

HOUSE OF ASSEMBLY

Thursday, March 9, 1972

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

QUESTIONS

TRADING HOURS

Mr. HALL: As it is obvious that the Government has lost control of effective policy making in relation to shop trading hours in South Australia, will the Premier make a statement to the House outlining his own position, the Government's policy, and the attitude of the Trades and Labor Council and the Retail Traders Association to the proposition on extending trading hours in South Australia? I give two examples of the confusion which exists in the community and upon which my question is based. I have been told that tomorrow most retailers in Adelaide will conduct their own secret ballot of their employees and will ask them whether they favour a roster system of employment under Friday night shopping. I have also been told that they will tell the employees that, if they are not in favour of a roster system, there will be major retrenchments in the industry.

Mr. Ryan: They're putting the screws on already!

The SPEAKER: Order!

Mr. HALL: I have been told that retailers have said that their wage costs will increase by more than 20 per cent if a roster system is not available to them. To add to the confusion, I understand that the Labor Caucus yesterday discussed this matter in detail and that the Premier was outvoted by three to one.

Members interjecting:

The SPEAKER: Order!

Mr. HALL: When this discussion in Caucus took place, the Premier was supported by the Minister of Education, the Minister of Works, the Attorney-General, the Minister of Environment and Conservation—

Members interjecting:

The SPEAKER: Order! When I am on my feet honourable members must observe silence, and I will not tolerate interjections from either side of the Chamber. I have been fairly liberal with the honourable Leader of the Opposition in his explanations of questions, but I think that what happens in Party rooms is not relevant to the explanation of a question. I

ask the Leader to confine his remarks to the explanation of the question.

Mr. HALL: Thank you, Mr. Speaker. I will not refer again to the position wherein the Premier had only seven supporters and the rest were against him. Without going into any further detail that I possess concerning the activities within the Caucus room, I point out that the decision made in Caucus is extremely relevant to the activities, or non-activities, regarding shop trading hours in South Australia. These two instances, namely, the retailers' action in conducting a ballot among their own employees and the Government's indecision and bowing to union pressure, indicate that the situation is out of control in regard to effective policy making. I therefore submit my question to the Premier, hoping he will make a statement that will remove from the public's mind confusion about the position.

The Hon. D. A. DUNSTAN: The degree to which the Leader is willing to play politics on this subject is exceeded only by the fabrications which he persistently utters in this place concerning activities of members on this side. The statements he has made about what has occurred in the Labor Party and in its Caucus are complete fabrications; they are utterly untrue and without foundation.

Mr. Millhouse: What did happen?

The Hon. D. A. DUNSTAN: Obviously, the honourable member does not know. What he would like to think happened was that somehow or other I was in a minority in my Caucus. I have never been in a minority in Caucus.

The Hon. J. D. Corcoran: That's different from the problems they've had on the other side.

The Hon. D. A. DUNSTAN: That is right. We on this side are not divided, as are members opposite.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The next thing we should deal with is the statement that shopping hours policy is out of control. I do not know what the Leader means by "control". The present Government has constantly sought to obtain an agreed consensus of opinion on shopping hours by all people involved and to maintain the public interest.

The Hon. D. N. Brookman: At great expense to the taxpayer.

The Hon. D. A. DUNSTAN: The Leader and his supporters have advocated a complete lack of control on shopping hours, because the Leader's statement on policy is as follows:

It is my personal belief that there should be no restriction of shopping hours, that the public should set the demand, and that the retailers would answer it by providing a good service according to that demand, and at times when it is profitable to provide the service, and the public patronage of a business so concerned would obviously affect the hours desired.

The Leader does not believe that he should obtain the support of the retail traders: he believes he should ride rough-shod over the interests of employer and employee alike and have no shopping hours whatever. That is his policy. This Government does not believe that that is right. We believe that what we should seek to do is ensure that, if there is an extension of shopping hours, it is not at the expense of the conditions of the employees; that the costs to the public should be minimized; and that the agreement of the retail traders should be sought. That is what this Government has been doing consistently, and it has had the thanks and support of every section of the industry in that endeavour.

Mr. Millhouse: Whom are you kidding!

The Hon. D. A. DUNSTAN: I am not kidding the honourable member, because the honourable member does not care about what is the public interest.

Mr. Millhouse: Rubbish!

The Hon. D. A. DUNSTAN: I had a meeting with Mr. Hayward of the Retail Traders Association today, and he expressed the association's thanks to the Government for its constant consultation and its constant seeking to obtain agreement on this issue. He said that he regretted the way in which this matter had been made a political football. Legislation on this matter will be introduced into the House—

Mr. Millhouse: When?

The Hon. D. A. DUNSTAN: —next week, and the Government's policy will be explained fully to the House at that time.

Mr. MILLHOUSE: Before the introduction of the Bill next week, does the Premier intend to take action within the Parliamentary A.L.P. and in the Trades and Labor Council in an attempt to reverse the decision which Caucus apparently made yesterday in refusing to accept the roster system for shop assistants as proposed by the retail traders, in an attempt to achieve a solution similar to that achieved in Victoria? I understand that yesterday Caucus, against the advocacy of the Premier—

Mr. Clark: That's a lie.

Mr. Ryan: We withdraw permission.

Mr. Burdon: Question!

The SPEAKER: Order! "Question" having been called, I call on the honourable Premier to reply.

Mr. Millhouse: They're frightened.

The SPEAKER: The honourable Premier.

The Hon. D. A. DUNSTAN: I am not frightened of the honourable member's deliberate lies in this House. The honourable member comes in here and deliberately lies.

Mr. Millhouse: No, I don't.

The Hon. D. A. DUNSTAN: You do.

Members interjecting:

The SPEAKER: Order! All members in this Chamber have an obligation to their constituents to conduct themselves properly. I do not believe that shouting and yelling is suitable behaviour in this House. The honourable member for Mitcham should conduct himself a little more properly and, if he does not stop speaking while I am on my feet, I will name him. When I speak in this House, I speak to all members, and I ask that the honourable Premier be given the courtesy he deserves in replying to the question. The honourable Premier.

Mr. MILLHOUSE: I desire to take a point of order.

The SPEAKER: What is the point of order?

Mr. MILLHOUSE: The Premier accused me of coming into this House and telling lies. As I find that statement offensive, I ask for it to be withdrawn.

The SPEAKER: That is not a point of order.

Mr. MILLHOUSE: I find it offensive, and it is unparliamentary. I ask for the withdrawal by the Premier of his accusation that I came into this House and deliberately lied.

The Hon. D. A. DUNSTAN: I came here this afternoon and was accused by members opposite of being in a position within my own Caucus—

Mr. MILLHOUSE: I take another point of order, Mr. Speaker. Will you please rule on my previous point of order?

The SPEAKER: Resume your seat.

Mr. MILLHOUSE: I have taken a point of order, and I ask you to rule on it.

The SPEAKER: If the honourable member does that again, I will name him. The honourable Premier.

Mr. MILLHOUSE: I took a point of order, and I am entitled to a ruling on it.

The SPEAKER: I name the honourable member for refusing to respect the Standing

Orders by resuming his seat while I am on my feet.

Mr. HALL: I take a point of order. The member for Mitcham can take a point of order while you are not on your feet. The honourable member took his point of order while you were on your seat, not while you were on your feet. You then stood up and told him he could not take his point of order. I put it to you: when can he take his point of order if you will not allow him to speak while you are in your seat or when you are on your feet, and if you will not sit down and permit him to take a point of order? At what stage can he take a point of order, or is he forbidden to do so?

The SPEAKER: It is not my role to determine hot political questions; nor can I determine the accuracy or inaccuracy of statements made.

Mr. HALL: On a point of order: there is no hot political decision to be made here. We are not asking you to do that and you could not be accused, I hope, of making any political decisions; we are not accusing you of that. What I am asking you to do is to rule on a point of order, and that is allowed under Standing Orders. If you rule against the point of order made by the member for Mitcham, he can then move to disagree to your ruling and take the matter further. But surely he has the right to ask you to rule, otherwise there is no control other than the dictatorial one that forbids his being heard.

The SPEAKER: When I ask honourable members to resume their seat, the honourable Leader and all other honourable members have the obligation to resume their seat and not to stand up while the Speaker is on his feet. I will not tolerate such behaviour from any member of the House. I insist that, when I instruct members to resume their seat, they shall do so.

Mr. MILLHOUSE: I must resume the point of order that I took originally, and I hope I can do so calmly. I asked for the withdrawal of the words the Premier used against me. Mr. Speaker, you have not ruled on that, and I ask you to rule against the Premier and to get him to withdraw the allegation that I deliberately lied in this House.

The SPEAKER: Will the honourable member resume his seat! Standing Order 125 provides:

Whenever any such member shall have been named by the Speaker or by the Chairman of Committees, such member shall have the right to be heard in explanation or apology, and

shall, unless such explanation or apology be accepted by the House, then withdraw from the Chamber...

The Hon. D. N. BROOKMAN: I would like to take a point of order.

The SPEAKER: There is no point of order. Will the honourable member for Mitcham—

The Hon. D. N. BROOKMAN: You have just quoted from Standing Order 125. I have had a look at Standing Order 125 and I can see no reference to what is being discussed. It has nothing whatever to do with the request of the honourable member that the Premier withdraw his accusations of deliberately lying.

The SPEAKER: I was quoting from Standing Order 170.

Mr. Gunn: You said 125.

The SPEAKER: Well, I am saying it is Standing Order 170 now.

Mr. MILLHOUSE: If that little piece of confusion is resolved, I desire to make an explanation under the Standing Order. This unhappy incident began when the Premier accused me of coming into this House this afternoon and deliberately lying. There was then some disorder in the House. You rose to your feet and spoke; I stayed in my seat until you sat down and as soon as you sat down I rose. I took the point of order (and that point of order, although I did not say it at the time, was under Standing Order 152) that what the Premier had said about me was offensive, and I asked for its withdrawal. You have persistently refused to rule on that point of order either for me or against me. If you rule for me you must ask the Premier to withdraw, as I hope you will. Even if you rule against me, although I would say that such a ruling was grossly unfair, at least I am entitled to a ruling.

In the subsequent few minutes I have been on my feet several times trying to get you to rule on what is a perfectly proper point of order and one which I believe has substance in it. I do not like the imputation that I am a liar, that I came into this House and lied deliberately this afternoon, and I am entitled to your protection just as much as if I was sitting on your side of the House. Why cannot I have your protection? I have rights in this House as a member even though I do happen to be in the minority Party. That is all I asked for. I have asked for a ruling on an imputation which was grossly offensive and which the Premier knows is without foundation, and you will not give it to me. Why will you not give it to me? Why will you not rule for

or against me? Are you so lily-livered that you will not take a stand?

Members interjecting:

The Hon. D. A. DUNSTAN: Mr. Speaker—

The Hon. D. N. BROOKMAN: Mr. Speaker—

The Hon. D. A. DUNSTAN: Mr. Speaker, I rose to my feet—

The SPEAKER: Order! Will both honourable members resume their seats. The situation now is that the explanation has been given and, if it is not accepted by the House, the honourable member for Mitcham must withdraw.

The Hon. D. N. BROOKMAN: Mr. Speaker—

The Hon. D. A. DUNSTAN: Mr. Speaker—

The Hon. D. N. BROOKMAN: I move—

The Hon. D. A. DUNSTAN: Mr. Speaker, I was on my feet before the member for Alexandra.

Mr. Gunn: No, you weren't.

Members interjecting:

The SPEAKER: Order! I have just explained to honourable members that the honourable member for Mitcham has made his explanation. If it is not acceptable to this House, then he must withdraw.

The Hon. D. N. BROOKMAN: Mr. Speaker, I have listened to the member for Mitcham—

The Hon. D. A. DUNSTAN: Why didn't I get the call? I was on my feet before the honourable member.

The Hon. D. N. BROOKMAN: I am entirely convinced by the explanation.

The SPEAKER: Order! The honourable member cannot speak without moving a motion. The honourable Premier.

The Hon. D. N. BROOKMAN: On a point of order—

The SPEAKER: There is no point of order.

The Hon. D. N. BROOKMAN: Mr. Speaker—

The SPEAKER: The honourable member must resume his seat. He cannot speak without moving a positive motion.

The Hon. D. N. BROOKMAN: On a point of order—

The SPEAKER: The honourable member for Alexandra must resume his seat. The honourable Premier.

The Hon. D. N. BROOKMAN: I want to move on a point of order.

The SPEAKER: I will call the Premier, but only if he wants to move a motion.

The Hon. D. A. DUNSTAN: Mr. Speaker, I am, in the circumstances, called on to move a motion in relation to the member for Mitcham, but I do ask the indulgence of the House for a personal explanation that I think will solve the situation, because I do not want to move that the honourable member be suspended from the sittings of this House.

Leave granted.

The Hon. D. A. DUNSTAN: At the time this disorder occurred, I was trying to make a personal explanation in relation to the words to which the member for Mitcham had objected. Now, I suggest to the House that we get back to some order and try to get a basis of consensus in dealing with matters before the House which is sensible.

Mr. Millhouse: Everyone will support you in that.

The Hon. D. A. DUNSTAN: In that case, I wish I had been allowed to express myself previously without constant interruption from the honourable member. What happened in this House today was that the Leader accused me in relation to certain events that he alleged had taken place in the Labor Party Caucus meeting, and they had not taken place. The allegation was completely untrue and I denied it. The Leader of the Opposition and the member for Mitcham were not at the meeting, but we were. Every one of us on this side knew that the statement was untrue, and I refuted the statement made by the Leader of the Opposition. That allegation, which was completely unfounded and untrue and a complete and deliberate fabrication, was repeated by the member for Mitcham.

The Hon. D. N. Brookman: Are you withdrawing?

The Hon. D. A. DUNSTAN: I will withdraw the statement that the honourable member was deliberately lying if he withdraws the imputation he made in relation to me. Then we will be back to square one, and that is fair and proper.

Mr. MILLHOUSE: I renew my request that the Premier withdraw unreservedly what he said about me. I find it entirely offensive and ask for its withdrawal.

The Hon. Hugh Hudson: Do you withdraw your imputation?

The Hon. D. A. DUNSTAN: No, he doesn't. I offered to withdraw and he does not withdraw.

The SPEAKER: Is there any motion for acceptance of the honourable member's explanation?

Mr. HALL (Leader of the Opposition): I move:

That the explanation of the honourable member for Mitcham be accepted.

I consider that the honourable member's explanation has been sufficient and that he has explained his attitude. His approach to this question is one that he believes is based on tradition. I think that numerous members of this House, in the heat of the moment, have said that other members have lied, and those numerous members have accordingly withdrawn the remarks. Today (and I say this in the Premier's defence, if necessary) is not the first time that that procedure has been used in this House. If he withdrew that remark, it would not be the first time such a remark was withdrawn. It is acceptable Parliamentary custom that such remarks be withdrawn and the Premier would be complying with precedents if he did that. I consider that the explanation of the member for Mitcham is satisfactory and should be accepted.

The Hon. D. N. BROOKMAN (Alexandra): I second the motion, as I intended to move it earlier. I am entirely convinced by the explanation made by the member for Mitcham. He was told he had been deliberately lying and he asked you to ask the Premier to withdraw the remarks. Many members in the past have been asked to withdraw statements, and I think possibly the member for Mitcham has been asked to withdraw statements that he has made. On this occasion, the Premier was not asked to withdraw his statement that the member for Mitcham was deliberately lying, and he has not yet been asked to withdraw it. In the circumstances, the honourable member's explanation was indeed moderate. The confusion was somewhat intense at the time you named the honourable member, and I do not pretend to understand the sequence of thoughts that went through your head at the time you named the honourable member. I only say that, when you named him, there was confusion and the honourable member was indeed wounded by being told by the Premier that he was deliberately lying. In response to the honourable member's request that the statement be withdrawn, you did not take action, except to name the honourable member. In those circumstances, I think that the honourable member's explanation was moderate and justified and that it should certainly be accepted.

The SPEAKER: I remind the House that I have named the honourable member for wilfully refusing to regard the authority of the Chair.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I oppose the motion. The situation that faced us was that allegations that had been made by the Opposition were false, untrue, without foundation, and without knowledge. Those allegations were refuted, without heat but clearly, by members on this side of the House, in whose possession the facts were. The complete, deliberate and untrue fabrication that the Opposition had offered was repeated by the member for Mitcham, recklessly and deliberately. The reply that he provoked was something that he asked for.

The Hon. D. N. Brookman: When will you withdraw?

The Hon. D. A. DUNSTAN: I will withdraw when the honourable member withdraws. I have said that I will withdraw if he does also, which is the proper position before this House. If he does it fairly, I will withdraw without any reservation whatever.

The Hon. D. N. Brookman: You said he abused you.

The Hon. D. A. DUNSTAN: The honourable member did abuse me.

The Hon. D. N. Brookman: He didn't.

The Hon. D. A. DUNSTAN: He uttered deliberate and reckless untruths in relation to me and other members of my Party.

The Hon. D. N. Brookman: You used insulting words.

The Hon. D. A. DUNSTAN: In the course of trying to get members to a position where they should give proper respect to one another, which I was seeking to invite the honourable member to do, the honourable member refused to accept the authority of the Chair persistently and constantly, and that was why he was named. If the honourable member chooses to be so disorderly in this House that it is impossible for any member to try to put a position whereby an agreement can be arrived at to respect one another, as one should in this House, what is the Chair to do but do what you have done, Sir, and maintain the authority of this House concerning people who refuse to listen to directions of the Chair?

Mr. Millhouse: Haven't I got any rights?

The Hon. D. A. DUNSTAN: Yes. The honourable member's right is to represent his people in this House honestly and in an orderly fashion and with respect to other people who sit in this House. In these circumstances, the honourable member has forfeited the respect of this House. I made an offer to the honourable member which was fair, reasonable and proper and which he has

utterly refused to accept. If he withdraws the utterly untrue statements he has made, I will withdraw the statements I have made about him. His statement (you know, Sir, and he knows) was deliberately, clearly and recklessly untrue.

Mr. MILLHOUSE: I take a point of order on that, Mr. Speaker. I again ask for the withdrawal of what the Premier has said about me. I deny entirely what he has said. I find what he has said absolutely offensive, and I make one more attempt to get you to make a ruling on this matter. I have taken a point of order; why do you not make a ruling?

The SPEAKER: Now that the honourable member has sought a ruling, I intend to rule, in the context of this debate, that I am not prepared to rule the Premier out of order. The honourable Premier.

The Hon. D. A. DUNSTAN: I do not believe that the explanation which the honourable member has offered to the House and which—

The Hon. D. N. BROOKMAN: On a point of order, Mr. Speaker, I point out that you have just refused to rule the Premier out of order for using words to which the member for Mitcham objected and to which I think any reasonable person would object. Therefore, I can only move:

That the Speaker's ruling be disagreed to.

The SPEAKER: I have received from the member for Alexandra the following:

Mr. Speaker, I move disagreement to your ruling that the Premier should not be asked to withdraw the statement that the member for Mitcham spoke a deliberate untruth in the House. These words are obviously unparliamentary in the context of any debate in any Parliament based on the British democratic system.

The Hon. D. N. BROOKMAN (Alexandra): As every member of this House knows, some statements are unparliamentary and subject to withdrawal by the person who has uttered them. Such statements have been made many times over the years (not necessarily the words to which I object, but various unparliamentary words) and, as often as the words in question are used, the person who feels aggrieved, or about whom they are used, takes objection and asks the Speaker for his protection. I remind you, Mr. Speaker, that you are here to uphold the rights and privileges of every member of this House. On numerous occasions you have been asked to request the person who uttered the words in question to withdraw them. On this occasion, one of the most

blatant uses of unparliamentary language has taken place.

The Premier has described the honourable member as having uttered deliberate untruths. Just before this occurred, there had been considerable controversy, and the Premier has tried to justify his refusal to withdraw the words in question (not that he has been asked by you to do so, Mr. Speaker; only by way of interjection from other members of the House). The Premier refused to withdraw those words on the basis that the member for Mitcham had uttered some statement which was untrue and which the honourable member knew was untrue. Many statements are made by members in this House which other members believe to be untrue. The Premier has made many statements that I believe were untrue. I have heard him object many times to criticism by people outside Parliament, saying that the stories in question have been fabricated by the Liberal Party, or he has made some such statement. This, however, is simply a part of political life. One person can make a statement and another can say it is not true, but that is different from abuse within Parliament by one member or another. A member can be abused in Parliament if it is said that he is uttering a deliberate untruth or by saying that he is deliberately lying, and, if anything, that is worse than saying he is lying. To add the word "deliberately" emphasizes it even more.

In these circumstances the member for Mitcham must have taken considerable offence at that, as would any member of this House. All members sitting opposite should have the interests of members at heart, as well as those of their constituents, and see that this House observes the correct decorum. They should see that you, Mr. Speaker, preserve the right of members to say what they like within the Parliamentary rules and protect members when these rules are broken, which you, I regret to say, Mr. Speaker, have not done. You have not protected the member for Mitcham in any way this afternoon: you have not asked the Premier to withdraw those very unparliamentary and offensive words "deliberately untrue".

Mr. COUMBE (Torrens): I second the motion and believe that the boot is on the other foot in this matter and that things are entirely the opposite from what some people would think: it was the honourable member for Mitcham who was abused by the Premier. I believe it was an unfair offer by the Premier

to swap withdrawals. I believe that the member for Mitcham had the right to ask for a withdrawal.

Mr. HALL (Leader of the Opposition): I support the motion, and I do so on the basis that the member for Mitcham has tried to use Parliamentary Standing Orders throughout this debate whereas the Premier has not. The Premier's objection was not taken on a point of order at the time the member for Mitcham made the remarks that apparently offended the Premier.

The Premier did not seek your protection, Mr. Speaker, or your assistance or refer to Standing Orders: he replied to the honourable member across the House in unparliamentary terms outside Standing Orders. As a member of the legal profession the Premier would know that he did not avail himself of the specific Standing Orders that are there for his protection. Therefore, in moving outside Parliamentary Standing Orders the Premier has not shown the sincerity he claims in this matter. He has not availed himself of the Standing Orders and he has not asked for your ruling, whereas the member for Mitcham has done so, although he has been unable to get a ruling from you. That is the basis of the disagreement to your ruling.

The House divided on the Hon. D. N. Brookman's motion:

Ayes (19)—Messrs. Allen, Becker, Brookman (teller), Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, and Nankivell, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (26)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, Wells, and Wright.

Majority of 7 for the Noes.

Motion thus negatived.

The SPEAKER: Order! I remind the House that prior to the motion to disagree to the Speaker's ruling the House was debating the motion moved by the Leader of the Opposition, that the explanation made by the honourable member for Mitcham should be accepted by the House.

The Hon. D. A. DUNSTAN: I do not believe that the explanation of the honourable member should be accepted. The honourable member persistently refused to accept the

directions of the Chair at a time when the Chair was trying to establish order in the House. When there was a possibility of the Chair's obtaining order, the honourable member persistently interrupted you, Mr. Speaker, and me, and he refused to accept the ruling that you made. He refused to accept your direction in the matter. In those circumstances, the explanation of the honourable member would have been difficult indeed to present to the House. In the course of his explanation, the honourable member compounded his offence by the grossest abuse of you and your chairmanship, using words which, in themselves, were grossly unparliamentary and offensive to the Chair. In these circumstances, I do not believe for a moment that the House should accept the honourable member's explanation.

Mr. HALL (Leader of the Opposition): I am sorry to hear what the Premier has said in not accepting this explanation, which I thought was entirely reasonable. The Premier has taken his objection outside the realms of the debate and of the explanation given by the honourable member. I repeat that, in his actions this afternoon, the Premier has operated entirely outside Standing Orders. Members should bear this in mind when they vote on this motion. The Premier has not made his objection through the proper channels provided in the Standing Orders. Therefore, he has acted improperly, according to Standing Orders, and so far the member for Mitcham has not been able to get redress. This is where the problem arises.

The SPEAKER: Order! The honourable Leader should not go back over ground already covered. He must raise points at the time they arise.

Mr. Millhouse: That's what he is complaining the Premier didn't do.

The SPEAKER: Order! The honourable member for Mitcham would do himself a great service if he took note of what his colleague the honourable member for Alexandra said, in moving the motion of dissent to my ruling, that we should try to achieve proper decorum in this Chamber. That is what I have been trying to do. If the honourable member for Mitcham had a bit of respect for the people he represents, he would take notice of this.

Mr. HALL: I do not want to go back over this matter, but I do not want to see the member for Mitcham abused, and an

injury added to the injury he has already suffered, by the comment you have just made.

The SPEAKER: Is the honourable Leader saying that the honourable member for Mitcham did not speak while I was on my feet? I am not trying to get into a debate on this.

Mr. HALL: In answer to your question: yes, I am. Have you any further questions? I reiterate that the member for Mitcham has operated within the Standing Orders, while the Premier has not done so; that is the one point relevant to this discussion and the only point that should concern us. The Premier has not operated within the Standing Orders, and his insistence that he be given a right beyond the right extended to the member for Mitcham is the first step towards a dictatorship in this House.

The House divided on Mr. Hall's motion:

Ayes (19)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall (teller), Mathwin, McAnaney, Millhouse, and Nankivell, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (26)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, Wells, and Wright.

Majority of 7 for the Noes.

Motion thus negatived.

The SPEAKER: In pursuance of Standing Order 170, the honourable member for Mitcham will now withdraw from the Chamber.

The honourable member for Mitcham having withdrawn from the Chamber:

The Hon. D. A. DUNSTAN (Premier and Treasurer) moved:

That the honourable member for Mitcham be suspended from the service of the House for the remainder of today's sitting.

The SPEAKER: All those for the question say "Aye", those against "No".

The Hon. D. N. BROOKMAN: Mr. Speaker—

The SPEAKER: There can be no debate on the motion.

The Hon. D. N. BROOKMAN: Have you ruled on the question?

The SPEAKER: All those for the question say "Aye", those against "No". The "Ayes" have it.

Mr. Hall: Divide!

The House divided on the Hon. D. A. Dunstan's motion:

Ayes (26)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, Wells, and Wright.

Noes (18)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall (teller), Mathwin, McAnaney, and Nankivell, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Majority of 8 for the Ayes.

Motion thus carried.

PLEASURE CRAFT

Mr. RYAN: Can the Minister of Works explain the current and future position in respect of the expected licensing or registration system for small pleasure craft?

The Hon. J. D. CORCORAN: I previously announced in this House that legislation would be drawn up for introduction during this session that would lead to the licensing of drivers of pleasure craft and the registration of pleasure craft in order to control some of their activities in this State. A Bill has been drawn for that purpose. However, the Commonwealth Government has placed on the agenda for the April meeting of Ministers of Marine the question of uniformity of such legislation, and it has asked the States to consider legislation relating to sea rescue, control of adventurers, control of vessels undertaking deep-sea voyages, and other matters. Victoria, New South Wales and Queensland all currently have controls, but in New South Wales and Queensland these controls are exercised only by virtue of the Marine Act, and those States have found this position to be unsatisfactory. Victoria has legislation on its Statute Book which I believe is reasonably satisfactory but this matter has been placed by the Commonwealth on the agenda and, because I believe it desirable as much as possible to have uniformity between States on such matters, I do not intend now to introduce this legislation during this session.

The Hon. D. N. Brookman: You have got cold feet on it.

The SPEAKER: Order! Interjections are out of order.

The Hon. J. D. CORCORAN: I have explained to the House why the legislation will

not be introduced during this session. If the member for Alexandra does not believe the reason, let him check with his colleague in the Commonwealth Parliament, the Minister for Shipping and Transport, to see whether or not that item has been placed on the agenda for the next meeting and to see whether the reasons I have given are true or false. I challenge the honourable member to do that. The honourable member has accused me of misinforming this House, by saying I have got cold feet. I have told this House that the legislation has been drawn up and that it would have been ready for presentation to this House, but for the reasons that I have outlined I do not intend to introduce it, whether or not the member for Alexandra believes me.

DISTINGUISHED VISITOR

The SPEAKER: I notice in the Gallery the Hon. Inché Sha'ari Tadin, M.P., Parliamentary Secretary for Culture, Singapore. I know it is the unanimous wish of honourable members that Mr. Tadin be accommodated with a seat on the floor of the House, and I invite the honourable Premier and the honourable Leader of the Opposition to introduce our distinguished visitor.

The Hon. Inché Sha'ari Tadin was escorted by the Hon. D. A. Dunstan and Mr. Hall to a seat on the floor of the House.

BUS TIMETABLES

Mr. HOPGOOD: Can the Minister of Roads and Transport say whether his department is helping private bus operators prepare their timetables? All members will have received—

Mrs. Steele: What's the question?

The SPEAKER: The honourable member asked the question.

Mr. HOPGOOD: All members will have received from the Minister early this month a copy of the public transport—

Mr. Coumbe: Question!

The SPEAKER: Exception having been taken, I call on the Minister of Roads and Transport.

The Hon. G. T. VIRGO: The honourable member has asked me whether my department is helping private bus operators prepare their timetables, and I am at a loss to understand why members opposite called "Question".

Members interjecting:

The SPEAKER: Order! If honourable members would pay a little more attention

instead of conducting themselves like school-children (I say that advisedly) the House could get on with its business. The honourable member for Mawson asked a question and sought leave to make an explanation. Leave was granted, but then exception was taken and I sat him down. I called on the Minister of Roads and Transport to reply and he should be heard in silence.

The Hon. G. T. VIRGO: The question was plain to me. There has been much liaison and co-operation between my department and all forms of public transport, and within the Director-General of Transport's department the co-ordination of, and co-operation between, all modes of transport will be fostered to the greatest extent humanly possible. Various discussions have taken place and these will continue in the future. I think the best tangible evidence of the liaison is the production of the first Adelaide transport map. I understand that all members of this House have received a copy of the map and I am surprised that there have been no comments from members opposite, because people who have received the map have told me it is the best thing they have ever seen and that it indicates a welcome change in the area of public transport.

TRADING HOURS

Mr. COUNBE: Will the Minister of Labour and Industry give some information on the trading hours of shops which I have not been able to receive in reply to questions? Is the Minister aware that the cost of living will increase substantially if his Government cannot achieve a roster system for shop assistants in South Australia, and is the Minister also aware that major retail traders have claimed that their cost of operation may increase by more than 20 per cent?

The Hon. D. H. McKEE: I have consistently told members opposite that it is very foolish to rely on press statements. I also point out to them (although I think they know this) that any extension of trading hours certainly would cause some increase.

The Hon. J. D. Corcoran: They were going to give them the lot.

The Hon. D. H. McKEE: Yes, they were going to give them the lot, as the Premier said this afternoon.

Mr. Coumbe: Will you answer my question?

The SPEAKER: Order!

The Hon. D. H. McKEE: I will not make any announcements based on speculation in

newspapers and, further, I have every confidence that the business leaders of the retail stores in this State will act in an orderly manner in respect of increases in prices. I am sure they will watch prices carefully, and the Government has confidence in the ability of the businessmen to do this.

Mr. GUNN: If the secret ballot of employees to be undertaken by the retail stores indicates that shop assistants prefer a roster system, will the Premier agree to implement the system? I should like to quote from the David Jones staff bulletin.

The SPEAKER: Order! The honourable member's question is somewhat hypothetical; he says, "If so and so happens." What the retail traders do is not associated with the business of this House, and Erskine May has given rulings that such matters should not be allowed.

Mr. HALL: I rise on a point of order, Mr. Speaker. You are entering into the substance of the matter in the explanation of the question rather than applying Standing Orders to a specific matter. I cannot understand your intruding into the subject matter to an extent where you say the retail traders' views are not relevant in this House.

The SPEAKER: What the retail traders do? It is a hypothetical question.

Mr. HALL: The point of order I put to you is that my colleague has information that the major retail traders in Adelaide intend to take a secret ballot of their employees. Probably, it will be a well conducted ballot.

Mr. Clark: And they're telling them they will get into trouble if they do not vote a certain way.

Mr. HALL: The member for Elizabeth is helping me and may help you, too, unknowingly. My colleague has information that the ballot will be taken. That is not hypothetical: it is information that he has. Perhaps the Premier can say that it will not happen, but the information has been given in good faith.

Mr. Clark: It's been made up.

Mr. HALL: The member for Elizabeth says that it has been made up, but I do not think we can rely on him: few people can. The point is that you have entered into the substances of what is now a debate and I point out that it is not for you, as an impartial Speaker of this House, to enter into debate. I do not question your impartiality at this stage.

The SPEAKER: Hypothetical questions are not allowed under Parliamentary practice,

and the honourable member prefaced his question by saying "If" so and so, and saying what someone else was doing. Therefore, it was hypothetical. That is the basis on which I have ruled the question out of order. If the honourable member likes to rephrase his question I will accept it.

Mr. GUNN: My question is to obtain information from the Premier, and I will ask the Premier again. If the ballot—

The SPEAKER: Order!

Mr. GUNN: I will rephrase it.

The SPEAKER: The question is not in accordance with Standing Orders, and I have asked the honourable member to rephrase it.

Mr. GUNN: When the ballot is taken by the retail stores of their employees, if the employees accept—

The SPEAKER: Order!

Mr. GUNN: —the roster system that has been put to them, will the Premier agree to what the employees desire? I intended to quote from the staff bulletin put out by David Jones.

The SPEAKER: Order! I am ruling that the honourable member's question is still hypothetical. If he likes to rephrase it, I will re-examine the matter.

Mr. GOLDSWORTHY: In view of the disturbing material put to the Minister's colleagues in the explanatory matter used by Opposition members this afternoon, will the Minister of Roads and Transport reverse his present position of opposition to a roster system and support a scheme that will keep the cost of extending trading hours to a minimum?

The Hon. G. T. VIRGO: I have many problems within my portfolio, and I assure the honourable member that I do not intend to take under my wing the problem of shopping hours, which is already being handled adequately by the Minister of Labour and Industry.

Mr. BECKER: Will the Minister of Labour and Industry legislate to allow Friday night shopping in South Australia simply by amending the relevant legislation and removing any obstacle that may be contained therein; and will he subsequently leave the matter of rostering and overtime rates to be agreed by the union and the retail traders and, if necessary, the Industrial Commission?

The Hon. D. H. McKEE: Once again, I point out that the appropriate Bill will be before the House soon, and the honourable member will then have an opportunity to debate the matter.

Dr. EASTICK: I wish to ask a question of the member for Tea Tree Gully. In view of the threat to the living standards of many South Australians resulting from the Labor Government's inability to support a roster system for shop assistants that would minimize price increases, does the honourable member still consider herself to be bound by her pledge to support all Caucus decisions?

The SPEAKER: Order! The question must relate to a matter before the House. The honourable member's question is out of order.

Dr. EASTICK: Mr. Speaker, will you please repeat your ruling so that I can hear it?

The SPEAKER: The question must relate to a matter before the House.

Mr. HALL: I rise on a point of order, Mr. Speaker. Am I to understand that every question asked in this House can be asked only if business is before the House concerning that question?

The SPEAKER: Standing Order 124 provides :

At the time of giving notices of motion, questions may be put to Ministers of the Crown relating to public affairs; and to other members relating to any Bill, motion or other public matter connected with the business of the House, in which such members may be concerned.

The question, in my view, does not relate to a public matter connected with the business of the House at this stage.

Mr. Goldsworthy: Mr. Speaker, we can't hear you.

Dr. EASTICK: Mr. Speaker, I believe you have ruled that it is not a public matter at present.

The SPEAKER: I have ruled pursuant to Standing Order 124.

Dr. EASTICK: Mr. Speaker, I draw your attention, if I may, to the front pages of this morning's and this afternoon's newspapers.

The SPEAKER: Unless the honourable member takes a point of order, he cannot speak at this stage.

Dr. EASTICK: I take the point of order that I have been denied an opportunity to receive a reply on a matter that is currently a public matter.

Mr. Coumbe: Very much so.

The SPEAKER: Questions of other members must be related to any Bill, motion or other public matter connected with the business of the House.

Dr. EASTICK: Mr. Speaker—

The SPEAKER: Is it a further point of order?

Dr. EASTICK: Yes; it is in relation to the ruling you have just given. In reply to the question immediately preceding my question, the Minister of Labour and Industry said that the matter would come within the business of this House this session. I believe the Premier also said he expected it would be before us next week. Therefore, the matter is currently a public issue.

The SPEAKER: He said "with us next week". The honourable member for Tea Tree Gully.

Mrs. BYRNE: Mr. Speaker, am I in order in asking that the question be repeated?

The SPEAKER: No; the honourable member has been called upon to ask her question.

Mrs. BYRNE: When the question was asked, I could not hear.

The SPEAKER: The honourable member for Tea Tree Gully indicated that she had a question to ask, and it is her turn to ask that question.

NORTH-EAST ROAD

Mrs. BYRNE: Has the Minister of Roads and Transport a reply to the question I asked on March 2 about widening the North-East Road?

The Hon. G. T. VIRGO: It would be possible to resume work on the North-East Road and to widen the section between Arthur Street and the present end of reconstruction. However, this is a relatively short length (about 2,000ft.) and does not warrant shifting a gang back into the area. A length greater than this is required to enable economic working. In any case, widening would have to cease short of Arthur Street, as alterations in levels at this location will render it necessary to work at the same time on the next section to Tolley Road. Work on preconstruction activities is still progressing satisfactorily, and at this stage it is expected that work on the whole section up to Hancock Road will resume in May, 1973, as originally planned.

MODBURY WEST SCHOOL

Mrs. BYRNE: Has the Minister of Education a reply to the question I asked last week regarding school crossing lights at Modbury West Primary School?

The Hon. HUGH HUDSON: Last Tuesday afternoon, during the dismissal of children from the Modbury West Primary School, the Acting Director of Primary Education and other officers of the Education Department observed the crossing to which

the honourable member had referred in her question. The crossing was under the control of monitors, and there also appeared to be teacher supervision. During the observed time all children used the crossing safely under the direction of the monitors. The gravelled footpath leads directly from the school gate diagonally to the crossing lights and this forces the children to look towards oncoming traffic, whereas if they moved from a gateway directly opposite the lights they would not do so. The departmental officers observing the operation of the lights considered that it was safer to have the school gate not directly opposite. The latter practice, where it has been tried in other places, has been considered dangerous, and on main roads safety fences have been placed in front of school gates, as children are likely to rush out directly on to the road without looking. The departmental officers are firmly convinced that the situation of the gate at Modbury West Primary School in relation to the lights is an appropriate one.

CITRUS

Mr. CURREN: Will the Premier say whether the Government has considered the future operation of the Citrus Organization Committee and, if it has, will he tell the House of the decision made?

The Hon. D. A. DUNSTAN: Following the poll of growers that has refused authority to the Citrus Organization Committee to make an acreage levy to support its operations, the Government has examined whether the committee should be abandoned forthwith or whether it should be supported to continue its export marketing function for a period whilst its usefulness and eventual viability and acceptability to growers are further tested. The Government has concluded that it is desirable, in the interests of the growers and the industry generally, that the committee be kept in existence as an export marketing organization for the next 12 months and that its future should then be again reviewed. As the committee has failed to obtain the levies contemplated to support it in the marketing season presently nearing completion, it will inevitably have accumulated losses that it is in no position to meet. The Government could not possibly contemplate that the ordinary commercial creditors of the committee should bear any burden of these losses. Apart from its commercial creditors, the committee owes \$15,000 to the Government for advances made for establishment purposes, and the Government

has guaranteed an overdraft advance by the State Bank of up to \$25,000 for working purposes. At the end of last week the bank account was in credit, but it is expected that it will run into overdraft during the next few weeks. A preliminary accounting suggests that the losses of the committee for the marketing season ending April 30 next may be about \$40,000. The Government proposes seeking Parliamentary authority in Supplementary Estimates before Easter to make a grant toward meeting those losses. It would also propose to support the committee over the next season by covering a loss estimated at about \$17,000. In this way the committee will be kept viable and creditors protected over the course of the next 12 months or so, when the future of the committee will be fully reviewed.

LAKE BONNEY

Dr. TONKIN: Has the Minister of Works a reply to the question I asked recently on a matter of great public interest concerning Lake Bonney?

The Hon. J. D. CORCORAN: The salinity of the discharge water from No. 2 main drain is tested regularly on the last day of each month. The sample taken on February 29, 1972, showed a salinity of 2,750 parts per million chlorides expressed as sodium chloride.

EDUCATION EXPENDITURE

Mr. CRIMES: Will the Minister of Education say whether it is a fact that South Australia has adopted a miserly attitude towards education in regard to allocating additional Loan moneys provided by the Commonwealth Government as a result of the recent Premiers' Conference?

The Hon. HUGH HUDSON: I am glad that the honourable member has asked this question. Yesterday, the Commonwealth Minister for Education and Science (Mr. Fraser) made certain allegations in the Commonwealth Parliament relating to the allocation of additional Loan money to the various States of Australia as a result of the recent Premiers' Conference in Canberra. I think it was fairly fully reported in the press at the time that, at that conference, the Prime Minister and the Commonwealth Treasurer requested the State Premiers to arrange for the expenditure of the money allocated in a way that would stimulate employment between the time of the conference in February and the end of the financial year (that is, the end of June). Therefore, a period of 4½ months

was available for the expenditure of these funds.

The Commonwealth Minister has seen fit to argue that, because certain States have allocated (in the notional allocations they have submitted to the Commonwealth Government) more towards school buildings than have other States, South Australia especially has adopted a miserly attitude and is not interested basically in education. I think that certain States have ignored the request that the Commonwealth Government has made in this matter. If any State wishes to undertake school building, it invariably takes a considerable time before work on the buildings can be commenced and before any bill is presented for payment; and, apart from a few relatively minor areas, it is not possible in February to institute additional school-building programmes and to get buildings under way, constructed and paid for by the end of June. Clearly, what has happened, in New South Wales, Victoria and Queensland in particular, is that the Government has taken the opportunity to use the grant of additional Loan money from the Commonwealth Government to meet bills for which those States were already committed. It would not have been possible to begin additional construction to the extent that has allegedly been indicated. The money made available by the Commonwealth Government has not been used in those States to stimulate additional employment: it has been used instead to meet prior commitments. I do not want the general public to be misled on the matter, and for their information and the information of Mr. Fraser I have certain details on expenditure on school buildings by the various States in Australia, which details make interesting reading. They are as follows:

	Total spent \$	Amount spent per head of population \$
Queensland.....	23,575,753	12.76
<u>Victoria.....</u>	<u>42,464,000</u>	<u>12.03</u>
New South Wales ..	64,117,145	13.82
Western Australia .	13,463,393	12.87
South Australia . . .	20,600,000	17.39

The sum of \$17.39 a head that is spent in South Australia on school buildings and related matters is a significantly higher expenditure than that in any other State in Australia.

Members interjecting:

The Hon. HUGH HUDSON: That information adequately gives the lie to the impression Mr. Fraser sought to create yesterday in the Commonwealth Parliament.

BEEF

Mr. McANANEY: Because of the difficulty for farmers in obtaining information, can the Minister of Works, representing the Minister of Agriculture, obtain a full report on the activities of the Struan and Parkville institutions? Can he also obtain information on the number of assisted births and caesarean births at Struan; the calving percentage; the cost of producing a steer; prices obtained in comparison with other stock sold in the area; and the advantage to the beef industry of Jersey compared to Hereford bulls? Can he say whether it is intended to have a further sale of crossbred bulls at Struan? Will the Minister have this information inserted in the *Chronicle*, the *Stock Journal*, or some other widely circulated publication?

The Hon. J. D. CORCORAN: It sounds like a lot of bull to me, but I shall be pleased to obtain the information for the honourable member.

FLAMMABLE CLOTHING

Mrs. STEELE: Can the Minister of Labour and Industry say how long it will be before legislation is introduced to control the use of flammable materials, particularly when used in the manufacture of children's clothing? I addressed my first question to the then Minister on this matter over five years ago and I know that other members have asked similar questions in the interim. During that time we have heard of children who have been mutilated as a result of burns suffered while wearing flammable clothing. I realize that there has been a delay because of the need for uniformity of legislation between the States, but I cannot understand why the Governments of the States of Australia cannot agree on an action that could minimize this danger. Will the Minister make the strongest representations to his colleagues in other States as well as to his own Government to have this matter rectified at the earliest possible date?

The Hon. D. H. McKEE: This matter has been pursued urgently and it has been discussed at the last two Ministers' conferences, in Melbourne recently and in Hobart last year. The honourable member was partly correct when she said that the delay was the result of the need for agreement between States, but that is not entirely correct. The Australian Standards Association, which is investigating all matters related to flammable clothing, has not yet reached a firm decision on this matter and, until the association has

made a decision, we are constantly asking the association to give us information.

Mrs. Steele: Do you regard the matter as urgent?

The Hon. D. H. McKEE: I regard it as urgent, but it rests with the association to bring down a report and then for the States to report on it.

FIRE PRECAUTIONS

Mr. EVANS: Will the Minister of Education circularize all schools and ask that teachers taking classes for tours in the Adelaide Hills control students and any flammable material they may handle, whether matches, fireworks or cigarettes? I am not saying that teachers act irresponsibly, but this week a fire occurred near Bridgewater as a result of a student's throwing a fire cracker into bushland. This caused considerable damage and loss of time for Emergency Fire Services fire fighters who had to leave their work to put out the fire. Had the fire been more extensive, disastrous results and even fatalities could have occurred. It is difficult for teachers to police this but, as this is a matter of great importance and as I certainly like to see students visiting the Hills and seeing the beauty that is there, efforts must be made to preserve such areas.

The Hon. HUGH HUDSON: I appreciate the concern of the people adversely affected as a result of the hazard to which the honourable member has referred. I will see what procedures are already adopted and what advice is given to students, and I will also see whether any improvement can be effected. It may well be that improvements are possible and, if they are, we will make them. I point out that, with the best will in the world and all the instructions and other work possible by teachers, there will still be the occasional irresponsible idiot who will do something such as throwing a fire cracker into dry grass, as referred to by the honourable member.

Mr. Evans: Can steps be taken to prevent students from taking flammable materials with them?

The Hon. HUGH HUDSON: Yes, but the honourable member will appreciate that it is not possible to demand that the children be searched before they go on a trip. I make the reservation that an occasional act of irresponsibility will occur no matter what is done by the department or at the schools. Certainly, I will look into the matter thoroughly for the honourable member.

LED ZEPPELIN

Mr. MATHWIN: Last week, when I asked the Attorney-General about the return of money paid by teenagers and others for tickets to see Led Zeppelin, he said that he would use his influence to have the money reimbursed. Can he now say what progress has been made?

The Hon. L. J. KING: I have had only two cases actually brought to my notice: the case referred to by the honourable member last week and the case to which I referred in answering his question. However, I understand many other people are affected, although they have not complained to me. As I said previously, I had at that time written to Station 5AD and Channel 7 about the matter. I am still awaiting a reply to the request I made that these people be reimbursed. Any further action will depend on the reply.

PORT BROUGHTON WATER SUPPLY

Mr. VENNING: Can the Minister of Works say when landholders at Port Broughton and the holiday resort of Fisherman's Bay can expect to have provided an adequate water supply? I understand that the Engineering and Water Supply Department is presently relaying about four or five miles of the existing main. However, we know that a chain is only as strong as its weakest link. Although work on this section of the main will no doubt improve the water supply, it is considered that an additional four or five miles of main will have to be replaced before these two areas will receive enough water to supply present needs and to cater for further developments. The council at Port Broughton, which is a holiday resort, has several new building sites available, but the sale of blocks has had to be curtailed because of the inadequate water supply.

The Hon. J. D. CORCORAN: Offhand I cannot give the honourable member a reply, but I will try to obtain from the Director and Engineer-in-Chief the information requested by the honourable member and bring it down as soon as possible.

MOUNT GAMBIER HOUSING

Mr. BURDON: Has the Premier a reply to my recent question about housing at Mount Gambier?

The Hon. D. A. DUNSTAN: The Housing Trust is fully conscious of the increased demand for housing in Mount Gambier and its current programme is the highest that it has been in that city for the past 10 years. The position as at the end of February at

Mount Gambier was that Housing Trust contractors were working on the construction of 28 houses, and there are a further 45 contracted for but not started. Of the houses under construction, 12 will be offered for rental purposes and 16 for sale. Of the 45 houses contracted for but not started, 31 will be for rental and 14 for sale. At present the trust is negotiating a contract for a further five single-unit houses, and it is intended within the next few weeks to make further arrangements for the provision of an additional 12 houses for rental.

NO-FAULT INSURANCE

Mr. McANANEY: Can the Premier say whether the Government has undertaken any investigations into the advantages or disadvantages of no-fault insurance? I understand that this form of insurance is enormously popular in the United States of America, as the saving it has brought about by reducing the number of legal actions and so on has meant an overall 15 per cent reduction in premiums. The Government in one American State has recommended a further 25 per cent cut in premiums as a result of the savings in legal costs and the fewer delays involved in dealing with cases involving insurance claims.

The Hon. D. A. DUNSTAN: Although the Government has been looking at this problem for some time, several complications are involved and, at this stage, the Government is not able to announce any proposals.

SCHOOL BUSES

Dr. EASTICK: Can the Minister of Education say what is his own view or the department's view with regard to the overloading of school buses? The department operates some school buses, while it subsidizes others. Another service is provided by private buses in fringe areas. The allegation has been made that many children are standing in buses, as this is the only room available, and this applies to the three categories of buses to which I have referred. Before I make representations on behalf of people who have made this allegation, I believe I should find out whether the Minister or the department has a policy regarding standing up in school buses.

The Hon. HUGH HUDSON: The department has three types of service: first, the department's own service, which it runs itself; secondly, a direct service paid for by the department, with private bus operators carrying out the service under contract; and thirdly,

parents are subsidized and make an arrangement among themselves to provide a service. I know that standing in buses occurs in one or two cases. The honourable member will appreciate that this does not necessarily constitute overloading; Municipal Tramways Trust buses are licensed to carry some passengers seated and others standing. The department has been using one Tramways Trust bus this year, but children have to stand for only a short distance, as it is not a long journey. The question of students standing and how many should stand depends very much on the nature of the bus, the type of road over which it travels, and the distance involved. Off the cuff, I cannot say what are the precise loading limits involved, but I will make inquiries and bring down a reply next week.

Mr. VENNING: Will the Minister look into the loading of school buses taking children from the Crystal Brook area to the Port Pirie High and Technical Schools? A meeting was held at Crystal Brook recently of parents of children travelling to Port Pirie and I have been requested to inquire what can be done to relieve the overloading of the buses. I understand that children have to sit three to a seat and the distance over which they have to travel is about 20 miles a day in each direction.

The Hon. HUGH HUDSON: I do not think that we would agree to anything that was unsafe. The danger to children sitting three to a seat depends entirely on the size of the seat and the size of the backsides. It may well be the case that, if the honourable member and I sat together in a bus (and I certainly do not intend to do so with the member for Rocky River), our backsides would cover an area on which three children could sit with great comfort. I will inquire into the conditions on the buses travelling from Crystal Brook to Port Pirie.

FOOTWEAR

Mr. BECKER: Yesterday I asked the Minister of Labour and Industry whether he intended to introduce legislation dealing with the branding of upper and inner soles of footwear. I also referred to a conference at Hobart of Ministers of Labour and Industry. In reply, the Minister said that he had not attended this conference. As I wonder whether he misunderstood what I said about this capital city, I ask him whether he is prepared to reconsider his reply.

The Hon. D. H. McKEE: I did not hear the honourable member properly yesterday and I thought he referred to Perth. I did attend the

conference in Hobart where this question was raised. The remainder of my reply yesterday will give the reply to the honourable member.

Mr. Becker: Did you present the paper?

The Hon. D. H. McKEE: Yes, I did, and the remainder of the reply recorded in *Hansard* is accurate.

FREEHOLD PROPERTY

Mr. GUNN: Will the Minister of Works obtain from the Minister of Lands a precise Government statement in relation to people who wish to freehold leasehold land? One of my constituents who desires to make his leasehold property freehold has been refused by the Lands Department. This person is willing to pay for the land which he realizes would involve a considerable sum.

The Hon. J. D. CORCORAN: It used to be the policy of the Government not to permit further freeholding. However, that policy would have been reviewed when the Crown Lands Act was amended in 1969 whereby the previous limitation on the area of perpetual leasehold land held was removed. As I am not aware of present Government policy on this, I will inquire of my colleague and bring down a report.

TRAFFIC LIGHTS

Mrs. BYRNE: My question is for the Minister of Roads and Transport but, as he is absent, I ask the Minister of Environment and Conservation what is the expected completion date of the installation of traffic lights at the intersection of North-East Road and Reservoir Road, Modbury.

At 4 o'clock, the bells having been rung:

The SPEAKER: Call on the business of the day.

SOUTH AUSTRALIAN THEATRE COMPANY BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to establish the South Australian Theatre Company, to constitute a board of governors thereof and for matters incidental thereto. Read a first time.

The Hon. D. A. DUNSTAN: I move:

That this Bill be now read a second time.

The South Australian Theatre Company was established in 1965 by the Elizabethan Theatre Trust, whose policy was at that time to develop State drama companies in capital cities throughout Australia. The company was

funded by the Elizabethan Theatre Trust which disbursed moneys paid to it by State and Commonwealth Governments and interested private individuals and organizations. The company's broad aims were to provide in Adelaide regular theatre performances of a high professional standard, and to develop to the stage at which it could perform some of the functions of a repertory theatre company, which would include extended seasons during which a variety of plays were performed continuously. This is a pattern of regional theatre activity which has achieved remarkable success, especially in Great Britain.

In 1968 the Commonwealth Government formed the Australian Council for the Arts as its subsidizing body for the performing arts in Australia. Since then, the South Australian Theatre Company has been funded by direct grants from the council and has continued to be subsidized by the Elizabethan Theatre Trust, which the South Australian Government has been financially supporting since 1965. The South Australian Theatre Company was incorporated in 1969, and has retained the broad aims and objectives to which I referred previously. Prior to 1970 it was funded by the Australian Council for the Arts, the Elizabethan Theatre Trust, and box office receipts, with a portion of the State Government's grants to the Elizabethan Theatre Trust being returned to the South Australian Theatre Company. In the 1970-71 State Budget, provision was made to fund the company directly to allow it to expand its staff and widen its range of activities so as to maintain a comparable standard with other State drama companies which were being steadily subsidized by their respective State Governments. This meant that, in addition to the State grant of \$10,000 in 1970-71, the company received \$45,000 from the Australian Council for the Arts, and \$14,700 from the Elizabethan Theatre Trust, which included moneys for the sharing of salaries of three company-trust officials.

In the 1971-72 State Budget a provision of \$25,000 was made for the company. For the same period it secured \$60,000 from the Australian Council for the Arts, and \$20,000 from the Elizabethan Theatre Trust, including the same provision for the sharing of staff.

In its election policy, the Government announced that in addition to expanding a skilled industry base and tourist facilities in South Australia, it was its intention to maintain Adelaide's pre-eminent position as

Australia's arts festival city, and in line with this, it promised completion of the Performing Arts Centre, which is now underway on the banks of the Torrens. It also promised the creation of a statutory body to undertake the aims and objectives of the present South Australian Theatre Company, with that body's home to be in the new Performing Arts Centre.

The Government promised this not only because such a theatre organization in such a performing arts facility is an important adjunct to its total tourist planning, but also because together with Governments throughout the world and in Australia it believes that an effective Performing Arts Centre is as necessary to a developed capital city as are public libraries, art galleries, museums, or a State symphony orchestra. Therefore, on taking office investigations were put in hand and a State Government officer appointed to the South Australian Theatre Company's Board, to enable a smooth transition to be effected.

Discussions have also been held with the board of the present company, and it has indicated its co-operation and support of the proposals now before the House. I believe that the Bill ensures that the South Australian Theatre Company will be able to realize its full potential as an outstanding professional drama company, capable of achieving national significance.

To consider the Bill in some detail: Clauses 1 to 3 are formal. Clause 4 sets out the definitions necessary for the purposes of the measure. Clause 5 formally establishes the South Australian Theatre Company as a body corporate and clause 6 vests the management of the body corporate in a Board of Governors, of whom three shall be appointed by the Governor, one shall be the artistic director of the company and one shall be elected by the creative personnel engaged by the company.

Clause 7 is a usual provision in measures of this nature and ensures that the holding of office of governor on the board will not disqualify a person from holding any other office under the Crown. Clauses 8 and 9 are fairly standard provisions and provide for removal from office of a governor and the vacation in office of a governor. Clause 10 is the usual provision providing for meetings and quorums at meetings. Clause 11 provides for the remuneration of governors of the company.

Clause 12 provides for the delegation of the powers of the board to any two governors

and clause 13 provides for the exercising by the Chairman or presiding governor of a casting vote in the event of equality of votes at a meeting. Clause 14 guards against the possibility of invalid acts of the board due to some later discovered defect in the appointment of a governor or due to any vacancy in office of a governor and is, again, a fairly standard provision. Clause 15 provides that governors of the company shall not, as such, be subject to the Public Service Act.

Clause 16 provides for declarations of matters in which governors of the company have a financial interest but at subclause (2) provides an exemption for the governor elected by the company of players where the matter in issue is the conditions of service of employees. Clause 17 provides for the company constituted by this Act to take over and absorb the present South Australian Theatre Company. Clause 18 sets out in some detail the powers and functions of the company and clause 19 permits the company with the consent of the appropriate authorities to make use of the service of officers of the Public Service.

Clause 20 sets out the terms and conditions of service of employees of the company. Clause 21 provides for the appointment of an artistic director. The importance of this appointment cannot be over emphasized, since on the shoulders of the artistic director will fall the responsibility for quality and range of the theatrical productions mounted by the company. This clause sets out in some detail the functions of the artistic director and his relationship with the board.

Clause 22 provides for an appointment of a secretary to the board. Clause 23 provides for the establishment of the company of players who are the creative personnel of the company. Clauses 24 and 25 provide for the election of one governor of the board by the company of players. Clause 26 sets out the obligations of the company to keep proper accounts and provide for the audit of those accounts by the Auditor-General. Clause 27 authorizes the company to borrow money and at subclause (2) provides that a Government guarantee may be provided for the repayment of borrowings under this section.

Clause 28 provides for the funds of the company and the investment of moneys not immediately required by the company. Clause 29 provides for proper control of expenditure by the company. Clause 30 provides formal protection for the governors of the company in respect of acts done by them in that capacity.

Clause 31 provides for the making of annual reports by the company and for Parliamentary scrutiny of the reports. Clause 32 gives certain exemption from succession and gift duty in respect of gifts to the company and exempts the company from stamp duty on its own transactions. Clause 33 provides for offences against the Act to be tried summarily. Clause 34 provides for an appropriate regulation-making power.

Mr. COUMBE secured the adjournment of the debate.

SWINE COMPENSATION ACT AMENDMENT BILL

Second reading.

The Hon. J. D. CORCORAN (Minister of Works): I move:

That this Bill be now read a second time.

This short Bill is intended to make an amendment to the principal Act, the Swine Compensation Act, 1936, as amended, as a consequence of the recent amendments to the Foot and Mouth Disease Eradication Fund Act. Honourable members will recall that, following agreement between the States and the Commonwealth, it is proposed that swine fever will be included in the diseases in respect of which compensation under that Act will be payable.

Accordingly, clause 3 strikes out from the definition of disease in the principal Act the disease swine fever, since in the event of an outbreak of that disease the provisions of the Foot and Mouth Disease Eradication Fund Act will apply and have effect. Clause 4 of the Bill recasts section 4a of the principal Act to ensure that specific diseases can by proclamation be added to or deleted from the list of diseases in respect of which compensation is payable. This should ensure that there will be maximum flexibility in the administration of the principal Act, which is desirable in measures of this nature. Clause 5 removes a further redundant reference to swine fever in section 8 of the principal Act.

Mr. FERGUSON secured the adjournment of the debate.

CATTLE COMPENSATION ACT AMENDMENT BILL

Second reading.

The Hon. J. D. CORCORAN (Minister of Works): I move:

That this Bill be now read a second time.

This short Bill is intended to amend section 4a of the principal Act. This section is, in terms, the same as section 4a of the Swine

Compensation Act, which it is also proposed to amend. The purpose of the amendment is to ensure that maximum flexibility is obtained in the administration of the principal Act by ensuring that there will be no unnecessary delay in declaring a disease to be a disease in respect of which compensation is payable or in varying the list or description of the diseases to which the Act applies. Honourable members will appreciate the need for this flexibility in legislation of this nature and will recall that the principle was recently affirmed by this House in the passage of the Foot and Mouth Disease Eradication Fund Act Amendment Bill last year.

Dr. EASTICK secured the adjournment of the debate.

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 3 (clause 4)—After line 8 insert new subsection (2b) as follows:—

“(2b) The limits of remuneration determined under subsection (2a) of this section shall not be such as to admit thereunder any person whose remuneration, derived from the University, exceeds, or would exceed, in the course of a year, fifteen per centum of the lowest annual salary payable to a person engaged full time in the employment of the University as a Lecturer.”

The Hon. HUGH HUDSON (Minister of Education): I move:

That the Legislative Council's amendment be agreed to.

The amendment amends clause 4, and I think the best explanation of the amendment is that clause 4 was intended to clear up an ambiguity in the principal Act. When the Act was first passed, it provided that one category of candidate for election to the University Council should comprise full-time employees of the university and that another category should comprise persons who were not employed full-time. When that measure went to the Legislative Council, that place eliminated “full-time”. The final version now divides it into two categories, according to whether or not candidates for election are in the employment of the University of Adelaide. The University Council considered that there were certain categories of people who might occasionally give lectures or undertake seminars for the university and who would therefore be in the employment of the university, but whose association with it at that level was so tenuous that they would have no chance of being

elected in the category of persons in the employment of the university. It was considered that they should belong to other categories, and the university proposed (and the Government therefore accepted) new subsection (2a) of section 127 of the principal Act. The effect of the Legislative Council's amendment is that, as the minimum salary of a lecturer increases, so does the upper limit imposed, and I am happy to accept the amendment.

Mr. GOLDSWORTHY: I, too, agree that the amendment is desirable and worth while. The Legislative Council has tied the figure in question to the lowest sum paid in the scale of a lecturer, and I think it is fairly obvious that this figure is to be on a sliding scale, as are the salaries of lecturers. In my view, this is a fairer and more satisfactory way of dealing with the matter than leaving it to the University Council to set an arbitrary figure. I believe the Legislative Council has shown the advantage of our having a situation in which there is a more prolonged discussion on some matters than is available here, where at times legislation is rushed through. I think that the amendment is eminently sensible and fulfils the desires expressed here, during the previous Committee debate, by several members on this side, and I certainly urge all members on this side to support it.

I am glad that the Minister will accept the amendments from another place. When speaking to the Bill last year, several speakers said the clause was perhaps too broad and that it might leave the matter too wide for the Adelaide University Council to accept. The amendment we are now considering spells out the position much more clearly and certainly clears up the matter.

The Hon. D. N. BROOKMAN: This clause is one of the more controversial in the Bill, which has been held over by the other place until this year. It seems fair that there should be a limit on the remuneration that a person may derive from the university and still serve on the council. I support the amendment.

Mr. COUMBE: I, too, support the amendment, which is more definitive than the original clause. This will not affect the academic freedom that we value so much in our universities. The original clause left the matter entirely to the council, and the other place has suggested that 15 per cent be the appropriate figure, and I find that satisfactory.

Motion carried.

WILLS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 8. Page 3709.)

The Hon. D. N. BROOKMAN (Alexandra): I support this Bill which, although short, effects a useful reform. The Minister's second reading explanation states:

This short Bill is designed to give effect to the recommendations of the Law Reform Committee contained in its sixth report. Section 17 of the Wills Act provides that, where a will is attested by a person who is in terms of the will entitled to receive a gift from the estate of the testator, that gift is void.

It later states:

However, where that course is not followed, section 17 may prove to be a trap for the unwary, and may result in the invalidation of testamentary dispositions that the testator genuinely intended and desired.

I have much sympathy for people who, unaware, fall into such traps. Modern life requires people to sign their names on so many occasions and to so many things that they sometimes do not fully understand. I believe that these general provisions will clearly benefit such people. Of every 100 cases where problems develop, I believe that 99 of them are technical faults made by people who, acting in good faith, fall into a trap, and only in the minority of cases is a deliberate swindle involved.

When looking at this matter, I am astonished that more people do not fall into these traps, although it may be that we do not hear of many of the errors that are made. No-one, including lawyers, bothers to read the back of an airline ticket to check whether the conditions set out have been altered. This sort of thing has made life complicated. Unless we are prepared to treat these matters with a certain amount of common sense and flexibility, the whole structure of our system of law could be undermined and public confidence lost. So many people get caught by unwarily signing their name, perhaps as a witness, without realizing that by doing so they invalidate the document they sign.

This can happen in the case of wills which, in many cases, are likely to be made out by people near death. Such people are likely to have around them people who could be beneficiaries under the will, and those people are probably more likely to witness the will than is anyone else. Although it may be good advice to tell people to make out a will with a trustee company, a firm of solicitors or some other trusted person so that they can be complacent about the future, in many cases that advice is not taken. Probably, in cases where

it is not taken, these technical breaches occur. I think that the Law Reform Committee has taken a realistic attitude in this case, and I appreciate the Minister's action in introducing the Bill. I will not criticize him in this case, because I do not believe this legislation is complicated, but I hope he will go a bit easy with regard to other legislation on the Notice Paper.

Mr. NANKIVELL (Mallee): As the member for Alexandra has said, this is a comparatively simple procedural Bill, which serves to straighten out an area in which there could be some confusion. A person who may wish to change his will just before he dies may find it impossible to get it properly witnessed. The only witness he may be able to get may be a member of the family who may also be a beneficiary under the will. Alternatively, the person who witnesses the will may have been a beneficiary under a former will but may be excluded from the new will. The effect in both cases is the same.

Possibly there was a time when, in an effort to gain some benefit, people could exercise an influence over persons who were making out wills. Historical novels give accounts of times when people had many servants, but such times are long past. Perhaps in those times there was the possibility that a faithful servant or housekeeper who had attended a widow, or someone such as that, might have been able to persuade the person making out the will to change it so that the ultimate benefit came to that servant. Such a change may have occurred at a critical time. Although I do not think those circumstances arise today, there are obviously circumstances where a person who wants to make a completely new will and who is near death finds that the will cannot be validated, because the only people who can witness it are those to whom he wants to give some benefit. I notice that Sir James Harrison made out his will in longhand; obviously this will had not been prepared by a solicitor or a trustee company.

Mr. Goldsworthy: It was drawn up only 10 days before he departed.

Mr. NANKIVELL: Yes. Obviously this needed to be done without a moment to spare, and it had to be legalized before it could be accepted formally as his last will and testament. As we said yesterday in discussing the Inheritance (Family Provision) Bill, there is a need to make sure that any will drawn up is properly drawn up. I will not say that any one group of people responsible for drawing up legal documents is any better than any other

group, but it is apparent these days that a will must be properly drafted if it is to be properly interpreted by the court. My father tells a story of a certain bachelor neighbour of his who lived with a bachelor brother. The brother died intestate, leaving a large sum of money. Someone said to this person, "I see that your brother died without a will, leaving a big estate. Do you have the will?" He said, "Yes, and a very strong one, too."

Not everyone is prepared to draw up a will providing for the distribution of their estate to the benefit of their beneficiaries. Yesterday, I questioned whether the extension of time recommended by the Law Reform Committee in the case of an applicant for an interest in an undivided estate was necessarily in the best interests of the will. I say that, because obviously had the person making out the will wanted it in that way he would have directed it so. It would seem that the court can now interpret what that person meant and can actually change the substance of a will. However, I believe that this legislation merely brings about a procedural change and, in these enlightened days, there is unlikely to be abuse. This can certainly be to the advantage of the person making out the will. Whether or not the beneficiary under the will is likely to get any benefit or may have influenced the person making out the will, provisions are included in the Bill so that the will can be legitimately challenged.

Provision is made so that, if necessary, the Registrar of Probates can require further information on oath to see that there has been no malpractice and that the person who witnessed the will did so honestly and openly. Under the provisions of section 16 of the Act, it does not matter with regard to the validity of the will that the person who witnesses the will is a valid witness. All that happens is that the person witnessing the will will not render null and void his interest if he is a beneficiary under the will. This means that a person with a beneficial interest can exercise the right to witness a will. It can be done immediately without their being placed in a position where they would lose their interest.

As has been said by my colleague and by the Attorney-General, many people have innocently involved themselves in witnessing a document not knowing that by so doing they would be excluded from any benefit that might be accruing to them. This Bill is a simple drafting amendment which should improve the administration of the Act and bring it into line

with what I believe to be the modern situation, as it is unlikely that anyone could surreptitiously influence a decision on how a will shall be drafted, as might have been done when the Wills Act was originally introduced. I think that nothing but benefit will arise as a result of the Bill, and I commend the Attorney-General for introducing it.

Dr. EASTICK (Light): I, too, support the Bill. The position that it corrects has been an unfortunate position for a considerable time. I do not intend to pinpoint the experiences I have had or mention the number of occasions on which I have been told about persons who subsequently had difficulty not knowing at the time they attested a will, or the deceased not knowing when he requested them to attest the will, that they would become involved. As the Bill results from a recommendation of the Law Reform Committee, this makes it a worthy document for the support of the House.

I am somewhat puzzled by the use of the word "completely" in new section 17 (2) (c). This paragraph provides that the Registrar, if not completely satisfied of the due execution of the will, may refer the matter to a judge of the court. This gives the opportunity for the matter to be aired and for a judgment to be obtained. The use of the word "completely" is similar to the use of "substantially" in other Acts. One conjures up in one's mind just what is meant by "completely" and whether the Registrar's decision might not be subsequently challenged again and again. This is only a small point, but it is a pertinent point, as it could subsequently lead to financial loss to the persons who were to receive a benefit because, in most cases, costs will be taken out of the estate. In contradistinction to this point, I accept that, if a person challenged the Registrar's decision, he would have at his own expense to prove or attempt to prove that the Registrar did not possess the complete information referred to. When replying, will the Attorney-General explain his interpretation of "completely" and the effect it might have?

Mr. GOLDSWORTHY (Kavel): I, too, support the Bill. It is fairly easily understood, and that is saying something. The first point the Attorney-General made in his second reading explanation was one that I have heard expressed in support of legislation on numerous occasions, namely, that the Bill is the result of a recommendation of the Law Reform Committee. The committee, which must comprise an august body of people, seems to delve into a whole range of legal matters and legislation covering the laws pertinent to their profession. The

committee seems to come up with much material that subsequently leads to the introduction of legislation in this House. Is the Attorney-General willing, either in Committee or when replying to the debate, to say what is the composition of the committee? The committee is frequently quoted as being a body whose recommendations are worthy of support. I take it that the committee is composed of senior men elected by the legal profession.

The Hon. L. J. King: It was set up by the member for Mitcham.

Mr. GOLDSWORTHY: In those circumstances, I dare say that the committee is a satisfactorily constituted body. The Bill is straight-forward. I am amazed that the law was as it was previously: if someone witnessed a will he was excluded from it and the will became void; this seems to be an amazing situation. The people who framed that legislation must have been unduly influenced by the kind of thing that was a hackneyed plot in fiction and in films when someone on his deathbed was required to make a new will. The will was made with the testator's last breath, and the beneficiary then proceeded to hasten the end of the person who had something to leave.

Mr. Clark: It was Agatha Christie.

Mr. GOLDSWORTHY: It was common in some of the films I saw many years ago and in some of the popular books of the time. The Bill is eminently sensible, and the safeguards in it are explicit. I agree with the member for Light that a price must be paid for these safeguards and, of course, the price paid will be in terms of the money left in the will. Although the Bill is straight-forward and the definitions are clear, one must realize that litigation is an expensive process. I have not been involved in it personally, although some of my constituents have been. I should think that these costs would be a charge on the estate.

The Hon. L. J. KING (Attorney-General): First, I refer to the inquiry by the member for Kavel about the composition of the Law Reform Committee and I inform him that the committee was established originally by the member for Mitcham when he was Attorney-General. It comprises the Chairman (Mr. Justice Zelling), who has been Chairman from the committee's inception, a representative of the Law Society (and the present representative of the society is Mr. Matheson), a member appointed by the Attorney-General

(the present representative of the Attorney-General is the Solicitor-General, Mr. Cox), and a member appointed by the Leader of the Opposition (the Leader's present nominee is Mr. Andrew Wilson, who was appointed recently). The committee has existed since 1969 and has functioned extremely well. It has produced several valuable reports and, as the member for Alexandra would acknowledge, the Government has introduced much legislation based on those reports.

The Hon. D. N. Brookman: The appointment was a good move by the former Attorney.

The Hon. L. J. KING: It was a very good move by the previous Government in appointing the committee, just as it is a very good move by the present Government in introducing legislation with such rapidity to give effects to its reports. The member for Light referred to the word "completely" in paragraph (c) of proposed new section 17 (2). I think that this word, which is not used commonly in the drafting of Statutes, is rather like the word "absolutely" used in section 92 of the Commonwealth Constitution.

It is one of those endeavours to try to stress that a very high degree of satisfaction is required in these circumstances, and what is intended to be conveyed here (and I think the paragraph does this) is that, if the Registrar has any doubt about the matter, he is to refer it to a judge. I think the reason for that is apparent when we reflect on the history of the matter. This rule that the witnessing of a will by a beneficiary nullifies the benefit that that beneficiary would otherwise take is based on the experience of the law that, such as in the instance mentioned by the member for Mallee, many unscrupulous people have persuaded testators, especially elderly testators, to change wills in favour of these unscrupulous people or to make wills in their favour.

The objective of the law was to have two quite independent witnesses, having no interest in the will at all, attesting the will, and it was an important provision that served a useful purpose (and this could still happen) in an age when there were more testators of considerable means but of little education and literacy. The danger in such a state of society was quite considerable, but it is still a matter to be guarded against. It is not just a matter of the thriller novel or thriller movie and of perhaps the advantage of hastening the testator's death after the signing of the will.

That might have happened on a few rare occasions, but the practice of persuading a

dying testator to alter the disposition in his will is not by any means uncommon, and it is often done with quite good motives. The person who seeks the change in his favour often believes that he has a real claim on the bounty of the testator that has been ignored in the existing will. It is normal for people to believe that they will get something in circumstances like that, so the evil is still present. We have weighed the balance in this case: the evil that will arise from that sort of conduct on the one hand and, on the other hand, the injustice that results when a beneficiary inadvertently witnesses a will, not knowing the effect of the rule on the contents of the will, and thereby disqualifies himself from receiving any benefit.

It seems obvious that, under modern conditions, the risk of injustice is the one to which we should give greater weight, but that does not mean we should ignore the dangers of the matter. Therefore, it is important to have safeguards to the effect that, when a beneficiary does witness a will, there should be provision for strict proof that the will has been executed properly and, consequently, we have the requirement in new section 17 (2) that, where such a will has been attested by a beneficiary, certain conditions shall apply. The conditions are set out, and the one to which the honourable member has referred provides that, if the Registrar is not satisfied with the due execution of a will, he may refer the matter to the court, thereby ensuring that the matter will be ventilated if he has any suspicion about it.

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

STATUTES AMENDMENT (EXECUTOR COMPANIES) BILL

Returned from the Legislative Council without amendment.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LAW OF PROPERTY ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

JUSTICES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATUTES AMENDMENT (LAW OF PROPERTY AND WRONGS) BILL

Adjourned debate on second reading.

(Continued from March 8. Page 3704.)

The Hon. D. N. BROOKMAN (Alexandra): I support this Bill, which was introduced as a result of, I think, the eleventh report of the well-known Law Reform Committee. The Bill was introduced only yesterday, and it is a little complicated for people like me to understand. I must freely admit that, on some features of it, I would have to do more research into the principal Act, the law of torts, and allied matters before I was confident that I knew all there was to know about this Bill. I accept the Attorney-General's statement that it is a good Bill. I do not always accept his statements.

The Hon. L. J. King: You are very selective.

The Hon. D. N. BROOKMAN: I am. I clearly understand that the main purpose of the Bill is to remove from the law what might be called a carry-over from a tradition that probably started as a result of religious beliefs whereby married women were virtually the property of their husbands and had few, if any, rights.

The Attorney-General has given an example in this connection; if a gift was to be divided between a man, his wife and a third person, the man and his wife would between them get only half the value of the gift, because the wife would not count in her own right. That is clearly wrong, and the Law Reform Committee was wise to look at the matter. Considerable injustices could occur as a result of such practices. Students of history must be struck by the very tough situation in which wives were placed by English law in the nineteenth century. There were famous divorce cases where the wife lost everything, but she did not necessarily deserve that fate. I think there was a Mrs. Norton who lost her children and was far more harshly dealt with than she would have been today in the same circumstances.

Clause 5 makes it clear that married women can appoint agents, and clause 7 separates the husband from the wife as regards acquiring an interest in property. There are several drafting amendments. Clause 10 deals with rights as to the ownership of money used for defraying domestic expenses. It seems to me peculiar that we should have to decide on such a matter; even though husbands and wives have many arguments about it, they generally

make a decision within the home, instead of asking Parliament to fix it up for them. The Bill also deals with actions in tort relating to husband and wife and the various situations that can occur through injury. The law of torts is obviously very complicated. In this case I will allow the Law Reform Committee, the present Attorney-General and a former Attorney-General, who unhappily is not with us today (I think unfairly, but nevertheless—

The SPEAKER: Order! The honourable member cannot reflect on a decision of the House.

The Hon. D. N. BROOKMAN: I will not say unfairly: I will say unhappily.

The SPEAKER: Order! The honourable member must speak to the Bill before the House.

The Hon. D. N. BROOKMAN: I am speaking to the Bill before the House. I was distributing accolades not only to the Law Reform Committee and the present Attorney-General but also to the Attorney-General who was in office when the Law Reform Committee was set up. I was wishing to give him what might be termed a little cheerio.

Mr. McRAE (Playford): I support the Bill and I, too, give the member for Mitcham a little cheerio for his role in helping to establish the Law Reform Committee. The recommendations of the committee have been very helpful to this House. The complaints that people have against inadequacies of the law make them frustrated when they bring their problems to a lawyer. Now, the Law Reform Committee can be approached so that it may assist in matters such as this; it is a great advance.

The idea behind establishing this committee could be further extended at no great cost to the State. In New South Wales there is a full-time Law Reform Commission, which has full-time officers who are engaged on the very important work of revising the Statute law and common law. Possibly we may reach that stage here. The end result of all this is that every time the Law Reform Committee does something it tends to abolish a cause of action or make a decision more simple. The work of the legal profession becomes less, not more, as a result of the efforts of the committee.

I am pleased to find that, as a result of the committee's recommendation, the Attorney-General has decided to abolish the peculiar common law offences of enticement, seduction and harbouring. These were once important, when the dowry of a young lady could be

quite considerable. Action for seduction or enticement was not based upon the question of the moral horror of medieval society: it was based on the hard-headed attitude of the father. The paterfamilias was none too happy that with the seduction of his daughter went not only her virginity but also his money. With new attitudes to the question of dowry and the question of virginity, I cannot see much point in that offence remaining.

The same comment might be made in relation to an action for enticement or harbouring. I have never acted for or against litigants in actions of these kinds. They are rather unusual because one has to have a situation where some third party has had some peculiar reason for harbouring a runaway wife. I cannot really see that a commonsense citizen today is going to be so foolish as to intrude into that most volatile of all arguments, one between husband and wife, by harbouring the wife unless, of course, she is a close relation. There is no need in modern days for these forms of action, and I think they are best disposed of.

The other parts of the Bill are more important, because they have very real consequences. I refer to those parts based upon the old common law concept of the unity of the spouses. I realize this has been considerably modified over the years; nevertheless, the Bill goes ahead to remove some of the difficulties that are still with us because of the old legal concept of a true conceptual unity between husband and wife forming one legal identity and not two. I am sure housewives will be very pleased to find that if they can make some legitimate savings from their housekeeping money they will be able to retain those savings in their own bank accounts as their own property. That is a very generous provision coming from a male Attorney-General, and it is something people in the Women's Liberation Front, I am sure, will be pleased to hear about. The hard-earned and scratched-up savings of the wife from the housekeeping money can now become her own property for her own investment. I do not know whether some of their proponents would think that a breach of their fundamental philosophy, but I think it is a step in the right direction.

On a much more serious note relating to the appointment of agents, this is rather an absurd situation which has been with us for some time. It has now been clarified by the Bill. In general, the principle of permitting the wife to sue her husband in relation to personal injuries received in motor vehicle acci-

dents, and so on, was established, I think, only within the last 20 years. Prior to that a wife injured in an accident suffered very severe disabilities indeed. It is only reasonable and common sense that under this Bill the same concept as we now have in motor vehicle legislation is extended to other spheres. It is a very good thing, too, that provision has now been made that the husband can no longer rely upon the old Biblical law or the archaic thinking of mediaeval law and assault his wife, defame her, and take all sorts of other unpleasant action against her and have the defence of the unity of the spouses. If the Attorney-General did not succeed in pleasing the women's liberation movement with the other provisions of this Bill, I am sure he will do so by abolishing these defences of the husband.

Overall, the Bill proves again the good work of the Law Reform Committee, and I urge honourable members to support it. I hope that, if some member of that committee reads these observations in *Hansard*, when the learned lady and gentlemen next deliberate they will give some consideration in their reports not only to changes in the substance of the law, but also to changes in procedure. Honourable members no doubt are often plagued by their constituents who have been advised quite clearly of their substantive rights only to find themselves plagued by stupid and useless forms of action we no longer need—certainly in terms of wills and so on. I wonder whether the more inquisitorial systems which apply in other countries might not be more useful. I hope one of these learned people will see fit to comment on this one day. Apart from that, I have no hesitation in completely supporting the Bill.

Mrs. STEELE (Davenport): Before the Attorney-General replies in closing the debate, I think, as the one woman present in the Chamber, it is incumbent on me to say one or two words on this Bill. They will be brief, because a great deal has been said, and it is very interesting to hear the defence put up by male members of the Parliament in support of the Bill and in righting some of the ancient wrongs that have reacted against women in the past.

It is obvious that we have reason to be grateful to the Law Reform Committee because, acting on its reports, this Government has introduced quite a deal of legislation which has emanated from that committee and which will act to the benefit of the South Australian community. To me it is somewhat paralleled by the Karmel Committee on Education

which, like the Law Reform Committee, was set up by the previous Government and which has provided a great deal of material from which the present Government has initiated much of its current education policy. Without doubt, these two committees have provided a great deal of information which is of value to the community.

I do not intend to go over the various facets of the Bill which, in the different clauses, alter the situation regarding women's rights in certain cases. This aspect has been developed to some extent by other speakers. It was very interesting to read the speech in explanation of the Bill given by the Attorney-General, because it delved into the past and showed up in comparison the need for the introduction of this type of legislation. There is no doubt that women

have been at a very great disadvantage in many respects relating to the law, and I believe that in these enlightened days, in the days of women's lib., to which one or two speakers have referred (whether or not one subscribes to their views does not matter), it is perfectly obvious that women are taking their place on a much more equal basis with men, and therefore the law should be changed so that they do not suffer any detriment from it. I believe that, in the various facets this Bill covers, all these wrongs have been righted, and therefore I have pleasure in supporting it.

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

ADJOURNMENT

At 5.28 p.m. the House adjourned until Tuesday, March 14, at 2 p.m.