LEGISLATIVE COUNCIL

Tuesday 4 October 1988

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

ASSENT TO BILLS

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

Acts Interpretation Act Amendment (No. 3),
Advances to Settlers Act Amendment,
Appropriation,
Criminal Injuries Compensation Act Amendment,
Electrical Products,
Irrigation Act Amendment,
Lottery and Gaming Act Amendment (No. 2),
Ombudsman Act Amendment,
Racing Act Amendment,
Radiation Protection and Control Act Amendment,
Rural Advances Guarantee Act Amendment.

DEATHS OF HON. SIR LYELL McEWIN AND MR J.R. RYAN

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Council express its deep regret at the deaths of the Hon. Sir A. Lyell McEwin, former member and President of the Legislative Council, and Mr J. R. Ryan, former member and Speaker of the House of Assembly, and places on record its appreciation of their meritorious public services, and that, as a mark of respect to their memory, the sitting of the Council be suspended until the ringing of the bells.

Both the former members to whom I have referred played important roles in the history of this State and, in particular, this Parliament. Sir Lyell was a Minister for many years and then President of this Chamber and Mr Ryan was Speaker of the House of Assembly. Both achieved the office of Presiding Officer of their respective Chambers. My motion, which I am sure will be supported by the Council, pays a tribute to the work of both Sir Lyell McEwin and Mr John Richard (familiarly known as Paddy) Ryan during many years of public service.

Sir Lyell McEwin was President of the Legislative Council from 1967 until 1975. He was born on 29 May 1897 and died on 23 September 1988 aged 91 years. He entered Parliament following a by-election in October 1934 and retired more than 40 years later at the grand age of 78. He was the son of a farmer and grazier and was educated initially at the one-teacher Hart Primary School, and later at Prince Alfred College. He left college at 14 to return to work on his parents' farm.

In 1921 Sir Lyell married and established his own farm. His involvement in community and industry activities became more and more prolific. From 1920 to 1936 he was either Secretary or President of the Blyth Agricultural Bureau and in 1948 he was granted life membership of the Agricultural Bureau of South Australia. In 1925, 1926 and 1927 he was a member of the State rifle team and in 1926 became a member of the council and executive of the South Australian Rifle Association. In 1940 he became its Chairman. In 1930 he became a member of the South Australian State Advisory Board of Agriculture and in 1935 he became its Chairman.

In 1934, prior to appointment to the Australian Meat Board, he was the producers' representative for South Australia on the Federal Advisory Committee for Export Mutton and Beef. Within five years of his election to the Legislative Council he became Minister of Health, Minister of Mines and Chief Secretary. I suppose that in these days people would consider it surprising that he held those portfolios continuously for over 25 years from August 1939 to March 1965 when the Playford Government was defeated at the polls. For that whole period of 25 years Sir Lyell held those ministries. In modern day politics, we would all probably find his longevity in terms of service and the fact that he did not change his portfolios somewhat surprising.

I am sure that everyone would know that he was a great support to the Premier of that time (Sir Thomas Playford) through that whole period. Members opposite would probably be better able to comment on his role in that Government. The monuments to Sir Lyell's service in the portfolios that I have mentioned, which were held in all nine of the Sir Thomas Playford Governments, are best known in the health area. The Lyell McEwin Hospital is named after him. He was involved in the establishment of the Queen Elizabeth Hospital and the McEwin Building at the Royal Adelaide Hospital is another testament to his efforts as Minister of Health.

In June 1954 he was knighted. Throughout his years as a Minister he continued his active involvement with the State Rifle Association, the Presbyterian Church, the Freemason Lodge and the Royal Caledonian Society of South Australia. I assume that the Hon. Martin Cameron will look to continue that latter tradition.

Following the defeat of the Playford Government in 1965, Sir Lyell initially became Leader of the Opposition in the Legislative Council until 1967 when he was elected President of this Council. In 1975, when Sir Lyell retired aged 78, he was the third longest serving member in the history of the South Australian Parliament. He retired at the election when I entered Parliament, so I had no great contact with Sir Lyell prior to that, although I did have the opportunity of meeting him after I was elected in 1975.

There was a tradition at that time for past members of the Legislative Council to attend the President's Dinner, and I had the opportunity of meeting Sir Lyell on one of those occasions. Because of the unexplained absence of all his former colleagues and friends in the Liberal Party after that dinner, I had the opportunity of driving him home to his house in St Peters, and I believe that my car was at that time a fairly small Honda Civic.

The Hon. J.R. Cornwall interjecting:

The Hon. C.J. SUMNER: The Hon. Dr Cornwall interjects that he was with me at the time. I was glad to come to the party and drive Sir Lyell home, in more cramped conditions, certainly, than he enjoyed when he was a Minister for 25 years, and, indeed, as President of the Legislative Council. However, his Liberal friends seemed to have left the dinner early and, as they were not available, I was very happy to fill the breach and drive him home. As a result, I got to know Sir Lyell a little better than I did prior to that, that is, apart from meeting him subsequently. As I said, I did not have a great deal of contact with Sir Lyell, who was obviously a person of considerable standing in the community, in the South Australian Parliament and indeed in the Playford Government—particular testimony to the 25 years that he served in ministerial office. Sir Lyell's death recalls an era that is unmatched in electoral longevity in South Australian and Australian politics. It also resulted in an array of tributes which remind us of the range of community interests that he retained during his long career,

such as the Adelaide Highland Games; Scot's Cronies Club of Australia; the Mayfair Theatre Company; the Metropolitan Musical Theatre Company; the Model T Ford Club of Australia, and the Dunbar Presbyterian Homes for the Aged, as well as the Rifle Association and the Caledonian Society.

To Sir Lyell's daughter, Cynthia, and his four sons, Alex, Ken, Roland and Graeme and their families, I offer my sincere condolences on behalf of the Government, members of this Council, and the people of South Australia on their bereavement, following the death of a very significant South Australian.

The motion that I have moved also records the death of John Richard (Paddy) Ryan, a Labor member of the Parliament who was born on 24 April 1911 at Rosewater and who died on 12 September 1988, aged 77 years. Paddy Ryan was born and raised in the district which he later represented in State Parliament. Apart from five years of service in the 2nd AIF from 1943 to 1946, he lived and worked in that district all his life.

Paddy Ryan entered Parliament in 1959 as the member for Port Adelaide. Prior to winning that seat he had been a licensed customs and shipping agent and a waterside worker. His activity in his union, the Waterside Workers Federation, was so comprehensive that prior to 1959 he had held or acted in every official position in the union, including the South Australian representative on their Federal Executive and delegate to the ACTU Congress. In 1959-60 Paddy Ryan was also the State President of the ALP in South Australia.

Paddy Ryan represented the Port Adelaide electorate from 1959 to 1970 and then, following a redistribution, was the member for Price from 1970 to 1975, a total of 16 years. In his maiden speech to this House he made clear his blunt and vigorous commitment to the people he knew so well in the Port, when he said:

> Whilst I am a member of this place I will offer criticism whenever I think something should be done for the betterment of workers. I will not hesitate to criticise the Government and point out what I think should be done.

He then devoted the main theme of his maiden speech to an issue which is as significant today as it was then—mechanisation and automation and their impact upon employment and industry. Paddy Ryan continued to voice these concerns, especially as they affected the Harbors Board and wharf-based industries. From May 1965 to July 1971, Paddy Ryan was a member of the Public Works Committee after which he became Chairman of Committees until June 1973. Following his re-election in 1973 he was elected as Speaker of the House of Assembly until his retirement in 1975.

Paddy Ryan was a quiet man who took seriously his responsibilities to his family, his union members and his constituents. He was not one for indulging in the social side of parliamentary life and yet, when he retired, he formed the Ex-Members Association to enable former members to hold monthly meetings. After a short illness, Mr Ryan died on 12 September, aged 77 years. To his widow. Joyce and his two children, Diane and Graham, I extend my sincere condolences on behalf of the Government and, I am sure, members of this Council and the people of South Australia, following the loss of another South Australian who played an important role in the public life of this State and in the deliberation of this Parliament.

The Hon. M.B. CAMERON (Leader of the Opposition): I second the motion.This afternoon we pay a final tribute to a man who remains the third longest serving member of this Parliament—Sir Lyell McEwin. Sir Lyell was a close friend of my parents, so I suppose I knew him better than most people in this Parliament. I also attended Scotch College with his son, Roly, so my knowledge of and friendship with the family goes back a long way.

I think that the Hon. John Burdett and I are the only two remaining members who served under Sir Lyell as President. Let me assure you, Madam President, that he ruled with a rod of iron during his time as President. We appreciate the fact that we have a little more leeway these days than we had in those days; nevertheless, Sir Lyell was very fair and straightforward in what he said—indeed, very straightforward at times.

Sir Lyell was President during a time of drastic change in the composition of the Council and the way in which it is elected. Being able to guide the Council through those times without too much trauma was a credit to the way in which he conducted himself as President. As the Attorney-General has said, Sir Lyell had a record of ministerial as well as parliamentary service that is unlikely to be surpassed. I assure members of the Council that I do not intend to surpass that record of 41 years service. When I arrived in this Council Sir Lyell had been here from the year before I was born, so he certainly was a member of Parliament for a long time.

As the Attorney said, Sir Lyell served for 26 years in the Ministry of Sir Thomas Playford. In fact, he was the last surviving member of the first Playford Ministry. His initial ministerial appointment came as somewhat of a surprise to him. Sir Thomas Playford became the Premier in November 1938 and earlier the following year his Chief Secretary, Sir George Ritchie, had to resign from the Ministry after a serious accident. As Sir Lyell told it:

> The Premier sent for me one wet day. The family was visiting Parliament House and I was home alone as a farmer, cook, dairy boy and everything combined. The next day I went to the city and the Premier invited me to accept the Chief Secretary's portfolio. A little stunned, I asked how long I had to consider.
>
> His prompt answer was 10 minutes. He had to report back to Cabinet at 11 o'clock. The Premier reported to Cabinet before I could report to my wife. I had better not disclose what she said.

So began a partnership in Government which was to last for a quarter of a century. Playford and McEwin were similar in many respects: both were strong men physically and both left school at an early age. Both went on to succeed with only a smattering of formal education and both created service records for their respective portfolios which endure today.

As Mines Minister, Sir Lyell McEwin was responsible for the exploration for coal at Leigh Creek which resulted in the formation of the Electricity Trust. That was not exactly a move towards privatisation, but it was extremely difficult to bring that legislation through the Parliament, particularly this Chamber. It was a credit to his ability as a Minister that he was able to guide the legislation through. He was also responsible for pioneering legislation to encourage petroleum exploration. Later, he guided the opening up of the Radium Hill uranium mine and the establishment of the processing plant at Port Pirie.

In health, the memorials to his service endure today: the hospital named after him at Elizabeth, the Queen Elizabeth, extensions to the Royal Adelaide, and countless country hospitals. This record is all the more remarkable when it is recognised that he had never held parliamentary aspiration before being elected. Indeed, the day he was sworn into the Legislative Council in 1934 was the first time he had entered a House of Parliament. He accepted nomination to the Council after four years of economic depression on the land. But his decision to take up a parliamentary career was not motivated by personal ambition.

I hope that members will recall the work that he did. As a member of the Scottish community in South Australia, I am fully aware of the tremendous work that he did within

the Caledonian Society. He probably had one advantage over me: he did not play or attempt to play the bagpipes, and he probably added more to Scottish society because of that. He will be sadly missed by the Scottish community for his work and leadership.

On behalf of the Opposition, I express sincere condolences to his children who, in recent years, suffered the loss of their mother (Lady McEwin), who was a marvellous person. So, to his children Cynthia, Alex, Ken, Roly and Graeme I extend my deepest sympathy on the loss of their father.

The Hon. J.C. BURDETT: I support the motion and extend my sympathy to the families of the two deceased members: the Hon. Sir Lyell McEwin and the Hon. Paddy Ryan. I had more to do with Sir Lyell McEwin, who was President when I came into this place. I also had dealings with him before that time. I recall that, when I was Chairman of the Mannum Hospital Board and we were seeking extensions to that hospital, I had cause to lead a deputation to him seeking financial support for those extensions. He was very reasonable and the extensions were forthcoming. I recall his opening the extensions, which became the Lyell McEwin Wing of the hospital.

The next time that I had any extensive contact with him was when I came into this place in 1973. I was elected at the last by-election ever held for the Legislative Council because, at that time, the arrangements that we have now—a joint meeting of the Houses of Parliament, which is much more civilised—had been passed but had not come into effect. Therefore, the time that I came here was the last time that such a by-election would ever be held.

I remember very well his kindness and support when I came into this place on that occasion, on fairly short notice, of about a month—a fortnight's preselection campaign and a fortnight's election campaign. As the Hon. Martin Cameron said of himself, I was very raw when I came into this place and I very much appreciated Sir Lyell McEwin's kindness which was, indeed, extended to me for the whole time that he remained in the Chair. I have the very kindest memories of him.

Madam President, as the Hon. Martin Cameron indicated, Sir Lyell was a very strong and fair President. I have, at times, after hearing of his death, thought about how he would handle some of the current situations in this Chamber and the way that we occasionally carry on. I can guess. Certainly, he was a distinguished President of this Chamber, and he had been a distinguished parliamentarian and great statesman in the South Australian scene. I certainly have the kindest memories of him and have the deepest sympathy for his family.

Obviously, I did not know the late Paddy Ryan as well as I knew Sir Lyell, because he was in the other place. I remember on many occasions going into the House of Assembly to listen to a debate and being completely overawed by his calls of 'Order!', which reverberated throughout the Chamber. Like Sir Lyell McEwin, he was always heeded because he certainly had control of his Chamber. I also remember with kindness the personal encounters that I had with the late Paddy Ryan. I got on very well with him and, again, he was a distinguished member of this Parliament.

Madam President, I think that the loss of both of these great parliamentarians is one that this Chamber and the other place can ill afford. Again I record my kindest memory of my association with them and my condolences to their families.

The PRESIDENT: Before putting the motion, I would like to add my regrets at the passing of these two Presiding Officers. I did not serve in this Chamber under Sir Lyell McEwin as I, like the Attorney, entered Parliament at the election at which Sir Lyell retired. However, stories of his presidency are legion, and many of us were made very familiar with numerous anecdotes regarding Sir Lyell and his term as President of this Council.

I know that it was not until he retired that it was possible to remove from the door of one side of the President's Gallery the sign 'Gentlemen visitors only' as he had staunchly refused to have it removed while he was President of this Council. Sir Lyell occasionally would come into the building after his retirement, decreasingly so in recent years, but certainly in my time as President, he visited Parliament House and always did me the courtesy of calling on me as one of his successors. We are very grateful also as some months ago several pieces of memorabilia associated with his time as President of the Council were presented to me by members of his family and they are now in the Parliamentary Library if anyone would wish to examine them—numerous items which had been presented to him at various conferences he had attended as President of the Council. Certainly there are some very beautiful items amongst them which his family were kind enough to present to the Parliament for us to maintain.

I certainly express my sympathy to members of his family and to the family of Paddy Ryan. The death of a close relative is never easy, even at the end of a long and successful life. I ask honourable members now to stand in their places and to carry the motion in silence.

Motion carried by members standing in their places in silence.

[*Sitting suspended from 2.49 to 3 p.m.*]

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following Questions on Notice, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos. 5, 10 and 11.

COMMUNITY WELFARE WORKERS

The Hon. DIANA LAIDLAW (on notice) asked the Attorney-General:

1. How many community welfare workers have been assigned to each Department for Community Welfare offices in all country regions, and how does this figure compare with 1983-84?

2. How many positions for community welfare workers in country regions are not filled at present, in which offices do such vacancies exist, and is it the Minister's intention to fill such vacancies?

The Hon. C.J. SUMNER: The replies are as follows:

1. Total community welfare workers for country locations as at August 1988.

Adelaide Hills	5.0	Port Augusta	7.0
Berri	6.0	Ceduna	4.0
Clare	1.4	Port Lincoln	4.0
Millicent	2.0	Leigh Creek	1.0
Mount Gambier	4.4	Port Pirie	4.6
Murraylands	6.7	Peterborough	1.2
Naracoorte	1.9	Coober Pedy	4.0
Nuriootpa	1.6	Kadina	2.1
Whyalla	11.0		
		TOTAL	67.9

Exact figures for 1983-84 are unavailable. However, there has been an increase in the number of community welfare workers employed in country regions since 1983-84.

2. There are 2.3 base grade community welfare worker permanent positions unfilled in the Southern Region, based at Clare, Murraylands and Adelaide Hills. It is intended that these positions be filled. There were no permanent positions of community welfare workers unfilled in the Northern Country Region as at 10 August 1988.

CRISIS CARE

The Hon. DIANA LAIDLAW (on notice) asked the Attorney-General:

1. Has Crisis Care, Department for Community Welfare, applied for or received an exemption under the Equal Opportunity Act 1984 to recruit women only in the forthcoming year?

2. Alternatively, is Crisis Care considering lodging such an application?

The Hon. C.J. SUMNER: The replies are as follows:

1. No.

2. No.

YOUNG OFFENDERS

The Hon. DIANA LAIDLAW (on notice) asked the Attorney-General: In respect of all senior supervisors for young offenders within each Department for Community Welfare Metropolitan Region, what qualifications and front line experience with youth and young offenders did each SSYO attain prior to their appointment?

The Hon. C.J. SUMNER: The title of 'Supervisor, Services to Young Offenders' (SSYO) was changed approximately 18 months ago. The positions are now titled 'Manager, Adolescent Services' (MAS). The details of the current three metropolitan MAS's are as follows:

1. Qualification: B.Sc.; B.Soc.Admin. Prior to appointment had extensive experience as a senior group worker with offenders in a Youth Project Centre, was assistant supervisor at the SA Youth Training Centre and had acted as an SSYO in two country regions.

2. Qualification: B.A. Prior to appointment worked as a residential care worker with young offenders in secure centres and subsequently as an assistant supervisor at the SA Youth Remand and Assessment Centre and then acting deputy supervisor at the SA Youth Training Centre.

3. Qualification: B.Social Work. Prior to appointment has extensive experience working with young offenders in secure residential care including approximately 10 years experience as supervisor of Brookway Park Boys Training Centre and was the supervisor of the SA Youth Remand and Assessment Centre.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

Pursuant to Statute—

Architects Board of South Australia—Report, 1987.
Government Management Board—Report, 1987-88.
Highways Department—Report, 1987-88.
Industrial and Commercial Training Commission—Report, 1986-87.
Industrial Court and Commission of S.A.—Report, 1987-88.
Parliamentary Superannuation Fund—Report, 1987-88.
Promotion and Grievance Appeals Tribunal—Report, 1987-88.
Premier and Cabinet, Department of—Report, 1987-88.
Tertiary Education Office—Report, 1987-88.
South Australian Metropolitan Fire Service—Report, 1987-88.
Small Business Corporation of S.A.—Report, 1987-88.
S.A. State Emergency Service—Report, 1988.
Technology Park Adelaide Corporation—Report, 1987-88.
Attorney-General's Department—Report, 1987-88.
Regulations under the following Acts—
- Daylight Saving Act 1971—Summer Time.
- Harbors Act 1936—
  - Tonnage Rates.
  - Port Pirie Boat Haven—Mooring Fees.
  - Robe Boat Haven—Mooring Fees.
  - Port MacDonnell Haven—Mooring Fees.
  - North Arm Fishing Haven—Mooring Fees.
- Marine Act 1936—Survey Fees.
- Technical and Further Education Act 1976—College Councils.

Housing Agreement between the Commonwealth of Australia and the States, and the Northern Territory.
Acts Republication Act 1967—
- Barley Marketing Act 1947 and Beverage Container Act 1975—Reprints—Schedules of Alterations.

Highways Act 1926—Approvals to Lease Highways Department Properties.
Equal Opportunity Tribunal—Rules—Proceedings.
Independent Order of Odd Fellows of South Australia Friendly Society—Variation of General Laws.

By the Minister of Consumer Affairs (Hon. C.J. Sumner):

Pursuant to Statute—

Regulations under the following Acts:
- Land Agents, Brokers and Valuers Act 1973—Small Business Exemption/Extension.
- Residential Tenancies Act 1978—Country Security Bonds.
- Trade Standards Act 1979—Leather Goods.

By the Minister of Corporate Affairs (Hon. C.J. Sumner):

Pursuant to Statute—

Trustee Act 1936—Regulations—Australian Guarantee Corporation Ltd.

By the Minister of Tourism (Hon. Barbara Wiese):

Pursuant to Statute—

Committee Appointed to Examine and Report on Abortions Notified in South Australia—Report, 1987.
Dried Fruits Board of South Australia—Report, year ended 29 February 1988.
Geographical Names Board—Report, 1987-88.
Greyhound Racing Control Board—Report, 1987-88.
History Trust of South Australia—Report, 1987-88.
Department of Lands—Report, 1987-88.
Metropolitan Milk Board—Report, 1988.
Pipelines Authority of South Australia—Report and Statement, 1987-88.
Racecourses Development Board—Report, 1987-88.
Administration of the Radiation Protection and Control Act 1982—Reports, 1985-86, 1986-87.
Regulations under the following Acts—
- Apiaries Act 1931—Prescribed Diseases and Compensation.
- Branding of Pigs Act 1964—Brands, Register and Fees.
- Cattle Compensation Act 1939—Compensation.
- Fisheries Act 1982—Coorong and Mulloway Fisheries (Amendment).
- Radiation Protection and Control Act 1982—Ionizing Radiation.
- Swine Compensation Act 1936—Compensation.

By the Minister of Local Government (Hon. Barbara Wiese):

Pursuant to Statute—

West Beach Trust—Report, 1987-88.
Public Parks Act 1943—Disposal of portion of Brickworks museum reserve, Beverley.
Building Act 1971—Regulations—Fees.

Dog Control Act 1979—Regulations—Crystal Brook-Redhill Area Number.
Corporation By-laws—
Mount Gambier—No. 5—Council Land.
Salisbury—No. 7—Poultry.
District Council By-laws—
Berri—
No. 4—Swimming Centre.
No. 6—Bees.
No. 8—Dogs.
Lower Eyre Peninsula—
No. 3—Camping.
No. 5—Foreshore.
No. 7—Bees.
No. 8—Repeal of by-laws.

OMBUDSMAN'S REPORT

The PRESIDENT laid on the table the report of the Ombudsman, pursuant to section 26 of the Ombudman Act, concerning an investigation into allegations of improper tendering procedures in the Department of Transport.

PUBLIC WORKS COMMITTEE REPORTS

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

Port Adelaide Tanker Berths—Fire Fighting Facilities at 'M' Berth,

Port Lincoln Prison Alterations,

Woolpunda Groundwater Interception Scheme.

QUESTIONS

POLICE CORRUPTION ALLEGATIONS

The Hon. K.T. GRIFFIN: Has the Attorney-General or any other Minister discussed with a Federal Minister (Mr Duncan) the serious allegations relating to the South Australia Police Force that Mr Duncan made last Thursday, particularly the following:

> There are still elements in the Police Force in South Australia that are corrupt.
>
> Some people in the South Australian Police Force . . . have been prepared to turn a blind eye to what's been going on rather than in any way bring odium to the good name of the Police Force.
>
> It's got about 10, 20, 30 or so police officers who . . . are not suitable people to continue to be in the Police Force.

If so, has Mr Duncan provided evidence to substantiate those allegations that can assist in the further investigation of police corruption and, if there have been no such discussions, can the Attorney indicate why they have not taken place and will he then immediately initiate such discussions to determine whether these serious allegations have any substance?

The Hon. C.J. SUMNER: I have not had any discussions with Mr Duncan about this matter. I am not aware of any other Minister having had discussions with him about it, but I cannot speak for the others.

The Hon. L.H. Davis: Weren't you concerned about what he said?

The Hon. C.J. SUMNER: I noted what the Federal Minister said.

The Hon. L.H. Davis: Why didn't you contact him?

The Hon. C.J. SUMNER: It is not a matter of my contacting the Hon. Mr Duncan. He made his statement.

The Hon. L.H. Davis: And got some headlines.

The Hon. C.J. SUMNER: And got some headlines, yes. What Mr Duncan has said has not altered the approach that the Government intends to take in this area. One of the major problems faced by the Government and the police in this area is that since May of this year we have been faced with allegations that have never been given any substance. The allegations have come from the Hon. Mr Gilfillan, from Senator Hill—

The Hon. L.H. Davis: And from Mr Duncan.

The Hon. C.J. SUMNER: —and they have just come from Mr Duncan. They appeared through the Hon. Mr Gilfillan, on the front page of the *Sunday Mail* in May. On that occasion there was some reference to Mr Bob Bottom, but he has subsequently fairly substantially repudiated what was claimed to be said on his behalf. The Government and the police have been faced with allegations being made but nothing has been brought forward to substantiate them. No names or specifics have been provided. Since May of this year generalised statements have been made about corruption in the Police Force, the public sector, the Health Commission and in local government, but no specifics ever arise.

The Hon. L.H. Davis: It's a pretty strong allegation by Duncan.

The PRESIDENT: Order!

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: The Government and the police are boxing at shadows; nothing arises.

The Hon. R.I. Lucas: It's not surprising if you won't talk to Duncan.

The Hon. C.J. SUMNER: Just a minute! This really does introduce a major problem for anyone trying to attack what people allege is occurring.

The Hon. M.J. Elliott interjecting:

The Hon. C.J. SUMNER: Just a minute! It would not be. Following the allegations in May in the *Sunday Mail* by Mr Gilfillan, who allegedly quoted Mr Bottom—but whether or not it was him, we do not know, because he repudiated some of it—

The Hon. M.J. Elliott interjecting:

The Hon. C.J. SUMNER: Some of it. I read out what he said. It is recorded in *Hansard*, so I will not read it again. It was certainly a little embarrassing for the Hon. Mr Gilfillan. Following the raising of those allegations, I asked people to be specific and to come forward with those allegations. I also asked the Hon. Mr Gilfillan to come forward. He claims that he has all this information, but none of it has ever been presented to anyone.

The Hon. L.H. Davis: If you asked Mr Gilfillan, why didn't you ask Mr Duncan?

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Mr Duncan made his statement only a few days ago.

Members interjecting:

The Hon. C. J. SUMNER: Frankly, the same offer applies to Mr Duncan: bring forward the information.

The Hon. L.H. Davis: Why didn't you ring him?

The PRESIDENT: Order! Order, Mr Davis.

The Hon. C.J. SUMNER: It is not a matter of my ringing Mr Duncan about it.

The Hon. L. H. Davis interjecting:

The Hon. C.J. SUMNER: Mr Duncan, yes. I challenge him to produce the evidence because, if the evidence is there, we will act on it, and that has been the problem, since May. Following the May allegations I wrote to some of the parties and the Police Commissioner wrote to some of the parties. We said, 'We will investigate if specific allegations are brought forward. We will have the police investigate it and, if you are not happy with that you can

come and make your statements and we will make someone in the police specifically, available. The Police Commissioner could give the task of carrying out the investigations. If you are not happy with that, you can come to the Crown Prosecutor or Crown Law officers. They are divorced from the police, and you can make the allegations to them and we can assess them.' Thirdly (and I do not think anything could be more reasonable than this), we said, 'You can go to a private lawyer.' In other words, we offered Mr Gilfillan and Senator Hill the opportunity to go to a private lawyer.

The Hon. L.H. Davis: And Mr Duncan?

The Hon. C.J. SUMNER: Yes; the same offer applies to everyone.

The Hon. L.H. Davis: You'd better let him know about it.

The Hon. C.J. SUMNER: The reality is that we have never had anything from any of these people, despite the calls made in May. We said, 'You can go to a private lawyer and the Government will arrange some financial contribution; that is, pay the lawyer, subject to certain agreements being entered into with the Crown Prosecutor. You can take the allegations to a private lawyer and get him to determine how they should be raised with the Government or with the police.' What could be fairer than that? They were the offers that were made to the people making the allegations.

The Hon. L.H. Davis: You had better let Mr Duncan know about it.

The Hon. C.J. SUMNER: Well, he now knows. I have just stated it. He is an assiduous reader of the newspapers, as you probably know.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! Order, Mr Davis.

The Hon. C.J. SUMNER: Mr Duncan is an assiduous reader of the newspapers.

The Hon. L.H. Davis: Is he a headline hunter?

The Hon. C.J. SUMNER: Some may make that claim about him, but they are entitled to whatever view they like of Mr Duncan.

The Hon. R.I. Lucas: What do you think?

The Hon. C.J. SUMNER: I am not making any comment. I understand that he is a Federal Minister. One does not hear very much from him, I might add.

The Hon. R.I. Lucas: You don't agree with what he said on this occasion?

The Hon. C.J. SUMNER: I am not saying whether I agree or disagree. He made the statement. We would be happy for him to come forward with the information.

An honourable member: You are challenging him.

The Hon. C. J. SUMNER: Indeed, I am challenging him to come forward with the information.

Members interjecting:

The Hon. C.J. SUMNER: Along with Senator Robert Hill and Mr Gilfillan. We should not belittle the argument, because the reality is that the Government has said that we want to hear the specifics before we consider the notion that there ought to be an independent commission examining corruption in this State. What we have said is that we do not believe, on the evidence that we have at the moment, that there are sufficient specifics to these allegations to support such a body. So, we have called for specifics: We have provided a mechanism whereby those things can be brought to our attention through an independent channel if need be. However, nothing ever materialises.

The Hon. L.H. Davis: Have you spoken to Chris Masters?

The Hon. C.J. SUMNER: No doubt Mr Masters will have his opportunity on Thursday night, and we will then be able to make a determination on what he says. If honourable members opposite then feel that a royal commission or an independent commission of inquiry is justified, and if they then want to support Mr Gilfillan's Bill, that is a matter for them. The Government likewise will no doubt examine the transcript of Mr Masters'—

The Hon. T. Crothers: Is that the same Mr Masters who earns his living as a reporter?

The Hon. C.J. SUMNER: I believe he is a reporter, yes. He will make his comments on Thursday. The program will be available to South Australians, and we can make up our minds whether we are on the right track. However, to this point in time (and this is the problem that the Government and the police, particularly the Police Commissioner have), no allegations have come forward in response to the newspaper front pages.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: No allegations of substance have come forward to the Government to investigate. That is the fact of the matter. Whether there will be allegations of substance on Thursday night, we have to see. But, to this time, despite three months—

The Hon. R.I. Lucas: He has already spoken to you.

The Hon. C.J. SUMNER: I know that he has already spoken. I gave an interview to Mr Masters, and presumably some of that will appear. If it all appears it will be a very boring program, but I assume it will be edited and slotted around. That is fair enough; it is journalistic stock in trade.

The Hon. R.I. Lucas: You are a bit sensitive about this issue.

The Hon. C.J. SUMNER: I am not the least bit sensitive.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: That program will come out on Thursday. I am merely following it through from the statements that I made earlier, namely, that until this point in time no specific allegations have been brought forward. That creates a problem. What we have had is the NCA report the parts of which could be tabled have been tabled in this Parliament. We have been proceeding with the implementation of the recommendations in that report. As we arrived at deciding on the precise structure of the anti-corruption unit, we had to make a decision about, first of all, its independence. It was always going to have some independent relationship from the police. However, the critical issue was coercive powers, that is, were we going to give yet another organisation in this supposedly democratic community of ours coercive powers? Honourable members may know what 'coercive powers' means. Essentially, it means that organisations, the National Crime Authority or whatever can call people before it and force them to answer questions under the pain of criminal penalty. That is something which until recently in this country has been rejected by the community as being a fairly fundamental—

An honourable member interjecting:

The Hon. C.J. SUMNER: Except in specific royal commissions, as the Hon. Mr Griffin has said, established to look at particular issues, and they have those coercive powers. I refer to the Costigan and Stewart royal commissions, and numerous others, whether they are into corruption, criminal activity or other matters: they have, under their charters, such coercive powers, and are able to call people before them. Generally in the area of criminal investigation in this country, we have not given investigatory organisations coercive powers. So, what happened? We got to the point of saying, 'Are we going to have a proliferation of bodies around Australia with coercive powers?'

The PRESIDENT: I remind the Attorney-General that an answer to a question must not contain a debate.

The Hon. C.J. SUMNER: If members had stopped interjecting, I would have finished. If they want to interject, I will answer the interjections.

The PRESIDENT: I remind the Attorney that interjections do not have to be answered. They are out of order, and I have drawn the attention of members to that fact.

The Hon. C.J. SUMNER: I assure you, Madam President, that if interjections are made they will be answered.

The Hon. R.I. Lucas: You are flouting the Chair.

The Hon. C.J. SUMNER: No, I am not flouting the Chair. If members want to make a point, by way of an interjection, that deserves an answer, it will be answered; it is as simple as that. If they want to abide by Standing Orders, I will answer the question and sit down in fairly short time. If they want to interject, they will get their interjections answered—and they know that.

I have said all this publicly before but, for the benefit of the Council, I will say again, the point we reached is whether we are going to have a proliferation of organisations with coercive powers. We decided that, before we went down that track. we had to decide whether the NCA was to have any permanent presence in South Australia. When the call for an NCA office in South Australia arose, we said that we had no objection to it, if they wanted to establish here. We have now entered into negotiations with the Federal Government—and the discussions must be with the NCA as well—to specifically request it to establish a permanent office in South Australia. That will provide the necessary degree of independence and will importantly mean that we will probably not have to give another organisation coercive powers with all the problems that one has in relation to civil liberties in this country.

The Hon. L.H. DAVIS: I direct the following questions to the Attorney-General:

1. Following the South Australian Government's decision to seek the establishment of an NCA office in Adelaide, does it no longer intend to set up an anti-corruption unit as announced by the Minister in his statement to the House on 16 August?

2. Because the Inter-governmental Committee on the NCA will not consider this request until its November meeting (making it unlikely that the office, if approved, will open before the New Year), who in the meantime is investigating the matters and allegations identified in the recent NCA report as requiring further investigation in South Australia, and is the Minister concerned that this further delay in implementing the Government's anti-corruption strategy will allow suspects to cover their tracks?

3. What is to happen to the Government's anti-corruption strategy if the Federal Government and the NCA decline to establish an office of the NCA in Adelaide?

The Hon. C.J. SUMNER: A number of those questions have already been answered but, as the honourable member has asked them again, I suppose I am forced to answer them again. Some of the allegations referred to are now the subject of investigation by the South Australian police in cooperation with the NCA. There has been liaison with the NCA on this matter, and certain matters can be investigated immediately and are therefore being investigated.

With respect to whether or not there will be a delay of a month or so, my recollection is that we did not receive the NCA's report until some time in August, and in less than three weeks of its receipt the Government tabled the relevant parts of the report and made its ministerial statement. The Government had waited for that report for nine or 10 months, so the delay was certainly not the fault of the South Australian Government. It seems to me that a delay of another month or so will not matter greatly, provided that in the final analysis we get the structure that is needed to deal with this matter properly.

In relation to what will happen to the anti-corruption unit if the NCA establishes an office in South Australia, I can say that there will still be some anti-corruption unit which will deal with an anti-corruption strategy in South Australia. The point that I made in answer to the Hon. Mr Griffin's questions is that the nature of that unit will depend on whether or not an NCA office is established here. I go back to the question of coercive powers. If we have in South Australia a body that has coercive powers to enable it to investigate matters sufficiently, why would we give to another body—an anti-corruption unit or whatever you want to call it—coercive powers? I do not think that we ought to have a proliferation of bodies around Australia with those coercive powers. That is part of the problem in this area: once you get some hysteria running on these things, it is very hard to come back to basic principles and ask what we ought to be doing in a society such as this. My view is that if the NCA establishes an office in South Australia we ought not to give another body in South Australia coercive powers.

That is the question, and that is why it was so important to determine whether or not—either now or in the future—the NCA would establish a permanent office in South Australia. Obviously, these things will take some time to sort out, but it does not necessarily mean that we will have to wait until the end of November for a decision on the matter. We will immediately enter into negotiations with the Federal Government on a possible cost-sharing arrangement and obtain its view and that of the NCA on the matter. Clearly, if they are all opposed to the idea we will have to go back to our original proposition. However, I can say that whatever has been done to the present time—I am referring to the further police investigations following the NCA report and the discussions about the nature of the anti-corruption strategy—has occurred in cooperation and consultation with the National Crime Authority.

DEFAMATION LAW

The Hon. J.R. CORNWALL: I seek leave to make a statement prior to asking the Attorney-General a series of questions about defamation law.

Leave granted.

The Hon. J.R. CORNWALL: On Friday 16 September, that is, the day immediately after this Parliament last sat, the distinguished international barrister, Geoffrey Robertson QC, delivered the 1988 Investigator lecture at Flinders University. His subject was 'The Freedom to Investigate'. Unfortunately, that lecture does not appear to have been reported by any major Adelaide media.

Mr Robertson is well known to television audiences in Australia for his *Hypotheticals* series, which is shown on the ABC. A number of other matters about Geoffrey Robertson's *curriculum vitae* need to be placed on the record. He graduated in law from the Sydney University, and went to Oxford in 1970 as a Rhodes Scholar. He later joined John Mortimer's chambers as a barrister and took silk in 1988. He has led several missions around the world on behalf of Amnesty International. He is the author of three legal text books on civil liberties, media law and censorship. Among other things, he has chaired an inquiry into the British Press Council and has been a visiting professor at Warwick University. He is eminently well qualified to speak on freedom of speech and defamation.

In the course of a 60-minute lecture he discussed free speech guarantees ranging through the First Amendment to

the Constitution of the United States, the free speech guarantee in the European Convention on Human Rights, and Article 19 of the United Nations Declaration of Human Rights, which reads:

> Everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media, regardless of frontiers.

The late and great Dr H.V. Evatt sought to have this provision adopted by referendum in the Australian Constitution in 1946. He narrowly failed when small majorities in three States—Tasmania, Queensland and Western Australia—rejected it.

Mr Robertson's lecture is a landmark for anyone interested in defamation law reform in Australia. Every news editor, proprietor, journalist, politician, lawyer and concerned civil libertarian in this country should obtain a tape or transcript of it, study it, absorb it, and act upon it. I will quote directly Mr Robertson's words unless I indicate otherwise. In his lecture, Mr Robertson said, *inter alia*:

> A much more frequent form of censorship in Australia is constituted by the law of libel. There is nothing objectionable in the principle that a person's reputation should be protected from published falsehoods. The difficulty is to find a system that permits freedom of expression while ensuring that demonstrable errors are prominently and speedily put right. Our problem in Australia is that we have inherited the common law of libel with its origins deeply entrenched in the class system of Victorian England.
>
> The very idea that large sums of money must be awarded to compensate people for words that tend to lower them in the estimation of right thinking members of society smacks of an age when social and political life was lived in the gentlemen's clubs in Pall Mall, when escutcheons could be blotted and society scandals resolved by issuing writs for slander. The leading cases that fashioned the law in the nineteenth century were all about allegations of cheating at cards and shooting at foxes. It is a dreadful libel in Britain to say that a gentleman shot at a fox rather than did the decent thing and hunted it down with hounds.

Mr Robertson went on to say:

> This is not, incidentally, just arcane history. The four leading authorities upon which a South Australian judge last month relied in finding Cornwall's words defamatory were English cases decided before 1840. The law should offer a cheap, speedy and effective redress for victims of false reports, not a redress involving unpredictable damages for the wealthy who can pay the legal costs of a trial two or three years down the track but the redress of a correction directed by a court if it is not made voluntarily immediately upon the production of evidence to refute the allegations. Most European countries now have right to reply statutes, not libel laws, that require both newspapers and television stations to offer space for responses by those they attack, a measure which is receiving increasing support in America. This approach solves the conflict between free speech on the one hand and the right to reputation on the other by the sensible approach of ordering more free speech.

I continue to quote directly from Mr Robertson's lecture as follows—

Members interjecting:

The PRESIDENT: Order! I hope that the explanation is not too long.

The Hon. J.R. CORNWALL: It is quite long but it is an extremely important matter—

An honourable member: Why didn't you speak in the Address in Reply debate?

The Hon. J.R. CORNWALL: Because at that time Mr Robertson had not spoken at Flinders University. Mr Robertson continued—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Mr Robertson continued:

> I came to the case of *Humble v Cornwall* with one inestimable advantage. I know absolutely nothing about the good Dr Humble or the bad Dr Cornwall or His Honour the Acting Judge Pain. But the case does illustrate a number of the points which I have just been trying to make.

The Hon. K.T. GRIFFIN: On a point of order, this matter is *sub judice*.

The PRESIDENT: As I understand it, the case referred to is *sub judice* at the moment. The remarks that the Hon. Dr Cornwall is quoting were made publicly but, as he indicated, no publicity was given to those remarks made by Mr Robertson. The *sub judice* rules of the Parliament should be observed and there should not be discussion of matters which are currently before the court.

The Hon. J.R. CORNWALL: I expected that. These words, which are on the public record, are available to any journalist who happens to be even remotely interested.

The PRESIDENT: I appreciate that comment and have already made it myself.

The Hon. J.R. CORNWALL: I accept everything that you say, Ms President. I have no problem with it at all but I would further make the point that, when the question of country hospitals, which was under appeal and *sub judice*—

The Hon. L.H. Davis: You cannot debate that point.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I am not debating it.

The Hon. L.H. Davis: Yes, you are.

The PRESIDENT: Order! The honourable member has received leave from the Council to give a short explanation before asking a question on defamation law. I would suggest—

The Hon. J.R. CORNWALL: I was at pains not to say a short statement. I said a statement.

The PRESIDENT: It was certainly regarding defamation law and had nothing to do with country hospitals.

The Hon. J.R. CORNWALL: No, but it seems—

The PRESIDENT: I ask the honourable member to confine his explanation to a question on defamation law.

The Hon. J.R. CORNWALL: Let me continue, Ms President. I will leave aside the direct references, which were extensive, to the *Humble v Cornwall* case. As I said, those matters are on the public record and any journalist who is interested can obtain them. At the end of the lecture, Mr Robertson was asked among other things about juries versus judge alone, and he went on to say:

> But I would prefer, from my experience, a jury system to any trial by judge alone because in general I think juries get it right. They do have a right to bring back a verdict of acquittal where the law is harsh or the defendant has been badly treated and I think that is a great salvation for us. E.P. Thompson describes the jury as the gang of 12 and, in British law, both present and past, the jury has been that essential safeguard because the jury can, in a criminal trial, do justice where a judge cannot and must follow the law.

Mr Robertson continued:

> I am firmly in favour of the jury. I think it has a role, not in awarding damages, but it has a role in finding of facts in libel cases. It would be interesting to see whether, had there been a jury in the XvY case, it would have had quite the same prejudices as the judge.

They are Robertson's words, not mine.

The Hon. K.T. Griffin: That is an objectionable remark.

The Hon. J.R. CORNWALL: Well, Robertson made it, not me.

The Hon. K.T. Griffin: You are making it.

The Hon. J.R. CORNWALL: Robertson made it, not me. Ms President—

The Hon. R.J. Ritson: You're abusing the privileges of this Parliament—

The Hon. J.R. CORNWALL: Be quiet.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The harm done to my career is, at least in some significant aspects, irreversible. The plea that I make today is therefore not motivated by self interest. However—

The Hon. L.H. Davis: Ever taken an action in defamation?

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I will come to that in a moment. However, I have formed and passionately hold the view that my case must act at least as a catylst for genuine reform for defamation law in this State. It will be outrageous—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The law is not the subject of the appeal. I am talking about the defamation law generally—

Members interjecting:

The Hon. J.R. CORNWALL: No, no.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: It will be outrageous if, as social democrats, we persist with defamation law which is demonstrably archaic—

The PRESIDENT: I rule that out of order. That is an opinion and cannot form part of an explanation.

The Hon. J.R. CORNWALL: Nevertheless, as I said, demonstrably archaic, anachronistic and class ridden. There is also an urgent need for us to develop fair, just and uniform defamation law at a national level. The case for this has been made even more compelling with the advent of satellite television. In answer to the interjections of the Hon. Mr Lucas and the Hon. Mr Davis, I point out that, incidentally, following the events of early August, allegations have been circulating that I previously derived financial benefit from libel or defamation actions. Let me set the record straight.

The PRESIDENT: Order! This is not a personal explanation. If the honourable member wants to make a personal explanation he can seek leave to do so at the correct time. He currently has leave to explain a question on defamation law. I remind the Council that any member at any time can call 'Question', which will—

The Hon. K.T. Griffin: If we call it we will get done—

The PRESIDENT: Order! I am in the process of reminding members that, under Standing Orders, any member may at any time call 'Question' and the explanation must then cease. I suggest to the Hon. Dr Cornwall that he limit his explanation very carefully to the topic on which he has been given leave and that he shorten his explanation. Otherwise, I might have to ask for the question.

The Hon. J.R. CORNWALL: Ms President, I have leave to make a statement on defamation law, and I am doing just that.

The PRESIDENT: The honourable member does not have leave to make a statement on defamation law. He has leave to make a statement in explanation of a question on defamation law. The honourable member's statement must refer to and explain the question which he is about to ask.

The Hon. J.R. CORNWALL: With great deferential respect, Madam President, I said, 'I seek leave to make a statement prior to directing a question on the subject of defamation law to the Attorney-General'. It was in the broadest possible sense that I sought leave.

The PRESIDENT: The honourable member is asking a question, and I point out that Standing Order 109 provides:

> In putting any Question, no argument, opinion or hypothetical case shall be offered, nor inference or imputation made, nor shall any facts be stated or quotations made including quotations from *Hansard* except by leave of the Council and so far only as may be necessary to explain the question.

I trust that the honourable member's explanation is necessary in order to explain the question. That is as far as he is permitted to go under Standing Order 109.

The Hon. J.R. CORNWALL: There is nothing here that needs parliamentary privilege. I shall be happy to give it to the press gallery. It puts to rest the allegations that I have somehow profited from—

The PRESIDENT: I am not arguing with you, Dr Cornwall. If you wish to make a personal explanation at any time, you have the right to seek the leave of the Council to do so.

Members interjecting:

The PRESIDENT: Order! When I am—

The Hon. J.R. CORNWALL: That will not distress me too much.

The PRESIDENT: Order!

The Hon. R.I. Lucas: Sit down! He should sit down when you are standing up.

The PRESIDENT: And you should not interject, either. Would you like me to throw you both out?

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! Standing Orders are very clear that when I am giving a ruling or addressing the Chamber there should be no interjections at all. That is very clear under Standing Orders. It is also clear under Standing Orders that when I rise to my feet every member shall stay seated.

The Hon. J.R. CORNWALL: Ms President, by the time of the next State election the Labor Party will have been in office in South Australia for all but five years of the past 25. We have had a tradition of outstanding Attorneys-General: Dunstan, King, Duncan and Sumner.

The Hon. R.I. LUCAS: On a point of order.

The PRESIDENT: Point of order.

The Hon. R.I. LUCAS: The honourable member should sit down—he does not understand Standing Orders.

The PRESIDENT: Order! Your point of order is not, I presume, to lecture me on what the Standing Orders are.

The Hon. R.I. LUCAS: I was just telling him.

The PRESIDENT: You do not need to.

The Hon. R.I. LUCAS: The honourable member has just expressed an opinion which is not allowable under Standing Orders.

The PRESIDENT: I agree completely. The honourable member will not express any opinions.

The Hon. J.R. CORNWALL: No, certainly not. Yet none of those Attorneys-General has ever moved for substantial reform of our defamation law. That reform is clearly urgent and it is obviously essential. It would be unconscionable for a Labor Government to persist with a defamation law which, as I previously pointed out—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —is archaic, anachronistic and class ridden. Did the Attorney-General inform the Premier, at least in general terms, of the archaic and anachronistic nature of South Australia's defamation law when the Premier consulted him on the morning of 3 August? What initiatives, if any, have been taken in the 1980s by the Standing Committee of Attorneys-General to achieve uniform defamation laws throughout Australia?

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: You would not let me explain that to you. You obviously did not want to hear it, but I will give it to the press gallery afterwards.

An honourable member interjecting:

The Hon. J.R. CORNWALL: I have never profited from the defamation laws of this State.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: That is a matter of fact.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: They cost me my job. What proposals, if any, are before the Standing Committee of Attorneys-General for Australia, as a signatory to the United Nations Declaration of Human Rights, to adopt Article 19 in legislation or in any other practical way? Does the Attorney-General intend to reform South Australia's archaic and anachronistic defamation law?

The Hon. C.J. SUMNER: I am not sure that I am in a position to answer all of those questions. Suffice to say that attempts have been made to reform defamation law in this country. In fact, substantial attempts were made in the early 1980s. The Hon. Mr Griffin was probably involved in some of those discussions to implement an Australian Law Reform Commission report on the topic. Many of the issues raised by the Hon. Dr Cornwall were, in fact, canvassed in the Australian Law Reform Commission report on defamation and privacy.

However, the reality was that after considerable discussion by the Standing Committee of Attorneys-General it was not possible to reach agreement on defamation law reform. There were a number of sticking points. We got close, but the most important sticking point was between those States that have a common law position where truth is a defence to an allegation, such as South Australia and Victoria, compared to New South Wales and Queensland where, in order to defend a defamation action, a defendant had to establish both that the allegation was true and that it was published in the public interest. That sticking point was impossible to overcome. That is the reality.

It may be that South Australia could have gone its own way with respect to that defence, but there were other matters. For example, defamation of the dead was an issue that caused some concern. In the end, the media ditched the issue. After pressing for it for so long the media decided it did not want the defamation law reform.

An honourable member interjecting:

The Hon. C.J. SUMNER: They did not want defamation law reform because they did not want the sort of things that would have to be put in that legislation in relation to corrections and the like. They started off wanting defamation law reform; they supported it; the Standing Committee wanted it; the Australian Law Reform Commission formed the basis of it; and Bills were drafted, redrafted and reconsidered. In the end, honourable members might remember that poor old Gareth Evans, the incoming Federal Attorney-General at the time, took on the debate following the election of the Federal Labor Government. He ran with the uniform defamation issue. He wanted it in and he ended up being the patsy for all the criticism. He decided that he had had enough of that, and it was shortly after he moved portfolios that the standing committee decided that agreement could not be reached. Therefore, the matter lapsed.

The political climate changed dramatically, as it often does in these things. One minute everyone is in favour of reform and then, of course, after a while, the people who do not want it chip away at it and, in the end, uniform defamation law was an untenable proposition. However, substantial attempts were made to reform the law, and some of the things that the Hon. Dr Cornwall referred to were, in fact, part of that draft Bill. The Australian Law Reform Commission report is still available and, of course, may be the basis of a revival of these matters. My own view is that the only way we will get uniform defamation law reform in this country is for the States to refer powers to the Commonwealth. As I understand it no States are prepared to do that. Therefore, for the moment, that is where the matter rests.

The Hon. J.R. CORNWALL: My fourth question to the Attorney-General was: does the Attorney-General intend to reform South Australia's archiac and anachronistic defamation law?

The Hon. C.J. SUMNER: In the light of the debate that occurred when this matter was previously discussed, there are no plans, at present, to reform South Australia's defamation laws. The matter of getting newspapers to print corrections and the like was one of the problems that arose when the matter was being discussed previously. In any event, if we want uniform defamation law, the only way of doing that is at the national level. At this stage I have not given the matter any additional consideration because the attempts to reform the law in 1983-84, and perhaps prior to that, came to nothing. However, the honourable member has raised the question and I will consider it further.

POLICE CORRUPTION ALLEGATIONS

The Hon. R.I. LUCAS: My questions are to the Attorney-General. First, in view of the public statements made last Thursday by Federal Minister, Mr Duncan, which strongly criticised the present Police Commissioner's conduct of an investigation in 1981 and 1982 into allegations of police corruption, did the Attorney-General, or any member of the Bannon Government, or its officers, following the November 1982 State election, review this investigation before the NCA began investigating alleged police corruption in 1987? Secondly, if it did, what conclusion was reached? Thirdly, in any event, does the Attorney-General reject Mr Duncan's particular charge that because the 1981-82 investigation was inadequate, Mr Hunt should be dismissed?

The Hon. C.J. SUMNER: As I have said publicly, we reject any notion or suggestion by Mr Duncan or anyone else that the Police Commissioner should be dismissed. The South Australian Government has confidence in the Police Commissioner and generally has confidence in the South Australian Police Force. Bob Bottom recently went on record as saying that in David Hunt, South Australia has a very good Police Commissioner, well regarded around Australia. He said on radio in May that it is not a problem. He has also said that the South Australia Police Force is the cleanest in Australia in his view.

As far as the general situation is concerned with respect to the Police Commissioner and the South Australian police, the Government supports the police and has confidence in the Force. That does not mean that there are not some problems in the Police Force. The conviction of Mr Moyse would surely indicate to everyone that there was one major problem at least and it is possible that there are others. Certainly allegations have been made with respect to others.

Following the 1982 election, I do not believe that any specific review was done of the findings of the investigation carried out by Mr Hunt and Mr Giles and overseen by former Justice Bright.

The Hon. K.T. Griffin: And Mr Cramond.

The Hon. C.J. SUMNER: Yes, and Mr Cramond from the Crown Law office. However, after the 1982 election we did two things in respect of this area, the first being to establish a Police Complaints Authority. Honourable members may remember the debate in this Council about that matter. I am not sure what stance honourable members took on that issue.

The Hon. K.T. Griffin: We supported it.

The Hon. C.J. SUMNER: You certainly did not support all of it. You had some difficulties with some aspects of the proposal. Certainly there was a considerable amount of

political opposition from certain sections, particularly the police, to some sections of the Police Complaints Authority measure. The then Minister, Jack Wright, proceeded with it and it was passed. That matter of police complaints was addressed. It provided the scope at least to investigate some allegations that could be made against the police through the public complaining of their behaviour, including the power to look at some aspects of so-called police corruption.

The other initiative in early 1983 was the proposal for a National Crime Authority. At that stage the Costigan Commission was drawing to an end and the proposal came before the new Federal Government on what it should do for the future. It proposed the establishment of a National Crime Authority. The South Australian Government fully supported that and I was the South Australian Government spokesperson on those issues. I attended numerous ministerial council meetings on the topic. I attended a seminar in Canberra in mid-1983, along with Mr Griffin, who was invited by the Government to attend. At that seminar the broad parameters of the National Crime Authority were discussed and debated along with civil liabilities aspects, the question of coercive powers, the independence from Governments, and so on. The National Crime Authority was subsequently established. We did not specifically review those findings—

The Hon. R.I. Lucas: Did you review them in any way—you keep saying 'specifically'?

The Hon. C.J. SUMNER: I did not review them specifically. I do not know whether the police Minister or the police reviewed them. We did not specifically go over that ground. We did take a positive approach, namely, to support the establishment of structures to deal with issues of complaints against police corruption, organised crime and the like through the Police Complaints Authority with strong support for the establishment of the National Crime Authority. That was the approach the Government took after 1982 to try to get those structures in place. In respect of the National Crime Authority, its presence in South Australia led to one conviction of a former police officer, Mr Moyse, and may lead to other action being taken. That was the approach adopted by the Government.

PENSIONER DENTURE SCHEME

The Hon. M.B. CAMERON: I seek leave to make a brief statement before asking the Minister representing the Minister of Health a question about the pensioner denture scheme.

Leave granted.

The Hon. M.B. CAMERON: My office was recently contacted by a pensioner widow from the southern suburbs who has been told she will have to wait up to six months to have her broken dentures replaced under the Government's pensioner denture scheme. The woman, Mrs Molly Seagrim, of Morphett Vale is aged 68, an epileptic, who also suffers from double vision. Because Mrs Seagrim has broken her bottom set of dentures (which she has had for 20 years) she is unable to chew and is now forced to live on a continual diet of soft foods. I wonder whether any member of the Government has every contemplated how it must feel to be faced with the prospect of eating pureed foods for six months? Mrs Seagrim has contacted three separate clinics—each has told her the same story:

> You'll have to wait about six months to have the dentures replaced.

At the Adelaide Dental Clinic she says they explained the delay was due to 'something about the lack of Government funding'. Last month, during Estimates in another place, the member for Heysen raised the issue of the substantial cut in funding to this pensioner denture scheme. Using the Minister of Health's bible—the Health Commission blue book for 1988-89—the scheme appears to have been allocated $2.07 million this year compared to $2.16 million last year, or an actual cut of $83 000. In real terms, when inflation is considered, that cut is of the order of $209 000, or almost 10 per cent. In reply, in Estimates, a ministerial adviser said:

> In 1988-89 there is a slight reduction in the allocation for the pensioner denture scheme. Additional Health Commission funds through the Statewide Services Division were allocated part way through 1987-88, and this elevated the amount for that year above the usual. The allocation for 1988-89 is not a reduction over usual expenditure.

But if we look again at the Minister's bible, the blue book, we see quite clearly how much this additional funding was that Mrs Johnson talks about. The PDE's budgeted payments for 1987-88 were $2 158 700, and their actual payments were $2 158 786. Therefore, the scheme got a measly $86 more than planned, and for this they and pensioners of this State have penalised to the tune of $203 000 in real terms. My questions are:

1. Is there now a standard wait of between five or six months for replacement dentures under the pensioner denture scheme?

2. If so, what effect is the 10 per cent cut in real terms funding to the scheme likely to have on current waiting times?

The Hon. BARBARA WIESE: I will refer those questions to my colleague in another place and bring back a reply.

LAND AGENTS, BROKERS AND VALUERS ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Land Agents, Brokers and Valuers Act 1973. Read a first time.

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

That this Bill be now read a second time.

Since 1980 there have been a number of fiduciary defaults by land brokers and land agents. Prior to 1986, claimants were paid for the fiduciary default of agents and brokers out of the old consolidated interest fund in the Land and Business Agents Act. The provisions governing payments from the fund were extremely restricted, so in 1986 the Act was amended and a new agents indemnity fund established. The agents indemnity fund provisions are far more flexible, and therefore claims can be dealt with more equitably. In order to expedite payment of claims which remain outstanding on the fund, it is necessary to make amendments to the Act to streamline procedures for the operation of the fund and to ensure that all claims are dealt with as fairly and as equitably as possible.

The proposed amendments to the Act deal with three major issues concerning the operation of the indemnity fund, namely, the need to ensure that the procedure for dealing with claims is as streamlined as possible, in order to expedite payment of claims, the need to maintain the viability of the indemnity fund in order to allow accumulation of interest, and enable future claims to be paid; the need to ensure that claimants are treated equitably whether they lodged claims pre 18 February 1988 or post 18 February 1988.

There are two problems with the procedures under the present Act. First where a claim has been lodged prior to 18 February 1988, it is required to be dealt with under the consolidated interest fund provisions of the 1985 Land Agents, Brokers and Valuers Act. Such claims cannot be dealt with under the 1986 amendments to the Act. This means that only 10 per cent of the indemnity fund can be applied in satisfaction of all these claims, which would mean less can be paid out than would be possible under the current provisions.

Further, there is currently a considerable number of claims lodged just prior to February 1988, and also claims against the same broker lodged prior to February 1988 and some after that date. If the Act is not amended it would result in some claimants who have suffered loss from the fiduciary default of the same broker receiving more money than other claimants. This is clearly inequitable.

Secondly, current procedures for dealing with claims under the Act require the claim to be lodged with the Commercial Tribunal. This means that the claim is lodged with the tribunal, the tribunal then refers it to the Commissioner for Consumer Affairs for investigation and recommendation as to payment; the commissioner, after doing that, refers it back to the tribunal and the tribunal makes a determination. The tribunal is not bound by the commissioner's assessment (even where the claimant agrees with the commissioner's assessment or where the amount claimed is the same as the amount assessed), and can, if it so chooses, investigate the claim for a second time. Further, the tribunal, having received the commissioner's investigation and assessment, then holds hearings at which claimants and the commissioner are required to go over the same ground covered when the commissioner first investigated the application. Where the claimant has no disagreement with the commissioner's assessment, it merely subjects the claimant to inconvenience and further delays.

This procedure has been the cause of the delays and duplication of effort and resources in dealing with current claims. This process is particularly unnecessary when claimants have already accepted the commissioner's assessment. This is the case in a number of the outstanding claims yet, because they have yet to go through the tribunal, the claimant cannot be paid.

This Bill amends the Act to ensure that procedures are streamlined to expedite processing of claims. In future all claims will be dealt with in the first instance by the commissioner and, if the claimant accepts the assessment of the commissioner, the commissioner can pay the claimant either the full assessment or a proportionate reduction. Where the claimant does not accept the assessment, the claimant may have the claim determined by the tribunal. Where a proportionate reduction of the assessment is paid, there is provision for the commissioner, with the approval of the Minister, to make further payments.

Claims made between 1 January 1980 and the date of commencement of the amendments (except those allowed by the Land and Business Agents Board) will be dealt with under the new streamlined procedure in the amendments. This means that, whether claims against the same broker were lodged prior to 18 February 1988 or after that date, they can all be dealt with under the new procedures. However, in order to ensure that other claimants who lodged claims prior to 18 February 1988 are not disadvantaged, their claims will also be dealt with under the new procedures. Transitional provisions have been inserted to deal with claims currently in process. In order to deal with part processed claims the amendments ensure that:

- Determinations of the old Land and Business Agents Board, under the 1985 consolidated interest fund provisions, remain in force.
- Any determinations of the Commercial Tribunal prior to the commencement of the amendments are made void. This is because the tribunal has made orders under the old provisions which allow the tribunal to determine the amount, apportion claims and recommend further payments. Further, it has determined claims under the old 1985 provisions. If these orders stand it would not be possible to ensure that all claimants are treated equitably.
- Where a claimant who lodged a claim between 1 January 1980 and the commencement of the amendments has already agreed to the commissioner's assessment, the claim is treated as determined. (This is to avoid claims having to then be referred to the tribunal).
- Where a claimant who lodged a claim between 1 January 1980 and the commencement of the amendments has not agreed to the commissioner's assessment, the claim can be determined by the tribunal. This is necessary to allow the tribunal to determine claims under the new procedures and, while it may mean a re-determination of some claims, it is to the advantage of claimants, especially those whose claims the tribunal has determined under the 1985 Act.

Current section 76f of the Act recognises that there may be occasions when the claims assessed as payable from the fund may be greater than the amount held by the fund at that time. That is in fact currently the case. A new section has been drafted to replace it to make it clear that the commissioner must make a proportionate reduction in an amount to which a claimant is entitled, if that is necessary to enable other claimants to be paid, whose claims remain unpaid at the time that claim is assessed or to maintain a reasonable amount in the fund to enable it to increase at a reasonable rate to meet future claims. The new section also makes it clear that, once that proportionate reduction is made and payment made, the entitlement is discharged and gives the Minister discretion to make further payments on the recommendation of the commissioner. Where a claimant fails to respond to an assessment of the claim by the commissioner at the expiration of three months, the claim is referred to the tribunal for determination *ex parte*, if necessary. This is to ensure that the claim is determined and the fund is not put at risk of having to pay out claims determined years later.

The Official Receiver in Bankruptcy has indicated that, where the commissioner has made a payment to a claimant which includes an interest component, he does not regard the commissioner as entitled to the interest component. The Bill amends the subrogation provision in section 76c of the Act to make it clear that the commissioner is entitled to the full extent of any payment he makes to the claimant.

The proposed amendments also amend the Act to make it clear all moneys received by a broker for loan or mortgage must be subject to audit and includes a power to prescribe regulations governing the manner in which brokers deal with clients who wish to lend funds through those brokers. Land brokers Hodby used companies in association with his land broking practice through which funds received for potential lenders on mortgage were channelled. Parliamentary Counsel has advised that the Act at present does not clearly require funds so received to be subject to audit or contain a power to make regulations governing the manner

in which brokers deal with clients who wish to lend funds through those brokers.

It is essential that the receipt and disbursement of funds, in the circumstances outlined and the manner in which instructions are given by potential lenders to land brokers, who also act as mortgage financiers, are regulated in order to avoid future misappropriations. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 amends the interpretation section, section 6 of the principal Act. The clause inserts new definitions of 'mortgage' and 'mortgage financier'. 'Mortgage' is defined as a legal or equitable mortgage over land. 'Mortgage financier' is defined as a person who is an agent or land broker, or an associate of an agent or land broker, and receives money from another on the understanding that the money will be lent to a third person on the security of a mortgage. The clause also inserts a new subsection (6) defining the circumstances in which a person will be taken to be an associate of another. These are if (a) they are partners; (b) one is a spouse, parent or child of the other; (c) they are both trustees or beneficiaries of the same trust, or one is a trustee and the other is a beneficiary of the same trust; (d) one is a body corporate and the other is a director of the body corporate; (e) one is a body corporate and the other is a person who has a legal or equitable interest in five per cent or more of the share capital of the body corporate; (f) a chain of relationships can be traced between them under any one or more of the above paragraphs.

Clause 4 amends section 62 of the principal Act which provides definitions of terms used in Part VIII relating to trust accounts and the agents indemnity fund. The amendments are linked to the new general definitions inserted by clause 3. 'Agent' is redefined so that it includes a land broker, mortgage financier or person who carries on a business of a prescribed class. This change is designed to make it clear that the provisions of Part VIII applying to agents apply to agents or land brokers when acting as mortgage financiers. The definitions of 'financial business' and 'financier' and subsection (2) (relating to 'associates') are deleted in view of the new definitions proposed by clause 3.

Clauses 5 and 6 make consequential changes to sections 75 and 76 of the principal Act.

Clause 7 replaces section 76b of the principal Act. New section 76b provides for a means of quick determination of a claimant's entitlement where the claimant agrees with the commissioner's assessment. If there is no agreement the tribunal determines the amount of the entitlement. Subsections (8), (9) and (10) provide for an appeal to the Supreme Court from a determination of the tribunal. Subsection (13) provides for the payment of interest.

Clause 8 amends section 76c of the principal Act in order to underline the fact that the commissioner is subrogated to the rights of a claimant in respect of a payment whether the payment is in respect of compensation or interest.

Clause 9 replaces section 76f of the principal Act. The new provision is similar to the existing provision in that it requires proportionate reduction of amounts paid out if the fund is insufficient to pay in full and allows the commissioner to defer payments for a year so that the interests of subsequent claimants are taken into account. New subsection (3) enables the commissioner to set aside part of the fund to protect the interests of claimants whose claims have not been determined and of likely future claimants. New subsection (4) protects the fund where a claimant receives more from the bankrupt estate of the defaulting agent than was expected.

Clause 10 inserts a new section 98b making provision with respect to money received by mortgage financiers. Under the proposed new section, any money received by a mortgage financier from another on the understanding that it will be lent on the security of a mortgage is held by the financier on trust for that other person until lent on the security of a mortgage, whether the money was received by the financier as agent or pursuant to a loan. The proposed new section also provides that any such mortgage must be in favour of that other person, or the financier or a trustee company as trustee for that other person, and, except with the prior written authority of that other person, must be a first mortgage and registered under the Real Property Act. Failure by a financier to comply with the requirements of the section as to any such mortgage is constituted an offence punishable by a fine not exceeding $5 000.

Clause 11 amends section 107 of the principal Act which provides for the making of regulations. The clause inserts a new paragraph in subsection (1) designed to make it clear that regulations may be made regulating the operations of mortgage financiers. The clause also increases the amount of a penalty that may be prescribed in the regulations from $1 000 to $2 000.

Clause 12 amends the schedule of transitional provisions in the manner already described.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 August. Page 488.)

The Hon. K.T. GRIFFIN: This Bill does four things. First, it gives the Principal Registrar authority to delegate any of his powers, functions and duties to any officer of the Registry. That extends the present power of the Principal Registrar to delegate to the Deputy Registrar. Secondly, it seeks to amend the specific provision of the Act dealing with the situation where the parents do not nominate a surname for the child. Thirdly, it repeals a provision which requires the Master of the Supreme Court to inform the Principal Registrar of orders made by the Supreme Court dissolving or nullifying marriages. Fourthly, it increases penalties which have not been amended since, at the latest, 1966.

The first amendment is generally acceptable although I would like the Attorney to indicate the way in which the delegation will be made, what guidelines are proposed, what limits the Principal Registrar proposes to place on the delegate and the way in which the delegation will be made. There are some functions which, it appears to me, would be better not delegated beyond the Deputy Registrar. They are essentially matters which involve discretions, the correction of errors for example the registration of persons dying at sea, both of which involve the exercise of discretions. What I would like the Attorney-General to do in his reply is to indicate what sorts of powers are proposed to be delegated and what limits are to be placed on the delegation and whether those powers of the Registrar which involve discretion are to be delegated and, if so, to what extent.

The second amendment is perhaps the most difficult. Presently section 21 of the Act provides:

> The name to be entered in the Register of births as the surname of a child shall be—
>
> *(a)* the surname of the father, the surname of the mother or a combined form of the surnames of both parents, whichever is nominated by the parents or
>
> *(b)* In default of any such nomination by the parents
>
> (i) in the case of a child born within lawful marriage, the surname of the father
>
> (ii) in the case of a child born out of lawful marriage, the surname of the mother.

According to the Attorney-General's second reading explanation, the Commissioner for Equal Opportunity has concluded that this paragraph *(b)* is discriminatory and it is as a result of that opinion that the Government is proposing that in circumstances presently covered by paragraph *(b)* a parent or the Registrar of Births, Deaths and Marriages will be empowered to apply to a local court of limited jurisdiction to direct which surname shall be entered on the register. There is no indication from the Bill as to the criteria which any court will be required to apply in determining which surname shall be entered on the register.

The second reading explanation does not identify how many children are likely to be affected by this change. I would like the Attorney-General to produce the opinion given by the Commissioner for Equal Opportunity so that we can see the basis upon which she argues that the present paragraph *(b)* is discriminatory. I would like him also to indicate whether he is of the view that it is discriminatory and whether that discrimination is consequent upon the Federal Sex Discrimination Act or the South Australian Equal Opportunity Act or is discriminatory in perception without necessarily being discriminatory at law, and if he could also indicate to this Council how many persons are likely to be affected.

I presently have some difficulty with the provision in the Bill. Unless there are some arguments which I have not considered or had drawn to my attention, it seems to me that the provisions of the Equal Opportunity Act do not make the present provision in the Births Deaths and Marriages Act discriminatory, or in conflict either with State or Federal law. The way I look at it, the child is the subject of paragraph *(b)*. It is the child's surname which is to be determined and the child is not by virtue of the operation of the present paragraph *(b)* discriminated against on the ground of his or her sex or marital status. It may be that the Commissioner is looking at it from the perspective of the parent but I would suggest that that is not the proper way in which the Equal Opportunity Act ought to be applied, because the question of the parents is largely irrelevant to the determination in paragraph *(b)*. But I have an open mind on it and if the Attorney-General indicates by persuasive argument that what the Commissioner is arguing is correct, then I am happy to reconsider my position.

In my view, the present paragraph *(b)* does provide a certain formula for determining the surname of a child. To introduce the level of uncertainty which is proposed in the amendment seems to me to be particularly unreasonable with respect to the child. Undoubtedly it will add costs to the procedure for naming the child, costs for both parents and the Registrar, and will undoubtedly add work for the courts and I would suggest that it will not result in any certainty as to how children who fall into the present category of paragraph *(b)* of section 21 will be treated.

In effect, what the Bill seeks to do is allow the court to legislate to set the principles by which a determination will be made. Although the amendment seeks to provide that the welfare and interests of the child must be the paramount consideration of the court, no criteria are expressed for the determination of the surname. So we go from what is presently a certain procedure and certain principle to something uncertain which is placed in the hands of the court, and I have some concern about the court being given the power to set its own criteria for determining this. If there is a difficulty with so-called discrimination, I would suggest that it is incumbent upon the Government to come up with some other procedure to be enshrined in the Act which provides the sort of certainty which is presently in that paragraph *(b)*.

As I said earlier, my present view is that the level of uncertainty introduced by the amendment is unreasonable and unnecessary, but I am prepared to reconsider my position on that matter when the Attorney-General has presented his own position and that of the Commissioner in much more detail than is in the second reading explanation. It is just a bald statement in the second reading explanation when I would have thought that, with possibly something as difficult and as controversial as this, there should be some detailed argument of the way by which the conclusion has been reached that the present position is discriminatory.

With respect to the third amendment, this appears to be acceptable, although I would like the Attorney-General to indicate what sorts of procedures and upon what guidelines the Registrar of Births, Deaths and Marriages is noting the dissolution of marriage by the Federal Family Court and whether there is any legislative basis for the Registrar making that notation.

I have some doubt as to whether there is legal authority for the Registrar to undertake that process administratively or for the notation to have any legal significance, but I would like the Attorney-General to indicate how and upon what basis in law that is proposed to operate.

In relation to the question of penalties, I do not see any difficulty. As I said, the penalties were last amended in 1966, and some had not been amended for quite some years prior to that. So, as part of the general procedure for upgrading penalties, the Opposition is prepared to support that provision.

The Opposition is prepared to support the second reading of the Bill. We reserve our decision on the question of amendments and the third reading until we hear the Attorney-General on the law relating to the assertion that part of the present Act is discriminatory and goes against current State or Federal legislation.

Bill read a second time.

ADJOURNMENT

At 4.21 p.m. the Council adjourned until Wednesday 5 October at 2.15 p.m.