far as I am aware, the Unfair Advertising Act gives sufficient protection.

BUDGETARY ADVISORY SERVICE

The Hon. R. J. RITSON: I seek leave to make a brief statement before asking the Minister of Community Welfare a question about an advisory service for citizens of the State.

Leave granted.

The Hon. R. J. RITSON: I believe that it is stated Government policy to increase the counselling services available to the citizens of this State, particularly in the area of budgetary advice. I would like the Minister to state whether there has been such a promised increase, the extent of such an increase, and the extent of community utilisation of any increased services.

The Hon. J. C. BURDETT: I did make a statement in the press along the lines that there would be, if the demand so indicated, an increase in the Budget Advisory Service, which has been operated by the Department of Community Welfare for some time. From time to time in the press concern has been expressed about the number of consumers who have got into financial difficulties because of easy access to credit facilities. It has been suggested that credit facilities should be restricted and that there should

be restrictions imposed upon the ready availability of credit. On several occasions I have stated in the press that I would hesitate to recommend legislation to restrict the availability of credit because, when one tries to set out the circumstances and the occasions when credit should be restricted, it almost inevitably happens that one will prevent creditworthy people from obtaining credit.

I said that I thought the answers, which are not easy and which will take time to be effective, were to try to educate the public as to the proper use of credit through programmes in schools, which are undertaken by my department. Also, it is necessary to try to educate the adult public through the press and through advertisements and similar means. I said that we had this facility, that is, the Budget Advisory Service, which has been most effective. The service operates at present from 32 locations throughout the State. It is mainly provided by part-time budget advice officers, people such as bank managers, accountants, housewives and other people who have a special expertise and ability to advise people who are having budgetary problems.

In 1978-79, 1 240 people utilised the service, and in the first six months of this financial year 774 clients have been assisted, which represents an increase of 40 per cent over the previous year. In answer to the honourable member's question I anticipate that this increase will continue. The availability of this service depends largely on demand and, if a demand is there, it will be met. We have had a 40 per cent increase in this financial year and, as that increase continues, it will be met. It can be readily met because the persons who provide the service are mainly part-time people who can be readily and easily recruited.

TRADE STANDARDS ACT

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Consumer Affairs a question about the Trade Standards Act.

Leave granted.

The Hon. ANNE LEVY: It is now 12 months since Parliament passed the Trade Standards Act, it having passed both Houses of Parliament and having received Royal assent in February 1979. The Act has not yet been proclaimed.

The Hon. J. C. Burdett: It has.

The Hon. ANNE LEVY: There are no regulations as yet, which are necessary for the operation of that Act. I listened very carefully yesterday when a very large number of regulations were tabled in this Chamber, but the regulations under the Trade Standards Act were not among them. That means that as yet the Act is virtually inoperative, and the great benefits that this Act was intended to provide to the consumers of this State have not yet eventuated. I further understand that on previous occasions, where regulations relating to consumer matters have been drawn up, there has been consultation between the Government department concerned and organisations such as the Consumers Association, which is vitally interested in the operation of an Act such as this. When will these regulations be brought down so that this Act can become operative, and will consultation take place with interested organisations such as the Consumers Association in drawing up the regulations.

The Hon. J. C. BURDETT: When the honourable member began her statement she suggested that the Act had not yet been proclaimed. Indeed, it was not proclaimed by the previous Government, but it was proclaimed by the present Government about two or three weeks ago. Much of the problem that the previous Government had was the difficulty in preparing and drafting the complex regulations. When I became Minister I found that no work had been undertaken on this problem.

The Government has proclaimed the Act, but certain parts of it have been suspended. The Act was proclaimed because there was a risk of dangerous products being dumped in South Australia, because there are similar provisions in other States. Whilst we could not produce instant regulations, the Government believed that it should proclaim the Act, thus enabling it to prohibit dangerous products from coming in from other States.

A most important part of the Act which has been proclaimed is the provision that sets up an advisory committee. That provision allows for one representative, who is considered to be representative of consumer interests, to be appointed by the Minister. As I have invited the Consumers Association of South Australia to nominate such a member, that organisation will have the ability to contribute in discussions. One of the things that I want the advisory committee to do is advise on regulations. The Government wants consultation with industry, consumers and sections of the public on what form the regulations should take. I am looking forward to contributions by the CASA representative to discussions on the regulations.

COMMUNITY WELFARE CENTRES

The Hon. M. B. DAWKINS: My question is directed to the Minister of Community Welfare and is in relation to the establishment of community welfare centres in South Australia. Bearing in mind that a number of these centres have been established over the years, does this Government intend to continue to establish community welfare centres in South Australia and, if so, where will they be located?

The Hon. J. C. BURDETT: As with the case regarding the Budget Advisory Service, and with so much community welfare and consumer affairs work, it depends on the demands made by the public.

To some extent, of course, they are two difficult departments that are under my responsibility, because some of their expense is not really controllable. If a service is provided, it must be provided according to the demand that exists. Community welfare centres will be set up where it is established that there is sufficient demand, that is, that the public needs the service. One centre is to be established at Enfield. Also there is an existing community welfare service at Mount Gambier, but it is to be re-established in new buildings and with additional facilities. Consideration is being given to a further centre at Port Pirie. However, no decision has yet been taken on any other locations. It will depend on the demand that exists.

ENRICHMENT PLANT

The Hon. BARBARA WIESE: I direct my question to the Attorney-General, representing the Minister of Mines and Energy. In view of the extremely high energy requirement in nuclear enrichment plants such as that proposed for South Australia, will the Minister tell the Parliament, first, whether there has been any discussion in Government or the Mines and Energy Department concerning the possibility of powering such an enrichment plant with a nuclear reactor and, secondly, whether the Government or the Mines and Energy Department considers that such a proposal has any merit?

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

MILANG BUS SERVICE

The Hon. J. E. DUNFORD: I seek leave to make a statement before asking the Attorney-General, representing the Deputy Premier, a question regarding a community bus service for Milang.

Leave granted.

The Hon. J. E. DUNFORD: The 10 February issue of the *Sunday Mail* contained an article by Mr. William Reschke. It seems that Mr. Reschke and a Mr. Brian Webber went to Milang and met many residents there. They went there to deal with the restricted train service and altered schedules on the Adelaide to Victor Harbor line. Arising from that investigation, these gentlemen found that many problems existed for the people living at Milang in relation to their getting from that town to Strathalbyn. I know that the former Labor Government was very generous and that the action it took, especially in Campbelltown, has been very well received. In fact, that Government gave the Campbelltown council a community bus service for the benefit of the people in that area who do not have transport of their own, public transport, or relations on whom they can rely in order to get to certain shopping areas.

I have investigated this matter fairly thoroughly, because my wife drives that community bus sometimes twice a week. It is not a completely free service for commuters. Indeed, those people who are going shopping are encouraged to put a sum of money in a box in order to keep the bus service running. I am told that most people put in a token amount of 20c or 30c, or whatever they think is appropriate, and this bus service has gone from strength to strength. In fact, some drivers resent the attitude of certain passengers, who start arguing when the bus is late or early. Incidentally, the bus drivers do their work in an honorary capacity.

Notwithstanding such complaints, the service has been well received and has made life much more bearable for those people who are unable by other means to get to various shopping centres. I have noticed (as indeed you, Sir, would have done, living in the country) when travelling throughout the State as a Legislative Councillor that country people often resent city people, as so many amenities are available for city people. The country people pay their taxes but cannot get to the city to enjoy the services and entertainment available to city dwellers.

The Hon. R. C. DeGaris: Do you think that bus fares should go up?

The Hon. J. E. DUNFORD: Every time that I get on my feet the Hon. Mr. DeGaris interjects. He cannot help himself. Will he please be quiet?

The PRESIDENT: Order!

The Hon. J. E. DUNFORD: Every time that I get on my feet this happens, and I am getting sick of it. However, I should like to make a couple of observations concerning the article written about the bus service to Milang. The report, headed "Milang—marooned between two worlds", states:

> Too proud or shy. But just try to get out of the place on a weekday . . . if you live there as a pensioner, on an over-70 licence, needing medical care once or twice a month in Adelaide . . . Or wanting to go shopping in the city . . . for a change of scene . . . to feel part of the wider world . . . and maybe a bit proud or shy to ask for a lift!
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> Marooned at Milang? We found it hard to believe, too . . . There are no taxis in Milang . . . It is a very good trick to get to Strathalbyn in the first place to catch the existing transport. There is no public vehicle going in or out of the town.
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> At one time we could get out with the mailman in the morning, but not at night. The Post Office has changed the times for the mail now until the afternoon and I believe we can ring the mailman and may be able to get to Strathalbyn with him.
>
> While we are grateful to him for this, it is not something you could count on 100 per cent. If we had to go to Adelaide on a busless and trainless day a taxi would cost about $40, if we could get one.

Under the subheading "Seen it all before", the report continues:

> So we met the writer Mrs. Horrie Noles, and her husband, Bob, and Gladys Anderson and Mary Hirst. One of our residents approached the service clubs to see if a mini-bus could serve Milang and Strathalbyn, but was told it was too costly.
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> The obliging mailman takes one or two passengers out at 8.15 a.m. to catch the Adelaide train at Strathalbyn, about 22 km from Milang. The train leaves Strathalbyn at 8.34 a.m., arriving at Adelaide at 10.40 a.m., if on time.
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> Hospital appointments take up most of the afternoon until the train leaves again at 6 p.m., reaching Strathalbyn about 8 p.m. "Then," Mrs. Noles said, "you ring someone at Milang to come and get you if you do not have a car. The winter is the worst time. It is dark and cold and you don't really like to ask people to come out and get you."

The report goes on further to deal with people who live out of Milang. It states:

> We have elderly people here on farms only three miles from Milang and they have no way to leave the place.

The report concludes by saying:

> Governments do not seem to have much idea of people's needs, you know.

That is why I am now asking my question. I want to bring this matter to the attention of the Government, which promises to give people a fair go. Although the Government says that it will not cut this or that, it is cutting everything and trying to put the blame on the former Government. I am asking the Government to do something that the previous Government had already instituted. The people of Milang have paid their taxes, and they should be catered for, especially those people who must come to Adelaide to receive emergency treatment. I know that I will receive a bodgie reply.

The PRESIDENT: Order! The honourable member has explained his question very fully.

The Hon. J. E. DUNFORD: I know that the Deputy Premier, to whom I am referring my question, comes from the country and may therefore be sympathetic to this cause: this may be one of the first times that he is sympathetic. Will the Minister of Local Government or the Minister of Transport make available a community bus service in order to alleviate the problems being experienced by Milang residents? This matter could be put to the Meadows council on behalf of these people in an attempt to organise something, which could spread even farther out from Milang. Let us have a look at these people who have been investigated by the *Sunday Mail* and see whether something cannot be done for them.

The Hon. K. T. GRIFFIN: I am not sure that it is a matter for the Deputy Premier. It is a matter for the Minister of Transport, and I will refer the honourable member's question to him and bring back a reply.

LIQUID FUEL

The Hon. B. A. CHATTERTON: On 23 October I directed a question to the Minister of Community Welfare, representing the Minister of Agriculture, on what measures the Government intended to take to implement Liberal Party promises regarding storage of liquid fuel on farms. I asked what assistance would be provided, and the reply I got from the Minister on behalf of the Minister of Agriculture said that the Liberal Party policy was not to provide assistance to farmers to store liquid fuel—it was to encourage extended on-farm storage of liquid fuel stocks to enable continuation of farm programmes in times of industrial disruption. With that rather pedantic reply that I received, I now ask what measures the Government intends to take to implement the Liberal Party's policy to encourage the extended on-farm storage of stocks of liquid fuel.

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring down a reply.

UNALLOTTED CROWN LANDS

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation prior to asking the Attorney-General, representing the Minister of Lands, a question on alienation of unallotted Crown lands.

Leave granted.

The Hon. J. R. CORNWALL: It has recently been brought to my attention that the Government is actively considering the alienation of large areas of unallotted Crown lands both in semi-arid marginal areas and on Kangaroo Island. Such a move would be quite disastrous. Vast areas cannot be used for agricultural pursuits because of very low rainfall. However, in those areas which are suitable for agriculture, South Australia already has the highest level of land utilisation in Australia. It would be quite disastrous to put the plough into any further marginal areas. It would also be catastrophic to consider further development for farming on Kangaroo Island. I would have thought that anybody who has been an onlooker for the past few years or is any way conversant with what has gone on with the soldier settlement scheme on Kangaroo Island would agree that such a scheme should never have happened. The thing which causes me greatest alarm is that the Minister of Agriculture already has large agricultural holdings on Kangaroo Island and is an avid supporter of alienation. Will the Minister give an assurance that he will resist any moves to alienate unallotted areas of Crown land in marginal areas of the State or on Kangaroo Island?

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to the Minister of Lands and bring back a reply.

CORPORAL PUNISHMENT

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Education, a question on corporal punishment in schools.

Leave granted.

The Hon. ANNE LEVY: I recently received information regarding an association set up in New South Wales comprising parents and teachers who are against violence in education. This organisation is opposed to the use of corporal punishment in schools and exists to help people who are likewise concerned about such punishment or about their children receiving such punishment. I realise that the law regarding corporal punishment is different in New South Wales from the equivalent law in South Australia, but there are strong similarities nevertheless. The organisation has put out a letter which they suggest that concerned parents could sign and send to the principal of their school. The letter states:

> Dear School Principal,
>
> I wish to express my feelings on a matter of great concern to me—the well-being of my child. By that I mean the physical and mental well-being essential to the learning process which takes place at school.
>
> It is with special regard to corporal punishment that I am writing to you.
>
> I do not believe that deliberately inflicted pain, or the threat of it, is desirable or necessary to the educational process. My child is not physically punished at home and it is my wish that he/she not be physically punished at school. There are better means of communication available; and I am hopeful that my efforts to rear my child in an atmosphere of reasonableness, patience and mutual trust can be continued under your supervision at school.
>
> In the event that a problem arises with regard to my child's scholastic progress or conduct, please do not hesitate to contact me. You may be assured of my full co-operation.

What would be the reaction of the Minister of Education in this State should any parents sign such a letter and send it to the principals of schools which their children attend? Would the signing and sending of such a letter to the school principal be respected by principals in South Australia, and what advice would the Minister give school principals regarding the action they should take if this form were used by parents in South Australia?

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to the Minister of Education and bring back a reply.

MISLEADING ADVERTISING

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation prior to asking the Minister of Community Welfare a supplementary question on real estate advertising.

Leave granted.

The Hon. FRANK BLEVINS: In his previous answer the Minister suggested that no complaints had been received by his department about such advertising, and therefore he did not believe that such a problem existed. I dispute that opinion. Does the Minister agree that some real estate agents' advertisements are something of a joke? Will the Minister ask the real estate agents' professional association to advise its members to exercise restraint in their advertising so that the descriptions given of properties more accurately reflect the true nature of the properties offered for sale or rent?

The Hon. J. C. BURDETT: I do not look very much at real estate advertising. Those portions of the *Sunday Mail* I usually discard. I am not aware that the advertisements are something of a joke. If the honourable member would like to give me some concrete examples, I will investigate them.

The Hon. Frank Blevins: So, the answer to the first part of my question is "No". It was a two-part question.

PRICE CONTROL

The Hon. J. E. DUNFORD: I seek leave to make a statement before asking the Minister of Consumer Affairs a question in relation to price control.

Leave granted.

The Hon. J. E. DUNFORD: As reported at page 446 of *Hansard*, on 30 October 1979 I asked this question of the Minister:

> I should like to ask a supplementary question of the Hon. Mr. Burdett. Can he tell the Council who are the people on the committee conducting the review of the Prices Act?

In reply, the Hon. Mr. Burdett stated:

> This is a matter for the Government and Cabinet and I do not think it should be revealed at this stage.

I ask whether the Government and Cabinet have reached a stage where they can inform the Council on the matter and give me a reply to the question.

The Hon. J. C. BURDETT: The committee has now ceased to function, and the Government's policy about price control has been announced and commented on by the Opposition. The committee was an inter-departmental one at officer level. It was not a formal committee of any kind, and I do not think it appropriate to say who the members were.

The Hon. B. A. CHATTERTON: I would like to ask a supplementary question about the occasion that the Minister announced the review of prices. I do not know that he said that the review would include a review of the minimum prices of grapes. I may have missed his announcement, but I do not think he spoke about minimum prices for grapes. Now that the inquiry has been completed, can the Minister say what the policy of the Government will be in future regarding minimum prices of wine grapes in this State?

The Hon. J. C. BURDETT: It was simply an inter-departmental inquiry about price control. The committee reported entirely, really, about maximum price control. Regarding minimum price control of wine grapes, it was recommended that a working party be set up by the Minister of Consumer Affairs and the Minister of Agriculture to discuss the matter. That has been done. A further and different working party has been set up. It is an inter-departmental one, not a public inquiry, and it is to investigate minimum price control for wine grapes. The reporting date given to that party is 30 June 1980, so there would be time for any changes contemplated to be implemented before the next vintage.

I think it fair to say that it is very much recognised by me and the Government that we cannot just have open slather on wine grapes. There must be some form of control, and various sectors of the wine grapegrowing industry have suggested that an alternative to minimum price control may be a grower marketing organisation similar to that in the citrus industry and similar to the Potato Marketing Board, the Wheat Board, the Barley Board, and all the others. I am not sure that the setting up of another marketing board will be the answer but I think it fair to say that I and the Government are satisfied that there must be some form of control over the minimum prices of wine grapes, whether it be by way of continuation of the pricing system under the Prices Act (and I have nothing against that) or by a marketing board. As far as I am concerned, it is mainly a question for those involved, the growers, the winemakers, and others. If they can come to an agreement, the Government will support whatever agreement they come to, provided it is not contrary to the public interest or the interest of consumers. The honourable member can be assured that I will not be satisfied with just abolishing some form of control over minimum prices for wine grapes.

AIR POLLUTION

The Hon. J. R. CORNWALL: I seek leave to make a statement prior to asking a question of the Minister of Community Welfare, representing the Minister of Environment, regarding daily air pollution reports.

Leave granted.

The Hon. J. R. CORNWALL: Over a period of many months, I have persistently tried to bring the attention of people to the condition of the Adelaide air shed and to how vulnerable it is to pollution because of regular and severe inversions that occur over the Adelaide Plains. I have found that it is not easy to generate wide public debate, and one reason for that is the small amount of information available to the general public. The Victorian Environment Pollution Authority issues daily reports on air quality that are published with the weather reports in the daily press. The E.P.A. report gives levels in regard to ozone, total oxides of nitrogen, nitric oxide, sulphur dioxide, carbon monoxide, air particle index, pollution index, and a general summary of the status of air pollution on any particular day. It seems to me that this is an excellent idea and a system that ought to be investigaged and instituted here as a matter of urgency. Will the Minister investigate this possibility in South Australia?

The Hon. J. C. BURDETT: I will refer the question to my colleague and bring down a reply.

SCHOOL BUILDINGS

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to directing a question to the Attorney-General, representing the Minister of Education, regarding prefabricated school buildings.

Leave granted.

The Hon. M. B. DAWKINS: Members will be aware that over the years a series of different types of prefabricated school buildings has been used. Some years ago, members were able to go to the first Samcon school, and that school was revisted by members of the Public Works Committee not long ago. Since then, Samcon buildings have been superseded by Demac buildings, and certain other buildings have been used. I understand that the Government intends to wind up the construction of Demac buildings, which, as honourable members know, are buildings of which I do not approve. In some cases, a Demac building, whilst it may provide accommodation, has been the worst looking building on the site. In view of the fact that the Government intends to cease the construction of Demac buildings, does it intend to substitute them with a more acceptable form of prefabricated building, or is it intended to concentrate on solid construction?

The Hon. K. T. GRIFFIN: I will refer the question to the Minister of Education and bring back a reply.

REPLIES TO QUESTIONS

The Hon. K. T. GRIFFIN: I seek leave to have a schedule of answers to certain questions inserted in *Hansard* without my reading them. They are replies to questions asked in the early part of the session that have been replied to by letter since.

Leave granted.

NUCLEAR ENERGY

In reply to the **Hon. N. K. FOSTER** (11 October).

The Hon. K. T. GRIFFIN: The replies are as follows:

1. The nuclear industry has an outstanding record of safety protection measures and the accidents referred to,

although serious at the time, resulted in no loss of life or any serious contamination of the environment. They have led to modification and improvement in plant design and operation.

2. The Government is satisfied that the safeguards prescribed by the Commonwealth and administered by the Commonwealth Safeguards Office together with international safeguards that will be applied by the International Atomic Energy Agency are adequate for the sale of uranium to customer countries. When specific sales are imminent it will consult with the Commonwealth on detailed requirements that may be deemed necessary.

3. The Marcoule plant for vitrification of waste handles on a commercial basis mainly spent fuel wastes from graphite reactors charged with natural uranium fuel. It has been used experimentally for vitrification of wastes from light water reactors using enriched uranium fuel. The commercial plant for these latter wastes is being built at La Hague where wastes from other countries will also be vitrified, notably Sweden which has contracts with COGEMA, the operating company, for reprocessing and vitrifying spent fuels from the Swedish electricity plants.

4. The bilateral agreements have been discussed from time to time between Commonwealth and State Government officers and will be further reviewed when mining interests apply for mining rights.

They relate essentially to safeguards which are adequately couched in general terms. As stated previously the State can consult with the Commonwealth on conditions that it may further desire to have included either in sales contracts or amendments to bilateral agreements.

5. The statement of the Deputy Prime Minister has not been received. It will be studied and a further reply provided.

URANIUM WASTE DISPOSAL

In reply to the **Hon. BARBARA WIESE** (16 October).

The Hon. K. T. GRIFFIN: The reference in *Newsweek* is at variance with the French and British findings that the French technique produces a glass that meets all the requirements for long-term permanent storage.

If the technical evidence can be obtained by the honourable member to substantiate the statement, the matter can be further examined.

POLICE WEAPONS

In reply to the **Hon. C. J. SUMNER** (18 October).

The Hon. K. T. GRIFFIN: The matter was taken up with the Chief Secretary and subsequently considered by Cabinet. It was the Government's decision not to interfere with the decision of the Commissioner of Police regarding exposed firearms.

HARRISBURG NUCLEAR POWER STATION

In reply to the **Hon. N. K. FOSTER** (24 October).

The Hon. K. T. GRIFFIN: The Presidential Report referred to by the honourable member will be sought through the Commonwealth Minister of Foreign Affairs.

There was no disaster at Three Mile Island near Harrisburg. It was an accident in which no-one was either killed or injured.

The accident was ultimately controlled by the plant safety systems, though there has been strong criticism of the designers, operators and Nuclear Regulatory Commission in being unable to come to grips with the accident for several days. Safer and more controlled practices are already foreseen.

NORMANVILLE SAND DUNES

In reply to the **Hon. N. K. FOSTER** (25 October).

The Hon. K. T. GRIFFIN: There are no mining leases over the Normanville sand dunes although an area of some 28 hectares was in 1973 proclaimed to be a private mine for which a mining and rehabilitation plan exists.

This private mine is part of freehold land of 41 hectares, which is owned by A.C.I. It represents less than 30 per cent of the Normanville sand dune system. This "mine" is virtually in two parts, north and south of the township of Normanville. Sand resources from each area would be fairly evenly divided. To assist in understanding the location of the "mine", I am enclosing a plan of the area.

Mining was commenced in the northern "half" in 1969, and has proceeded in accordance with an approved plan of work. In certain respects the company have to reinstate certain levels to the satisfaction of the Yankalilla council. Rehabilitation of worked out areas has been conducted systematically with supervision of results being conducted by the company's own consultant botanist, the Department of Mines and Energy and an officer of the Botanic Gardens.

Mining on the southern half may require a planning approval. In any case such mining would require the submission to the Chief Inspector of Mines of a programme of working and rehabilitation for approval. Such procedures are normal for any mining operation—including councils—in the State.

The sand dune area immediately to the landward side of the dune range does not form part of the private mine and the department does not know of any plans for the development of this area.

I trust that this information is of some assistance to you and apologize for the delay in letting you have a reply.

KAMPUCHEA

In reply to the **Hon. FRANK BLEVINS** (31 October).

The Hon. K. T. GRIFFIN: The Government was aware of the contributions made by the various State Governments to the Kampuchean appeal when consideration was given to this matter. The South Australian Government contributed an amount identical to that of Victoria and Western Australia.

COAL

In reply to the **Hon. R. C. DeGARIS** (1 November).

The Hon. K. T. GRIFFIN: The replies are as follows:

Ranking and characteristics of South Australia coal.

The Department of Mines and Energy in 1974 commissioned the Australian Mineral Development Laboratories to characterise South Australian coal deposits in terms of their potential end uses.

Their report in 1975 pointed up the need to gather further data and, accordingly the department undertook extensive drilling in basins prospective for coal that resulted in the discovery of the Lock coal deposit.

During the past several years Electricity Trust of South Australia and the Department of Mines and Energy jointly have undertaken drilling at Leigh Creek, Lock and near

Port Wakefield to more fully delineate reserves and to assess coal types and qualities through extensive analyses. The compilation and interpretation of these analyses is continuing.

The Department of Mines and Energy recently commissioned Amdel to undertake studies on in situ gasification of coal and the possibility of using Wakefield coals in a combined process of pyrolitic hydrocarbon generation and burning resultant chars and gases for power generation in liaison with the Electricity Trust of South Australia.

Combustion characteristics of coal.

The Electricity Trust is currently doing work on the combustion characteristics of coal from the Wakefield deposits. These appear at present to be the most likely source of fuel for future power generation in South Australia.

So far various laboratory scale tests have been done in Australia and overseas. As a result of these, work is now in progress on excavating a trial pit near Bowmans to obtain a sample of several hundred tonnes of coal for pilot scale combustion tests in the United States and Germany.

The cost of this work, approximately $4 million, is being financed by the Electricity Trust from its own resources except for a small Federal grant of $270 000 recommended by the National Energy Research Development and Demonstration Council.

With regard to the first part of the question, the attached table shows the main characteristics and ranking of the major known deposits of coal in South Australia. The Cooper Basin deposits are too deep for recovery by any practical methods available at present. No information is available so far about the recent discovery in the South East.

REDCLIFF

In reply to the **Hon. L. H. DAVIS** (7 November).

The Hon. K. T. GRIFFIN: Studies are in hand on the development options for Cooper Basin liquids either at Redcliff or Port Stanvac. Consideration is also being given to the possibility of early development of the liquids.

The intention is to have the necessary facts to decide on the route and structure of a liquids line by the time of the Dow decision in about mid-1980, or earlier if appropriate.

NUCLEAR WASTE

In reply to the **Hon. J. R. CORNWALL** (4 December).

The Hon. K. T. GRIFFIN: In response to your letter dated 4 December 1979 concerning the disposal of radioactive material at Radium Hill, I am able to confirm that consideration has been given only to the placement of low level wastes of local origin. These include samples derived from drilling operations and by-products of former mining activity and treatment in this State.

This Government has no intention of taking wastes from overseas for storage or disposal.

Action is being taken to excise the area of the Radium Hill Mine from the pastoral lease which surrounds it. To date, no material has been transferred to the site of previous mining operations.

S.G.I.C.

In reply to the **Hon. N. K. FOSTER** (13 November).

The Hon. K. T. GRIFFIN: On 13 November 1979 you asked a question in Parliament about the State Government Insurance Commission. I took up this matter with the Treasurer, who has now informed me that the answer to your question is that the Government does not intend to discredit or boycott the State Government Insurance Commission.

NARCOTICS

In reply to the **Hon. J. E. DUNFORD** (13 November).

The Hon. K. T. GRIFFIN: On 13 November 1979 you asked a question in Parliament concerning a newspaper article on narcotics. I took up the matter with the Chief Secretary, who has now informed me that he had the matter investigated but is satisfied that there is no evidence to support the newspaper statements referred to so far as South Australia is concerned.

SERVICE STATIONS

In reply to the **Hon. K. L. MILNE** (13 November).

The Hon. K. T. GRIFFIN: During Question Time in the Legislative Council on 13 November 1979 you addressed several questions on the ownership of service stations to the Minister representing the Minister of Transport. As the Motor Fuel Distribution Act, 1974-1979, is under my administration, the matter has been referred to me for reply.

Soon after taking over the Industrial Affairs portfolio, the Minister wrote to the Minister for Business and Consumer Affairs, Mr. Fife, seeking clarification of the Federal Government's intentions with respect to the package of measures on petroleum marketing which were announced on 30 October 1978. He has now received a reply and has forwarded to the honourable member a copy of the text of Mr. Fife's press release of 23 October 1979.

As the Minister is currently examining the history of this matter, he is not in a position to answer your specific questions, other than to advise that no approach has been made to the Federal Government to change its recent decision. Nevertheless, he can assure you that the general approach of the South Australian Government will be to support measures which will maintain competition in the petrol retailing sector and guarantee fair dealings between oil companies and lessees/licencees.

PINBALL MACHINES

The Hon. C. W. CREEDON: I am not sure to whom I should direct this question. A large number of pinball machines have been installed in recent times. We have read reports in newspapers on their growth in number and on who uses them. The opinion seemed to be that the youth of our community were the main supporters and that some schoolchildren spent large amounts to cater for their hobby. The fact is, of course, that people can be inveigled into unlawful acts in order to support their addiction. The machines may be well run, but that is hardly the point when someone is making large profits from schoolchildren. I have always been reluctant to support the introduction of the poker machine, but I see little difference. At least poker machines sometimes give some return to the gambler.

Is the Government making any inquiry into the installation and use of these machines? If it is, will the report be available to Parliament? Is the Government going to continue to allow the introduction and use of

these machines as a prelude to the quiet introduction of poker machines?

The Hon. J. C. BURDETT: The operation of pinball parlours is within my administration of consumer affairs and my administering the Places of Public Entertainment Act. The actual control of the machines is vested in the Minister of Recreation and Sport. The Government has been concerned about the very matters that the honourable member has raised. We have not undertaken a formal inquiry and, therefore, there will not be any such inquiry the results of which can be transmitted to the honourable member.

However, we are concerned about the type of machine that is operated. Certainly, we are not prepared to allow anything like a poker machine to be introduced. I agree with the honourable member that some of the machines that are presently operating come very close to it. We are concerned about that, and we are considering changing the regulations which control these machines to give me, as Minister of Consumer Affairs, the right to prohibit various specific machines.

CIGARETTES

The Hon. FRANK BLEVINS: I seek leave to make a brief explantion before asking the Minister of Community Welfare, representing the Minister of Health, a question about cigarette smoking.

Leave granted.

The Hon. FRANK BLEVINS: The Minister of Community Welfare was kind enough to relay a question I asked on 16 October 1979 to the Minister of Health relating to the marking of tar and nicotine levels on cigarette packets so that people could be aware of how much damage they were doing to themselves with one particular brand of cigarettes in comparison with another. I was delighted with the reply given to me, which was a good answer from the Minister, who agreed with my proposition. She is going to endeavour at the next conference of Health Ministers to discuss this matter and hopefully arrange a time table for having this measure implemented. Obviously, as the Minister has such concern about the damage caused to people who smoke cigarettes, I wonder whether, at the next conference of Health Ministers, the Minister would also raise the proposition that perhaps a lower excise be levied on safer cigarettes; that is, those cigarettes with a lower tar and nicotine content. It could apply on a similar basis as is being discussed in relation to the sales tax on motor cars: the more fuel efficient the car, the lower the sales tax that will apply. Therefore, will the Minister bring up the question of a lower excise on safer cigarettes at the next conference of Health Ministers?

The Hon. J. C. BURDETT: I know that the Minister of Health is very sincere about the effects of cigarette smoking. I will refer the honourable member's question to her and bring down a reply.

DIRECTOR-GENERAL OF AGRICULTURE

The Hon. B. A. CHATTERTON: My question is directed to the Minister of Community Welfare, representing the Minister of Agriculture. On 6 November 1979 the Hon. Mr. Blevins asked the Minister why the position of Director of Agriculture had been changed to Director-General simultaneously with his responsibilities being reduced by the removal of the Fisheries Division. I do not see the answer to the question in those answers that were given yesterday by the Minister. As this question is of interest to several honourable members, can the Minister seek the answer and have it incorporated in *Hansard*?

The Hon. J. C. BURDETT: I shall be pleased to obtain the answer from my colleague and see that it is incorporated in *Hansard*.

SELECT COMMITTEE ON URANIUM RESOURCES

The Hon. C. J. SUMNER (Leader of the Opposition): I seek leave to move an amended form of the motion that I gave notice of yesterday. I point out to the Council that the substance of the motion is no different from the original motion, and I have distributed copies of my amended motion.

Leave granted.

The PRESIDENT: Order! Before the Leader proceeds with his motion, I should like to draw the attention of honourable members to the provision of Standing Orders. Standing Order 190 provides:

> No reference shall be made to any proceedings of a committee of the whole Council or of a Select Committee until such proceedings have been reported.

May's *Parliamentary Practice*, 19th Edition, states on page 424, concerning reference to proceedings in Select and Standing Committees that:

> The proceedings in, and report of a Select Committee may not be referred to in debate before they have been laid upon the table.

Legislative Council Standing Order 383 provides:

> Leave may be granted to a committee, on the application of the Chairman, on motion without notice, to report, from time to time, its opinions or observations, or the minutes of evidence only, or its proceedings.

As the proceedings of the Select Committee on Uranium Resources to date have not been tabled, it would not be in order to refer to them in debate. There is no reservation in Standing Order 190, which has been rigidly adhered to in the past and it is my intention to rule that any reference in the Council to the proceedings of this committee, until such time as the proceedings have been reported, will be out of order. Therefore, I would ask all honourable members who intend speaking in this debate to bear this in mind.

The Hon. C. J. SUMNER: I thank the Council and honourable members for the leave that they have granted me to move my motion in a slightly amended form, although its substance is no different from the original motion. I move:

> That in the opinion of this House—
>
> (1) the Select Committee on Uranium Resources should conduct its proceedings according to the following principles:
>
> (i) when it is examining witnesses, strangers shall be admitted, and
>
> (ii) publication of evidence taken and documents presented to the committee shall be permitted, except that—
>
> *(a)* in special circumstances (including the requirements of confidentiality, the committee may decide to sit in camera and in such case strangers shall be excluded and disclosure of such evidence or documents shall not be made or published to any other person without the permission of Council until such evidence and documents have been presented to the Council; and

(*b*) strangers shall always be excluded when the committee is deliberating.

(2) the committee should release for publication all evidence given and documents presented up to and including the date and time of passage of this motion in accordance with the principles enunciated in paragraph (1) hereof.

It is with some reluctance that I feel constrained to proceed with this motion today, because it appears that the Select Committee on Uranium Resources, established by this Council, has had a change of heart with respect to the admission of the public and the publication of its evidence before it reports to the Council.

However, I have not received any official notification from the Chairman of the Select Committee about this change in procedure. I am not sure about the details of this change in procedure, and accordingly, at this stage, I feel that in order to protect my previous position on this issue, I should proceed with this resolution. Mr. President, you and other honourable members will recall that on 7 November last year a resolution was passed in this Chamber setting up a Select Committee on uranium resources.

Part of that resolution was that, if the committee were to be set up, then under Standing Order 398 the Council gave approval to the committee to publish its evidence, if it saw fit, before it reported to the Council. That formula was used in this Chamber when, on motion of the Hon. Mr. DeGaris, a previous Select Committee was set up last year to look into energy resources in general. I believe that the contemplation of the Council in granting that approval to the committee was that the Select Committee would allow the press to publish its evidence as it received it.

Following the setting up of the committee, it would have been possible, under Standing Order 396, for it to admit strangers. That procedure is clearly available under Standing Order 396, which states:

When a committee is examining witnesses, strangers may be admitted, but they shall be excluded at the request of any member or at the discretion of the Chairman, and shall always be excluded when the committee is deliberating.

Clearly, strangers may be admitted under that Standing Order, unless someone in the committee or the Chairman refuses to allow the strangers to be admitted.

With the approval given under Standing Order 398, which is the approval to publish evidence, the committee, if it wished, could have provided the press and members of the public with access to its evidence and the publication of its evidence. If this Council had believed that the Select Committee should not allow publication of any evidence, it would have been completely futile to pass the motion giving approval of the Council to publish that evidence.

The next part of the story occurred on 22 December last year when I believe the Select Committee was hearing evidence. According to press reports, that evidence was from Mr. Justice Fox, who is Australia's ambassador at large on nuclear matters. According to the *Advertiser* of the next day, the press and some members of the public had attempted to gain admission to hear and report Mr. Justice Fox's evidence, but they were refused admission. Following that, the Chairman of that committee made a statement that was published in the *Advertiser* of 22 December, as follows:

Mr. Burdett said that under Standing Orders, strangers could be admitted by the committee, but they would have to retire if any member of the committee so requested.

However, the Hon. Mr. Burdett did not point out that the Council itself had given approval for the publication of evidence, which is primarily what the press was concerned about.

After it became obvious that the Select Committee was not going to admit strangers or allow the publication of evidence from persons such as Mr. Justice Fox, who I believe is the sort of person that the Council was thinking about when it gave the committee power to publish its evidence—which is in contravention of the spirit and intention of the resolution that was passed by this Council when it set up this Select Committee—I wrote to the Chairman of the committee, the Hon. Mr. Burdett, on 24 December. That letter reads as follows:

It is now clear that the Select Committee which you chair on uranium has refused entry to members of the public and has decided against allowing the press to report the proceedings. I am writing to you with the request that the committee and its members who have taken this action should reconsider their decision before proceeding with further evidence.

I believe that the arguments for allowing open hearings of a Select Committee such as this are overwhelming and would ask you and the members of the committee to consider the following matters.

1. The question of uranium mining and the nuclear fuel cycle is a matter of great public interest, not only in South Australia but throughout the world. It is of particular interest here because of the uranium deposits which exist and which the Government has said will be mined.

2. In answer to a question on 11 October 1979 in the House of Assembly, the Minister of Mines and Energy, Mr. Goldsworthy, stated, "The Government is seeking to give the public accurate information; it does not want to put anything over the public. The Government wants to give the public the facts. This Government intends to put facts to the public in relation to the whole of the uranium issue".

Surely, the cause of informing the public would be enhanced by allowing open hearings and day-by-day reporting by the press.

3. It is Government policy that Select Committee hearings should be held in public (or at least it was prior to 15 September).

On 25 October 1978 Mr. Goldsworthy, then the Deputy Leader of the Opposition, moved in the House of Assembly a motion expressing an opinion that "hearings of Parliamentary Select Committees should be held in public . . ." In speaking to the motion Mr. Goldsworthy made these comments, "If we believe in open government, this motion must commend itself to the House."

They are very high sounding words from the former Deputy Leader of the Opposition in another place. My letter continues:

I hope that this motion will commend itself to the Government, in view of its stated policy that open government is a good thing.

Most committees of the Federal Parliament at least, and certainly of the Senate, have public hearings. Of course, this practice is to the public benefit. The less secretive we can make the affairs of Parliament, the more democratic Parliamentary operations are seen to be and, in fact are.

Despite what the Government says, there is plenty of precedent to indicate that this procedure occurs in relation to other Parliamentary Committees which have hearings in public. It is desirable that this be the case if we are to give more than lip service to the notion of open government."

As I have said, they are highly desirable sentiments from the Deputy Leader of the Opposition in October 1978, but I believe he has changed his view somewhat at the present time. My letter continues:

4. It is common practice for the hearings of Select Committees of other Parliaments to be in public. As Mr. Goldsworthy pointed out, this is the case in the Federal Parliament.

5. The Standing Orders do not prevent public hearings. Standing Order 396 specifically says strangers may be admitted when the committee is examining witnesses. If no objection is raised by committee members, then the public may attend.

Under Standing Order 398 the Legislative Council has given your committee authority to allow publication of evidence. This was done at the time the committee was established and is an important part of my submission.

Had the Council wished the committee to hold its meetings in secret and not publish its evidence, there would have been no need for the motion granting the committee permission to publish. However, I believe that the committee is not following the spirit of the Council resolution. The Council clearly anticipated the desirability of making evidence public and empowered the committee to do so. Obviously, in some cases of confidentiality, the committee could sit in camera, but I do not believe that the Council expected the whole of the evidence to be kept secret. If it had, the motion granting permission under Standing Order 398 is clearly superfluous.

I have been informed by two members of your committee, the Hon. J. R. Cornwall and the Hon. N. K. Foster, that they will raise no objection to strangers being present or to the evidence being published. In view of the apparent Government policy supporting open Select Committee hearings, I have sent a copy of this letter to the Premier with the request that he inform your committee of this policy and add his weight to my representations. I would appreciate it if you could place this letter before your committee at its next meeting and advise me of its response to my request at your earliest convenience.

On 24 December, I wrote to the Premier in the following terms:

You will no doubt now be aware that the Uranium Select Committee which was set up by the Legislative Council has refused to admit the public, or allow publication of the evidence. I am enclosing a copy of a letter I have sent to the Chairman of that committee, your colleague the Hon. J. C. Burdett, M.L.C., requesting that reconsideration be given to this decision. The arguments are fully stated in that letter.

My purpose in writing to you is to seek your support for my request. I feel sure that you are unhappy about the committee's decision as it clearly contravenes your pre-election policy, and is in conflict with statements made by your deputy, Mr. Goldsworthy, both since obtaining office and while you were in Opposition.

Should you agree with the comments made by me in my letter to Mr. Burdett, I would be most grateful if you could add your support to my submissions. Could you please let me have a reply at your earliest convenience.

The history of those letters is that to the present time I have received no reply from the Chairman of the committee (Hon. J. C. Burdett), despite the fact that one of the letters was written almost two months ago. Surprisingly, I did receive a kind of reply from Roger Goldsworthy, who was Acting Premier during January. I say "a kind of reply" because we have become somewhat used to the kinds of reply that take off at a tangent and make no attempt whatsoever to answer questions put to the Government by the Opposition.

I was thankful to receive a reply, however, as in other areas I have been waiting 2½ to three months for replies from the Government but nothing has been forthcoming. On this occasion, Mr. Goldsworthy must have thought that this was a simple matter to which he could reply easily or that he could just avoid the problem in any event. That is precisely what he did with this reply, as follows:

You wrote recently to the Premier regarding the question of Uranium Select Committee hearings being open to the public. This Select Committee was set up by the Legislative Council and was not initiated by the Government. Under these circumstances, it is appropriate that the Legislative Council are not dictated to by the Government.

As I have stated previously, the report of the committee and all evidence, other than evidence directed by the committee not to be recorded, will be made public at the appropriate time.

This is another prime example of the sort of replies that we are used to receiving to simple requests made of the Government.

The Hon. J. C. Burdett: That was a good reply.

The Hon. C. J. SUMNER: I thought that it completely missed the point. I was not in the least trying to suggest to the Government that it should dictate to the Select Committee. I have been in this Upper House for—

The Hon. M. B. Cameron: Too long.

The Hon. C. J. SUMNER: —too long to expect that honourable members opposite, particularly the Hon. Mr. DeGaris, would be dictated to by Governments. I know that the Hon. Mr. DeGaris objects strongly to being dictated to by Governments, particularly Labor Governments, although I have never really noticed that he does not buckle under when the Liberal Government cracks the whip.

I was not suggesting that the Government should dictate to the Select Committee or the Legislative Council: I was merely suggesting that perhaps the Premier or Deputy Premier, in view of their policy, might like to write a nice, mild-mannered letter to the Chairman of the committee setting out their policies. That is all that I expected. I did not expect any dictation or any authoritarian move by this Government. Rather, I wanted merely a simple letter saying, for example:

Dear Mr. Burdett, As you will appreciate, the Liberal Party's policy on this matter is clear. The Government made it clear to the people of South Australia in 1978 that it wanted Select Committee hearings to be open. Now, while I appreciate that the Legislative Council has set up its inquiry, I believe that the committee has power to open the hearings, and I therefore plead with you, Mr. Burdett, and your committee to take account of the Government's policy, or at least to allow the Government's policy to be put before the committee as one of the factors that you might like to consider.

That is all that I was asking. However, I got this funny reply about their not wanting to dictate to the Select Committee. They are not keen to give a simple letter setting out their policy, because they do not want to be reminded of it. Their policy of November 1978 is no longer their policy. This is yet another example of a policy which existed for all the world to see before 15 September 1979 but which has now been hidden as quickly as possible.

Following that letter from the Acting Premier, I did not hear anything further, although I did see in a report in the 19 January issue of the *Advertiser* that the Hon. Mr. Burdett was still adamant that the proceedings of the Select Committee should not be open to the public. That report states:

The Minister of Consumer Affairs, Mr. Burdett, who is Chairman of the six-member committee, said yesterday he had nothing to add to what he had said previously about the committees' closed hearings.

Last year, when protests were made about the closed hearings, Mr. Burdett said he had never served on a Select Committee where strangers were admitted.

So, at that time the Hon. Mr. Burdett had not changed his mind.

The Hon. J. C. Burdett: I didn't say that.

The Hon. C. J. SUMNER: The Hon. Mr. Burdett said that he had nothing further to add. Previously, he had said the committee hearings would be closed.

The Hon. J. C. Burdett: No.

The Hon. C. J. SUMNER: That is what the Minister told the *Advertiser* in December. I have just read it to him.

The Hon. J. C. Burdett: That is not what I said. I said that I had not served on a Select Committee that had been open to the public.

The Hon. C. J. SUMNER: That is not what the Hon. Mr. Burdett said in December. He said then that the Select Committee's hearings would not be open.

The Hon. J. C. Burdett: But what you quoted was simply my statement that I had not served on a Select Committee that had been open to the public. If you want to quote something else, that is all right.

The Hon. C. J. SUMNER: The Hon. Mr. Burdett certainly left the impression with the press that the committee's proceedings would not be open to the public. He said, "I have served on many Select Committees, and on no committee on which I have served has the public been admitted." That is exactly what he said. He certainly did not suggest in any way—

Members interjecting:

The PRESIDENT: Order!

The Hon. C. J. SUMNER: —that the committee would open its proceedings. The Hon. Mr. Burdett could easily have indicated that the committee had decided to open its proceedings, in the same way that he made his statement yesterday. The Select Committee heard in secret the evidence given by Mr. Justice Fox and, when the press approached him about it, the Hon. Mr. Burdett said that it was the normal practice for evidence to be heard in secret, despite the fact that he was instructed by this Council, in effect, to allow publication of the evidence. He was permitted to do that.

If he had not expected some of the evidence to be made public then no such instruction or approval need have been given by the Council. The Minister continued on in January with the statement which the press assumed meant that the committee would not be open to the public. In fact, the *Advertiser* of 19 January, under the heading "U hearing to stay secret," stated:

> The Parliamentary Select Committee on Uranium Resources will not be open to the public.

The press obtained a definite impression from the Hon. Mr. Burdett that what was done in December (which was not to open the hearings to the public) would remain at least into January.

On 19 February the *Advertiser* stated that I intended to move in this Council that the committee be instructed to admit strangers and to allow publication of its evidence. That was yesterday. Today, one sees a small notice in the *Advertiser* headed "U inquiry could be open to public", and stating:

> A Legislative Council Select Committee inquiring into South Australia's uranium resources will be opened to the public—if witnesses agree. This was announced yesterday by the committee Chairman, the Minister of Community Welfare, Mr. Burdett.
>
> Evidence given to the six-man committee since it first met in November also will be made available to the press—with witness approval. The press will be admitted to all future meetings.

So, after apparently trying his hardest not to permit the hearings to be public and not to permit strangers to be admitted, when confronted with a motion to be moved in this Council forcing the committee to carry out the spirit of the resolution passed in November last year, Mr. Burdett and the committee caved in and decided that the hearings should be open to some extent. I have received no formal reply to my letter in which I asked Mr. Burdett whether the committee would do certain things. He has now apparently replied by means of the press, and he has not done me the courtesy of a personal reply.

When I said at the beginning of my speech that I was moving this motion with some reluctance, it was because at this stage I have no firm promises before me from the committee as to what it intends to do in future in response to my letter. Accordingly, I feel constrained to proceed at this stage with the motion, because I have nothing definite, apart from a very sketchy press release from the Hon. Mr. Burdett, to indicate whether or not the committee, in the future conduct of its proceedings, will carry out the spirit of the resolution passed by this Council in November.

In the motion, I am suggesting to the Council that there ought to be certain principles applied to this committee in the conduct of its proceedings. One is that, when it is examining witnesses, strangers shall be admitted. That is permitted under Standing Order 396, provided no member of the committee or the Chairman objects to it. There is no problem with that, provided members of the committee are in agreement with it. The second aspect of the motion is that the publication of evidence taken and documents presented to the committee shall be permitted. In the resolution passed in November, we gave the committee approval to publish its evidence, but it has apparently refused to do so. This resolution would state that in the opinion of this Council publication of the evidence should be permitted. In other words, it is tantamount to a direction to the Select Committee, except of course (and this is in the motion) in special circumstances, which gives the committee a let-out; in special circumstances it may decide to sit in camera. One can think of a situation where confidentiality is required on certain matters, and this committee should sit in camera, strangers not being admitted and evidence not being published unless it is approved by this Council when the committee reports its findings.

The general principle embodied in this motion is that the hearings of the Select Committee should be public but that there are special circumstances, such as confidentiality, when the committee can go into camera. The motion preserves what is obviously a very desirable requirement, namely, that strangers should be excluded when the committee is deliberating. The final aspect of the motion is that the committee should release for publication all evidence given and documents presented up to this date, in accordance with the principles enunciated earlier in the motion.

I have felt constrained to proceed with this motion. The first motion, which I moved in lieu, of that of which I gave notice yesterday, merely expresses the opinion of this Council, and this is the motion we are debating at present. Depending on the result of that motion, I may or may not move the following:

> That Standing Orders 396 and 398 be suspended and that the Select Committee on Uranium Resources be instructed to proceed in accordance with the principles enunciated in the resolution passed by Council.

I do not know whether it will be necessary to proceed to consider that motion. At this stage I am interested to hear what the Chairman of the committee has to say. I shall be interested to know whether he intends to reply to my letter and let me know whether the matters I have requested in that letter are to be carried out by the committee. Depending on the response that I receive from the Chairman of the committee, I will then consider what ought to be done with the subsequent motion regarding

the suspension of Standing Orders that I have foreshadowed.

The PRESIDENT: Is there a seconder for the Hon. Mr. Sumner's motion?

The Hon. FRANK BLEVINS: Yes, Sir.

The Hon. J. C. BURDETT (Minister of Community Welfare): I am opposed to the motion, simply because it is unnecessary at present. I acknowledge that the Leader, through no fault of his own or anybody else's, has been labouring under some difficulty, but because of the rules about confidentiality of the deliberations of the committee it has not been possible—and it is not possible now—to tell him directly anything about them. Frankly, Mr. President, I am disappointed that the Hon. Mr. Sumner has adopted this unusual course today. It can only be construed as an obvious attempt, not only to ride roughshod over the careful and proper deliberations of this Select Committee by taking a second bite to vary the original motion passed by this Council last November, but also as a belated ploy to score Party-political publicity on an issue which, if the Hon. Mr. Sumner has read yesterday's and this morning's press, is a *fait accompli*. That is because the news release stated:

> The press and the public will be admitted to all future meetings of the Legislative Council Select Committee on Uranium Resources subject to the consent of each particular witness, and all evidence which has been given so far will be made available to the press and the public upon consent of the witnesses who have given evidence.

The Hon. C. J. Sumner: Why don't you reply to my letter?

The Hon. J. C. BURDETT: Your letter is in the course of being replied to. You will receive an official reply. The meeting was held only yesterday. We have considered the request in your letter and are dealing with the matters you have raised. In opposing the motion, I will amplify some points briefly. Whilst Standing Orders are not sacrosanct, they are not to be taken lightly. This Council has in the joint wisdom of all honourable members since its inception adopted and progressively refined Standing Orders, such that the present set of Standing Orders copes more than adequately with most situations and certainly with the move which the Hon. Mr. Sumner is attempting today.

The Hon. Mr. Sumner's motion attempts to downgrade the status of this Uranium Select Committee and the competence and integrity of its members. The Hon. Mr. Sumner should again be reminded that it was he, on behalf of his Party, who successfully moved on 7 November last for the establishment of the committee and its composition it was he who moved:

> That the Council permit the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

The Hon. C. J. Sumner: You didn't do it.

The Hon. J. C. BURDETT: We have now. If it was good enough for the Leader then, it should be good enough now. His motion then seemed an attempt to delay Government initiative. His motion today is frivolous and unnecessary. Every honourable member should be aware that Standing Order 190 prohibits disclosure of the proceedings of a Select Committee. It is therefore not possible for me to divulge what was resolved yesterday at the committee meeting. But it should be pretty obvious that something must have happened culminating in a press statement referring to future admission of Press and public to our meetings and the disclosure of past and future evidence. The Leader makes much of open government.

The Hon. C. J. Sumner: No. I was quoting what Goldsworthy had said.

The Hon. J. C BURDETT: The Leader's original motion was for the committee to report on 4 March, which is a short time ahead. This is clearly impossible, because of the number of witneses who have given evidence or are still giving it. It is for this very reason—time constraint and anxiety to report—that an obvious facilitating move in the hope of meeting the deadline was that the committee could be left to get on with its proper and responsible deliberations without interruptions to proceedings and delays caused by the presence of outsiders and, in some cases, disorderly groups and individuals. This obviously was possible. The former approach by the committee was a commonsense approach.

The reason was to try to report on 4 March and, as has been stated, the whole report would have been made public. It was my view that, if we could have got on without public hearings, we could have made the evidence available to the public. This is one reason why Standing Order 190 exists.

The Hon. C. J. Sumner: You're two weeks off time now.

The Hon. J. C. BURDETT: That is why the change has come. Initially, it seemed likely to me that there would not be many witnesses and that we would be able to report on 4 March and be assisted in doing this by not having the disruption of public hearings.

The Hon. C. J. Sumner: That's the phoniest reason I have heard.

The ACTING PRESIDENT (Hon. M. B. Dawkins): Order! The Leader was heard in silence.

The Hon. J. C. BURDETT: It was sensible, because all the evidence, apart from that which is off the record, as the honourable member knows, taken in a Select Committee becomes published when the report is tabled. If we report early, we get the matter before the public early. I said that that would happen. Now it is obvious that it will not, because many people are to be heard. Therefore, because we cannot report at an early date and because the committee will go on for months, it will not matter much if the hearings are delayed and disrupted.

Without divulging the proceedings and decisions so far, it is fair to observe that the committee, while it had been given the power to disclose or publish evidence, had hoped to report and publish promptly. This now appears impossible. Yesterday's press announcement cannot be construed as an "about face" nor as an attempt to pre-empt the Hon. Mr. Sumner's moment of glory today. It was a conscious reconsideration of the time the Select Committee will take before its report has resulted in a decision, in the interests of so-called open government, to take yesterday's step. The Select Committee has not been secretive or withholding matters of public interest, but it seems the time has come to do what the committee was authorised to do within the Hon. Mr. Sumner's original motion.

In moving to suspend Standing Orders 396 and 398, the Hon. Mr. Sumner is seeking to take the conduct of the committee out of the hands of the committee and cause the committee to submit to a Council direction to admit strangers and publish evidence. This is anathema to the spirit and intention of Select Committees, and moreover is anathema to his original motion.

There is now no suggestion whatsoever (nor has there even been)—and it would be a reflection upon me as Chairman and all members whom the Hon. Mr. Sumner moved to have appointed—that any member of the committee will capriciously thwart or frustrate the intention of the motion of last November that the committee shall, wherever appropriate and respecting the wishes of witnesses, disclose and publish evidence. I give Mr. Sumner and the Council an undertaking, and I can

certainly speak for the other two Liberal members of the Committee, that this will be the case. I give the Council an undertaking that I will not use Standing Orders to thwart. It is obviously necessary that there must be some power to exclude strangers, in the interests of security, if someone behaves in a disorderly way or tries to disrupt the proceedings of the committee.

Further, I do not imagine that Mr. Sumner's colleagues nor the Hon. Mr. Milne would ever thwart or frustrate the proceedings of the committee. In passing today's motion the Council would be impugning the integrity of the committee and stultifying and perhaps even restricting its proper operation and deliberation.

There is simply no need for an instruction to the committee. Unless and until there is any suggestion that the committee is not operating within the original motion of 7 November and within Standing Orders, then the Hon. Mr. Sumner's motion today should be treated as political grandstanding, and defeated accordingly. I oppose the motion. The Hon. Mr. Sumner said that he moved it with some diffidence.

The Hon. C. J. Sumner: You wouldn't reply to my letter.

The Hon. J. C. BURDETT: It is being replied to.

The Hon. M. B. Cameron: He knows the reply.

The Hon. J. C. BURDETT: Yes. The Hon. Mr. Sumner said that he moved the motion with some diffidence. I oppose it with some diffidence and merely because it is not necessary. It has been stated publicly that the press will be admitted at future meetings, subject to the consent of witnesses, and that evidence will be made available to the press and the public, subject again to the consent of witnesses. That is all there is. For these reasons I suggest that the motion is unnecessary, and I oppose it.

The Hon. K. L. MILNE: There seems to be something happening which, with my lack of experience, I do not understand. However, if it is what I think it is, then it is all unnecessary. I am very disappointed at this, because this matter is being made Party political. The Opposition, in proposing the Select Committee, went to much trouble to avoid that. The Government would not have supported it if it thought it was going to be political.

Certainly, I would not have been invited or elected to the committee if it was going to be political, although I am grateful to have been elected to it. It seems that satisfactory powers were given to the committee when it was appointed, and it seems that the committee has now exercised those powers nearly 100 per cent towards what the Leader of the Opposition has claimed was intended by him when he moved to establish the committee originally.

I strongly believe that a committee in this position should be allowed to make its own decisions and conclusions without interference. It will be a most difficult situation for every member of the committee, for not only the whole State and the country but, as we have discovered, the whole world is interested in what is happening. We did not know that when we began.

I can assure the Hon. Mr. Sumner that, if what has been resolved and if what has been published (one can see what must have happened, as the committee Chairman said, from the press release), does not satisfy this Council, or a substantial number of its members in respect of the future performance of the committee, I will certainly be prepared to consider motions of this kind, but not now.

The Hon. R. C. DeGARIS: I rise merely on one point. I should like to support the views of the Hon. Mr. Milne and the last few words he said; that is, that this motion is quite unnecessary. I do not wish to go into the politics of the position in any way whatever.

The Hon. Frank Blevins: I bet you don't!

The Hon. R. C. DeGARIS: I do not. As the Hon. Mr. Milne has said, this question should be beyond being exploited for political ends. I am not making any claims as to who is making any exploitation of those matters at all, but we should begin to understand exactly what this Council decided and then, as the Hon. Mr. Milne said, the committee should make its own decision and conclusions, surrounded by the Standing Orders that govern that particular inquiry. One may look at the question elsewhere regarding the admission of strangers to Select Committees. I have had some difficulty in finding any cogent reason why Select Committees over many years in the Westminster tradition do not admit strangers.

Strangely, I have ascertained that Lower Houses tend to exclude strangers in their committees and that Upper Houses tend to allow strangers to attend. The admission of strangers had been laid down in the Standing Orders of many Parliaments, and I do not want to go through them. In the motion establishing the committee, this Council did not apply Standing Order 398 to the committee, but it did apply Standing Order 356. In the Senate, Standing Order 305 is exactly the same as our Standing Order 396. The Senate Standing Order provides:

> When a committee is examining witnesses, strangers may be admitted, but shall be excluded at the request of any Senator, or at the discretion of the Chairman of the committee, and shall always be excluded when the committee is deliberating.

Except for the use of the word "Senator" that is identical with our Standing Order. In Odgers' *Australian Senate Practice* (and the Council should consider this), the following statement is made:

> It is submitted that this Standing Order should be interpreted as meaning that strangers may be excluded at the request of any Senator, but only following a majority decision of the committee. The Chairman should exercise his discretion to exclude strangers only in case of misconduct. This interpretation of the rule is consistent with the practice of the Senate, upon which committees should model their own procedures.
>
> The modern practice is to take evidence in open session, unless there is a justifiable objection, or if the public interest will on balance be in favour of the closed session.
>
> Select Committees are proceedings in Parliament, which itself is conducted in open session.
>
> Within the limits of security, most hearings in the United States Congress are public, and they are well attended. Protests are quick when committees overdo the closed door sessions. The view taken is that Congress is the people's branch and has a responsibility to the people to act as far as possible in a goldfish bowl.

This Council has already given that power to the committee. From what the Hon. Mr. Burdett has said, the expression of opinion by this Council in the form of a motion by the Hon. Mr. Sumner is no longer a valid resolution of this Chamber. From what what I have understood the Chairman of the committee and the Hon. Mr. Milne to say, there is no further objection. There are other quotes to which I could refer, especially concerning the interpretation of Standing Order 396 in relation to the committee. In future, when references are made to a Select Committee, and the Council agrees that it should be as much as possible an open inquiry, then one should look at the interpretation of Standing Orders, and we might not get into some of the difficulties that we have got into with this committee.

The Hon. C. J. SUMNER (Leader of the Opposition): I have heard some interesting comments in this debate.

Government members have suddenly concluded that my motion was unnecessary. Until yesterday, and even until this morning, the public had no idea, the Council had no idea and the Opposition had no idea whether the Select Committee was going to be open to the public. This morning, as a result of a press release put out by the Hon. Mr. Burdett, we discovered that the committee would open its hearings to the public, but all this Council had was a press release. I had written a letter and had received no undertakings from Liberal members or anyone else on the committee that they would comply with the spirit of the resolution that was passed in this Council in November last year.

Therefore, to say that the resolution was unnecessary is completely untrue. However, it may now be unnecessary because of the undertaking given by members of this Select Committee, and in particular its Chairman. The Council now knows, not from a 10-line press release in the *Advertiser*, but from the words of the Hon. Mr. Burdett in this Council, that certain undertakings will be honoured. The Hon. Mr. Burdett has said that no Liberal member of the Select Committee will use Standing Order 396 to exclude strangers. That undertaking has come after many months, and it came after it became known on Tuesday morning that I was going to move this motion. No undertaking of that kind was contained in the press release put out by the Hon. Mr. Burdett. I am also glad to hear that the Hon. Mr. Milne is also prepared to undertake that he will not use Standing Order 396 to exclude strangers.

It has now become clear that the committee will allow the press to be present and report proceedings in accordance with Standing Order 398, which is in accordance with the approval given by this Council in November last year. We have received an undertaking from members of the committee that they will abide by the spirit of the resolution that was passed in this Council in November last year. Until yesterday morning, some members of the committee had completely ignored that resolution. Those members had no intention of allowing the press to publish the reports of their proceedings unless they were forced to do so. Therefore, my motion was absolutely necessary in order to obtain certain commitments from the Hon. Mr. Burdett about the way the committee would act in the future, because it certainly had not acted properly in the past.

The Hon. Mr. Burdett suggested that he really did not want the proceedings to be made public, because he wanted to hurry the Select Committee through its sittings so that it could report in March. I am not aware of how many other members of this Council accept that reasoning. If that approach were the case, then I would have thought that the committee would be almost ready to report now, because 6 March is only two weeks away. Until this time, all the committee's hearings have been in secret, but it appears that they have not managed to make much progress. The fact that the Hon. Mr. Burdett wanted to hurry the committee's proceedings through is a deplorable attitude, but it is understandable that the Liberal Party would want to wrap the issue up as soon as possible.

The other proposition put by the Hon. Mr. Burdett, and indeed the Hon. Mr. DeGaris, was that the Select Committee should not be directed by the Council. That is an absurd proposition. I agree that clearly a Select Committee should hear the evidence and make its determination on that evidence, but to say that the full body of this Council (which, after all is, the parent body of a Select Committee) cannot instruct a Select Committee about such things as open hearings or the admission of strangers is ridiculous. The Council must have ultimate control over a Select Committee. There are provisions in Standing Orders for giving instructions to Select Committees. To say that the Council cannot now give a further instruction to a Select Committee is silly. Instructions are given to Select Committees daily, when they are necessary. Until this morning it was necessary to give a further instruction to this Select Committee. Whether or not it is still necessary I will determine in the next minute or two.

I now turn to the fact that some members in this Council, particularly Liberal members in the past (although not so much now), tend to use the words "Party political", as though it were a disparaging remark. The inference was that members of this Chamber should not have anything to do with Party politics and that somehow or other we are all pure, untouched and untainted by the dreadful smell of being involved with Party politics. That attitude and those sorts of statements are quite extraordinary. From time to time honourable members opposite have spoken in those terms, and it now seems that the Hon. Mr. Milne has decided to trot the same story out whenever it suits him.

One could be excused for thinking that the Hon. Mr. Milne had floated down from the clouds by an act of God and that he did not arrive in this Chamber through the normal political process. We all know that he was elected to this Chamber as a member of a political Party. If the Hon. Mr. Milne had stood as an independent, he would certainly not be here and he would probably have lost his deposit. In fact, Mr. Milne was elected to this Chamber by the people with the endorsement of a political Party, and he would not be here if he did not have the support of the Australian Democrats. Honourable members should not get too carried away in disparaging the Party political process.

We are all members of political Parties, and we are all in this Chamber because we are members of political Parties. Having said that, I believe that my motion was necessary, and it was certainly necessary to give notice of it yesterday. I am pleased to see that the Chairman of that Select Committee has considered my submission, but I have still not received any formal reply from him. However, in view of the undertakings that have been given by the Hon. Mr. Burdett, which are that Standing Orders 396 and 398 will not be used to enforce secret hearings, I am inclined to seek leave to withdraw my resolution.

However, I give the Council notice that, if the Select Committee does not live up to the undertakings that its Chairman has given the Council, and if in some way it again tries to turn its proceedings into those of a secret society, I will resubmit the resolution in terms that will instruct the committee to move in the way that I have indicated today. Because of the undertakings that I have received in the Council today, I seek leave to withdraw my motion.

Several members: No.

The PRESIDENT: Leave not being granted, I put the motion.

The Council divided on the motion:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, R. C. DeGaris, J. E. Dunford, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, K. T. Griffin, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. C. M. Hill.

Majority of 1 for the Ayes.

Motion thus carried.

The Hon. R. C. DeGARIS: I should like to raise a matter, Sir. I was under the impression that the vote that has just been taken related to the withdrawal of the motion, but it did not. I took your call, Sir, as relating to the Hon. Mr. Sumner's request to withdraw his motion.

The PRESIDENT: No, I put the motion that was moved by the Hon. Mr. Sumner.

The Hon. R. C. DeGARIS: I point out that in my speech I stated clearly that I was not in favour of the Hon. Mr. Sumner's motion. I was under the impression when voting on the division that I was voting on the question whether the Hon. Mr. Sumner's motion should be withdrawn.

The Hon. Frank Blevins: Everyone else in the Council knew what they were doing except you.

The Hon. R. C. DeGARIS: That may be so.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: I want merely to state that my vote, having been cast in that way, does not reflect my view regarding this matter. My vote was cast, I thought, on the question whether the Hon. Mr. Sumner should have the right to withdraw his motion.

The PRESIDENT: I am sure everyone accepts the Hon. Mr. DeGaris's explanation of how he voted. However, I point out that the division was in relation to the motion moved by the Hon. Mr. Sumner.

The Hon. K. T. GRIFFIN: I am not sure that I am able to do it, but I should like to move that the resolution be recommitted. Standing Order 376 states:

> The resolutions so reported may then be agreed to or disagreed to; or agreed to with amendments; or recommitted; or the further consideration thereof may be postponed.

The Hon. C. J. Sumner: That is a report to the Council and has nothing to do with this.

The PRESIDENT: I quote Standing Order 159 as follows:

> A resolution of the Council may be read and rescinded; but no such resolution may be rescinded during the same session, except with the concurrence of an absolute majority of the whole number of members of the Council upon motion after at least seven days notice: provided that to correct irregularities or mistakes one day's notice only shall be sufficient.

The Attorney-General would need to move that Standing Order 159 be suspended.

The Hon. K. T. GRIFFIN: I move:

> That Standing Order 159 be suspended for the purpose of recommitting the resolution forthwith.

The Council divided on the motion:

Ayes (10)—The Hon. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Pair—Aye—The Hon. C. M. Hill. No—The Hon. N. K. Foster.

The PRESIDENT: There are 10 Ayes and 9 Noes. I point out to the Council that an absolute majority is needed. There not being an absolute majority, the motion is lost.

POLICE OFFENCES ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Police Offences Act, 1953-1979. Read a first time.

The Hon. K. T. GRIFFIN: I move:

That this Bill be now read a second time.

The object of this amendment is to introduce provisions to the Police Offences Act, 1953-1979, which will make it an offence to tattoo minors. There has been considerable public concern in South Australia for some time in relation to this activity, the incidence of which appears to be growing. Many people, in later years, have come to regret being tattooed, and the Government is of the view, therefore, that the tattoing of minors ought to be prohibited by law, as it is at present in the United Kingdom.

The provisions of this Bill make it an offence to tattoo any person under the age of 18 years for other than medical reasons. The proposed amendments also provide that it shall be a defence to a charge instituted under the central provisions to show that the defendant had reasonable grounds for believing that the person tattooed was over the age of 18 years, and did, in fact, so believe. 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 and clause 2 inserts definitions of "minor" and the expression "to tattoo" into section 4 of the principal Act. "To tattoo" will mean to insert into or through the skin any colouring material designed to leave a permanent mark. Clause 3 provides for a new section in the principal Act, numbered 21a. This provides that it shall be an offence to tattoo a minor for other than medical reasons. A first offence carries a penalty of up to $500, while a second or subsequent offence attracts a penalty of up to $1 000. The proposed section also sets out the terms of the defence outlined earlier.

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

SUPREME COURT ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Supreme Court Act, 1935-1978. Read a first time.

The Hon. K. T. GRIFFIN: I move:

That this Bill be now read a second time.

It is designed firstly to remove a possible ambiguity in the wording of section 13a of the Supreme Court Act and provide unequivocally that a judge of the Supreme Court must retire on reaching the age of 70 years. Secondly, the Bill deals with the authority of a judge to complete the hearing of proceedings that are part-heard at the time of his resignation or retirement. At present a judge who retires at the age of 70 years is empowered to complete the hearing and determination of proceedings that were part-hears at the time of his retirement. However, this principle does not extend to a judge who resigns before attaining that age. The last three judges to leave the court all resigned before reaching the age of retirement. It would be unfortunate if a litigant were forced to relitigate a matter simply because a former judge who had resigned lacked the authority to complete the hearing and determination of a matter which he had commenced to hear before his resignation. The present Bill is designed to overcome this problem.

Clause 1 is formal. Clause 2 amends section 13a of the

principal Act. Subsection (1) is redrafted to remove obsolete material. New subsection (3) provides that a former judge may complete the hearing and determination of proceedings part-heard by him before his retirement or resignation.

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

WRONGS ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Wrongs Act, 1936-1975. Read a first time.

The Hon. K. T. GRIFFIN: I move:

That this Bill be now read a second time.

In *British Transport Commission v. Gourley* (1956) A.C. 185 the Privy Council considered the principles applicable to assessment of damages for loss of income or capacity to earn income. The Privy Council decided that, in making an assessment of damages for loss of income, a court should take into account income tax that would have been payable by the plaintiff if he had actually earned the income. However, in *Atlas Tiles Ltd. v. Briers* (1978) 52 A.L.J.R. the High Court decided by a majority of three judges to two not to follow the principle enunciated in Gourley's case. This later decision means that awards of damages for personal injury may increase substantially. Indeed, the State Government Insurance Commission estimates that damages awards could increase by more than 10 per cent as a result of the decision in the *Atlas Tiles* case. The Government believes that Gourley's case provided a fair basis for the assessment of damages for loss of income. The abandonment of that principle may well lead to windfall gains to plaintiffs at the expense of the public generally. The purpose of this Bill is, therefore, to restore the law to the position that existed before the *Atlas Tiles* case. Awards of damages or settlements of claims made before the commencement of the amending Act on the basis of the principles enunciated in the *Atlas Tiles* case will not be disturbed. I seek leave to have the explantion of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 inserts new section 36 in the principal Act. New subsection (1) provides that, in assessing damages for loss of earnings, a court must take into account income tax that would have been paid on those earnings if the plaintiff had not suffered the loss. New subsection (2) provides that this principle applies in respect of income that has actually been lost before the assessment is made, and also to future income in respect of which the plaintiff is entitled to compensation.

New subsection (3) provides that the new section will apply to all proceedings, whether instituted before or after the commencement of the amending Act, except proceedings determined before the commencement of the new Act. New subsection (4) preserves settlements effected on the basis of the *Atlas Tiles* principle before the commencement of the amending Act.

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

CRIMES (OFFENCES AT SEA) BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act relating to offences committed at sea and matters connected therewith. Read a first time.

The Hon. K. T. GRIFFIN: I move:

That this Bill be now read a second time.

It forms part of legislation agreed by the Governments of the Commonwealth and the States to be introduced into their respective Parliaments for the purpose of applying State criminal law to the waters adjacent to the States. In 1975 the High Court decided in *New South Wales v. Commonwealth* (the Seas and Submerged Lands case) (1975) 135 C.L.R. 337 that the territory of each State ends at the low water mark and not at a point three miles on its seaward side as had been commonly supposed since last century. The States do not have absolute power to legislate beyond their boundaries. To be valid such legislation must be seen to be for the peace, order and good government of the State.

As was shown in *Robinson v. The Western Australian Museum* (1977) 51 A.L.J.R. 806 such a connection cannot be taken for granted where legislation extends to the coastal waters. Robinson had discovered the wreck of the *Gilt Dragon*, which was a Dutch ship that had sailed too far to the east on her voyage to the East Indies. The site of the wreck was less than three miles from the coast of Western Australia. A majority of the High Court held that Western Australian legislation that purported to vest the wreck in the Western Australian Museum was invalid because the wreck was situated outside the State and the legislation was not necessary for the peace, order and good government of the State.

Three members of the High Court in the seas and submerged lands case expressed the view that the Commonwealth Parliament, by reason of the external affairs power given to it by section 51 (XXIX) of the Constitution, has power to legislate on any subject in relation to territory beyond the low water mark of the Australian coast. The Commonwealth Parliament was therefore in a position to legislate on behalf of the States to remove the hiatus caused by the States lack of power. The effects of this hiatus were graphically demonstrated in the case of *Oteri and Oteri v. the Queen* (1977) A.L.J.R. 122. In that case crayfish pots and tackle were stolen on a boat that was more than three miles off the coast of Western Australia. The prosecution conceded that the criminal law of Western Australia did not apply. The Privy Council held that because the ship in question was owned by an Australian citizen (and therefore a British subject) it was a British ship with the result that the English Theft Act 1968 applied to the offence. In its judgment the Privy Council made the following comment:

> It may at first sight seem surprising that despite the passing of the Statute of Westminster 1931 and the creation of separate Australian citizenship by the British Nationality Act 1948 (Imp.) . . . Parliament in the United Kingdom when it passes a statute which creates a new criminal offence in English law is also legislating for those Australian passengers who cross the Bass Strait by ship from Melbourne to Launceston.

The Commonwealth and the States, after consultation, have now agreed on a scheme of co-operative legislation to establish Commonwealth and State areas of legislative jurisdiction in offshore areas. This Bill is part of the scheme and deals exclusively with the application of criminal law in offshore waters. It is drawn on the model agreed to by all the States and the Northern Territory and it complements the Crimes at Sea Act, 1979, passed by the

Commonwealth Parliament in 1979. Under the Commonwealth Act, State criminal laws will be applied as Commonwealth law to foreign ships on a voyage to the State, to ships based in the State which are on interstate or overseas voyages and to offences on the high seas adjacent to the State. By reason of the power conferred on the Commonwealth by the Statute of Westminster Act, 1931, the Commonwealth legislation will override inconsistent imperial law that would otherwise apply on the high seas adjacent to the State and replace it with South Australian laws.

Under the State Bill, the criminal laws in force in the State will be extended to apply to ships on voyages between places in the State and to all offences in the coastal sea of the State. When the Commonwealth Bill and the State Bills are enacted there will be force in the territorial sea and high seas of Australia the same body of criminal law that applies in the littoral State. 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 for the Bill to come into operation on a proclaimed day. The Commonwealth Act and this Bill, after its enactment, will have a common commencement date. Clause 3 provides definitions of terms used in the Bill. The Bill applies only to the coastal sea which is defined in this clause. The territorial sea extends three miles from the low water mark except in the case of some bays and gulfs where a base line is drawn from one headland to another. The territorial sea extends out from this baseline. The definition includes the water on the landward side of the baseline. It also includes the airspace above and the sea-bed and subsoil below the sea.

Clauses 4 and 5 enable arrangements to be made between the State and Commonwealth Governments for the administration by the State of the criminal laws applied under the Commonwealth Act as Commonwealth law beyond the territorial seas. The arrangements are similar to those made under the Commonwealth Places (Administration of Laws) Act 1970 which relates to the application by the Commonwealth of South Australian laws as Commonwealth law in Commonwealth places in the State, a scheme which in many respects corresponds to the scheme given effect in this Bill.

Clause 6 is the substantial provision of the Bill applying to the criminal law in force in South Australia to—

(a) acts or omissions at places in the coastal sea—that is to say, the territorial sea and sea on the landward side of the territorial sea adjacent to the State;

(b) acts or omissions on Australian ships—defined in clause 3 as ships registered or based in Australia—beyond the outer limits of the territorial sea during a voyage of the ship between places in the State—what constitutes a voyage is defined in clause 3 (3) and applies to intrastate voyages; and

(c) in order to avoid any anomaly in the application of the laws, to acts or omissions by survivors of wrecks on ships.

The Commonwealth legislation, on the other hand, applies State criminal law to ships registered or licensed in the State, or that are based in the State or have any other connection with it during voyages that are not intrastate voyages. Clause 7, together with the power to make regulations under clause 13, is included to enable inappropriate criminal laws to be excluded from application in the offshore area; for example, traffic laws.

Clause 8 relates to offences committed from foreign ships and provides that proceedings shall not be brought without the consent of the Attorney-General after consultation with the Commonwealth Attorney-General. That procedure ensures that full recognition is given to international conventions or other arrangements or procedures relating to proceedings taken against foreign nationals. Clause 9 enables State authorities to exercise their powers under the criminal laws applied in the offshore areas in the same manner as they may be exercised in respect of offences committed within South Australia. Clause 10 will prevent a person being punished under this Bill if he has already been punished under the law of the Commonwealth or of another State or Territory for the same offence.

Clause 11 is an evidentiary provision presuming an act or omission to have occurred in the course of the voyage or at the place alleged unless there is evidence to the contrary. Clause 12 enables proceedings to be stayed where other proceedings have been brought in respect of the same offence. Clause 13 is the regulation-making power.

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

OFF-SHORE WATERS (APPLICATION OF LAWS) ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Off-Shore Waters (Application of Laws) Act, 1976. Read a first time.

The Hon. K. T. GRIFFIN: I move:

That this Bill be now read a second time.

This Bill makes consequential amendments to the Off-Shore Waters (Application of Laws) Act, 1976, in view of the provisions of the Crimes (Offences at Sea) Bill, 1980. The Off-Shore Waters (Application of Laws) Act, 1976, was passed to overcome problems resulting from the decision of the High Court in *New South Wales v. Commonwealth* (the seas and submerged lands case) (1975) 135 C.L.R. 337. In that case the court decided that the territory of each State ended at the low water mark. It became necessary to apply State laws to off-shore waters by enacting specific legislation for that purpose. The Off-Shore Waters (Application of Laws) Act, 1976, applied both civil and criminal laws of the State to off-shore waters. The Commonwealth and the States have now agreed to a scheme whereby the State criminal laws will be dealt with separately. The Crimes (Offences at Sea) Bill, 1980, will, together with the Commonwealth Crimes at Sea Act, 1979, apply State criminal law to off-shore waters. It is proposed that the State's civil laws will be applied by separate legislation to be passed by both State and Commonwealth Parliaments. In the meantime amendments are required to the Off-Shore Waters (Application of Laws) Act, 1976, in order to remove criminal laws from the operation of that Act.

Clause 1 is formal. Clause 2 provides that the Act will come into operation on a proclaimed day. The Act will be brought into operation on the same day as the Crimes (Offences at Sea) Act, 1980. Clauses 3 and 4 amend sections 3 and 4 of the principal Act respectively. The amendments remove criminal laws from operation of the principal Act.

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

PRICES ACT AMENDMENT BILL

The Hon. J. C. BURDETT (Minister of Consumer Affairs) obtained leave and introduced a Bill for an Act to amend the Prices Act, 1948-1978. Read a first time.

The Hon. J. C. BURDETT: I move:

That this Bill be now read a second time.

This short Bill proposes amendments to the principal Act, the Prices Act, 1948-1978, that are designed to prevent winemakers from circumventing the provisions of that Act providing for minimum prices for wine grapes. Section 22a of the principal Act provides that the Minister may by order fix and declare the minimum price at which grapes may be sold or supplied to a wine maker or distiller of brandy. Last year one winemaker devised a scheme under which he obtained supplies of grapes for processing into wine but so framed the transaction that it did not constitute a contract for the sale or supply of grapes for a price, the winemaker merely providing the service of processing the grapes into wine and selling the product on behalf of the growers supplying the grapes. This Bill proposes that a provision be inserted in the principal Act providing that such an arrangement shall be deemed to be a contract for the sale of the grapes. The Bill also proposes that a provision be inserted that is designed to prevent winemakers circumventing the minimum price provisions by interposing a separate buyer, who may not be said to be a winemaker, between the grower and the actual winemaker. Finally, the Bill provides for a definition of grapes designed to make it clear that grape crushings are included within the meaning of that term.

Clause 1 is formal. Clause 2 provides for a new section 22aa providing that an arrangement under which grapes are supplied to a winemaker or distiller of brandy for processing on behalf of the supplier shall be deemed to be a contract for the sale of the grapes to the winemaker or distiller for a price equal to the net value of the consideration received or to be received by the supplier under the arrangement. New section 22aa defines grapes to include grape crushings. The new section also provides that a reference to a winemaker or distiller of brandy shall be deemed to include a reference to an agent of a winemaker or distiller, a person who purchases grapes for the purposes of supplying or selling the grapes directly or indirectly to a winemaker or distiller or a person who purchases the grapes for processing by a winemaker or distiller.

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

ADJOURNMENT

At 5.1 p.m. the Council adjourned until Thursday 21 February at 2.15 p.m.