HOUSE OF ASSEMBLY

Wednesday, August 28, 1974

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

PETITION: COUNCIL BOUNDARIES

Mr. VENNING presented a petition signed by 59 residents within the area of the District Council of Spalding stating that they were dissatisfied with the first report of the Royal Commission into Local Government Areas, and praying that the House of Assembly would take the necessary action to retain the District Council of Spalding, because of the community of interest that centred on the township of Spalding.

Petition received.

PETITIONS: SPEED LIMIT

Mr. EVANS presented a petition signed by 24 residents of South Australia, stating that because of conversion to metrics the speed limit of 30 kilometres an hour past school omnibuses and schools was too high and presented an increased threat to the safety of schoolchildren, and praying that the House of Assembly would support legislation to amend the Road Traffic Act to reduce the speed limit to 25 km/h.

Mr. VENNING presented a similar petition signed by 255 persons.

Petitions received.

PETITIONS: SODOMY

Mr. OLSON presented a petition signed by 57 persons objecting to the introduction of legislation to legalize sodomy between consenting adults until such time as Parliament had a clear mandate from the people by way of a referendum (to be held at the next periodic South Australian election) to pass such legislation.

Mr. BECKER presented a similar petition signed by 28 persons.

Mr. SLATER presented a similar petition signed by 152 persons.

Petitions received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard.*

SALISBURY CHILD-MINDING CENTRE

In reply to Mr. GROTH (August 22).

The Hon. HUGH HUDSON: Doubts concerning the possibility of continuing the creche that has been operating at the Salisbury branch of the Elizabeth Technical College were raised following a discussion between an officer of the Community Welfare Department and an officer of the Further Education Department when it seemed that the conduct of the creche might be contrary to the provisions of the Community Welfare Act. The Further Education Department does not desire to discontinue the creche. In fact, it fully supports it, recognizing that the mothers concerned would be penalized if the creche were discontinued, because they would then be denied their chance to carry on further studies. I shall be discussing the matter with the Minister of Community Welfare, and in the meantime the creche will continue to operate.

PRE-SCHOOL KINDERGARTENS

In reply to Mr. NANKIVELL (August 20).

The Hon. HUGH HUDSON: The request from the Pinnaroo pre-school kindergarten for assistance was investigated by the South Australian Pre-School Education Committee, which formed the view that priority assistance should be sought from the Australian Government. The project was added to the 1974-75 capital works proposal now before the Australian Government. It will be some weeks before the funding situation is announced, and it is considered that no further action should be taken until the financial situation is known. If funds are granted, a proper new facility can be built and other alternatives can be considered if the request is not granted.

GAOL INCIDENT

In reply to Mr. BOUNDY (August 6).

The Hon. L. J. KING: The prisoner was admitted to Adelaide Gaol on Friday, June 28, 1974, for seven days on a charge of being drunk. The conduct of the prisoner during the visit and also a lengthy induction interview over the weekend was normal. At 8.30 a.m. on Monday, July 1, 1974, the prisoner was noticed to be distressed and belligerent, and it was decided to leave him in his cell until after morning parade. On return to the cell at 9 a.m. it was found that the prisoner had inflicted injuries to himself. The medical officer was called, and the prisoner was subsequently transferred to Royal Adelaide Hospital. Any prisoner received at the gaol who appears distressed or suffering from the effects of alcohol or drugs is placed in a special cell under close observation until otherwise directed by the medical officer. In this case the prisoner had already completed three days of a seven day sentence, and until the Monday morning had shown no signs of being abnormal or distressed in any way: his behaviour and conduct was good as were his relations with the prison officer.

GROCERY PRICES

In reply to Mr. McANANEY (August 15).

The Hon. L. J. KING: Recent increases in the price of many goods including grocery lines have been brought about not only by wage rises but also by added costs caused by improved workmen's compensation, four weeks annual leave, 17½ per cent leave loading, and by the introduction of equal pay for equal work performed by women. There is little indication, however, that price rises under present conditions are excessive compared to wage increases, as in the past eight years average weekly earnings have almost doubled whilst the consumer price index has increased by 51.7 per cent. It is not possible under the Prices Act, 1948-1973, to control interstate manufacturers' selling prices. However, all industries with annual sales of over $20 000 000 are subject to the jurisdiction of the Commonwealth Prices Justification Tribunal, and several large food processors fall into this category.

It is also not possible to devise a satisfactory system of price control for commodities such as vegetables and meat. These are subject to the law of supply and demand, which greatly affects prices usually on a seasonal basis. From time to time retail prices of meat are checked to see that retail margins are not excessive. Further, excessive profits are not being made by manufacturers in this State, including bakers. Retailers such as grocers, both supermarket and small corner stores, and butchers, show low percentage profit returns on trading.

BASHAM BEACH

In reply to Mr. EVANS (August 22).

The Hon. G. R. BROOMHILL: The proposal referred to by the honourable member is an application for the subdivision of 586 allotments in the area bounded by the railway line, the coast, Mindacowie Terrace and Basham Parade, at Middleton. A subdivision application meeting requirements of the control of land subdivision regulations was received on January 17, 1974. Plans of the subdivision were then circulated to the various authorities concerned and, at present, a reply is still awaited from the District Council of Port Elliot and Gcolwa. The Director of Planning will consider the application when a reply has been received from the district council.

CORRECTIONAL INSTITUTIONS

Dr. EAST1CK: What tangible evidence can the Minister of Community Welfare give the House that rehabilitation programmes at both Vaughan House and McNally Training Centre are proving successful? The Minister's replies yesterday bear out the substantial community fear that all is not well at these institutions, that the system is not functioning effectively, that serious injury to personnel is still occurring, and that some positive statement of progress with the programme and of what it is intended to achieve is long overdue from the Minister.

The Hon. L. J. KING: Dealing with the last part of the question first, I point out that obviously what the programme is intended to achieve is the rehabilitation of as many of the trainees at these institutions as it is possible to achieve. For a great many reasons I do not believe that it is possible to offer tangible evidence (if by tangible evidence the Leader wants demonstrations by means of statistics) of the success of juvenile training and rehabilitation programmes or, indeed, of rehabilitation programmes for any type of delinquent, whether juvenile or adult. The most important reason for this is that there are no clear criteria by which we can judge success. How can one ever know whether success has been achieved with a certain person? To know that, one would have to know what sort of life that person would have led had he never undergone a programme of training or had he undergone some other type of training. For some people, if they remain out of trouble for one year or two years after their discharge from an institution it is an outstanding success. Of course, for others, one would expect some better indication than that.

The other point about the matter is that, even where a child reverts to crime within a short time after leaving an institution, there is still no way by which we can judge the long-term influence of what has happened in that institution. It is a common experience both here and overseas that juveniles will continue in delinquent ways after discharge from institutions in which they have been subject to desirable influences, but later, after a lapse of two, three, or four years (when they get into their mid-20's), their way of life changes, and many of them attribute what has happened to the contacts made and influences encountered at the institution. It is one of those areas in which it is impossible (and this is recognized all over the world) to provide tangible evidence of the success of certain programmes if only, as I say, because it is not possible to ascertain or establish clear and certain criteria by which success may be judged. Therefore, in this area we are driven back very much on the assessments of people who have special training and experience in the area and on our own good sense and judgment. One of the things that I believe we can cling to is that, if in an institution a child is exposed to close contact with people who are moved themselves by good will and who are trained in how to influence the motivations and thinking of the child, inevitably in the long run that must have an effect for good rather than for evil. That much is demonstrated to us by ordinary human experience.

The Leader refers to the injuries to staff received during the course of this programme. True, from time to time members of the staff suffer injury at the hands of inmates of the institutions. Fortunately, in almost every case, the injuries are minor injuries sustained in the course of trying to manage a truculent or difficult juvenile. We have had the very odd instance of more serious injury. The reason for this, of course, is obvious, and if the Leader were to look at the figures he would see that they provide the answer. At Vaughan House (in respect of which the question is directed) for the most part we have on average about 25 inmates at any one time. Including girls on remand, the total would be a few more than 40, on average, out of all the female juvenile offender population of South Australia. So, we are dealing with fewer than 50 of the most disturbed girls in the community in a way that is designed to provide them with something they have lacked for most of their lives. We try to provide them with contact with people and members of the staff who will give them friendship, love, and the sort of care they have lacked in the past in most cases: people who will provide counselling, leadership, and influence their conduct, thinking, and motivation. This can be done only by members of the staff who mingle with the juveniles, who are part of their daily activity, and who mix with them on an easy-going basis: in other words, people who are with them as a group for almost the whole time, other than at night when they are asleep.

Of course, close physical proximity to very disturbed juveniles will inevitably lead to incidents that produce injuries to members of the staff: that is well understood and well known in juvenile treatment services and by members of the staff. I believe that everything possible must be done, subject to the exigencies of the job, to protect members of the staff from injury; everything must certainly be done to prevent staff members from being exposed to unnecessary injury. Yesterday, in answering the Leader's Question on Notice I outlined some of the steps that have been taken, one of the most important of which is the training currently being given to members of the staff in the ways of handling truculent juveniles. There are ways in which a truculent juvenile can be handled with a minimum of risk, whereas an untrained person would be subject to much greater risk of injury.

Dr. Eastick: How about segregation?

The Hon. L. J. KING: The Leader keeps referring to segregation. When dealing with (and I will leave remand juveniles out of it) 25 girls out of the whole juvenile population of South Australia, we are dealing with girls who are recidivists many times over before they ever get there. If they were not recidivists, they would not be in Vaughan House. We try a whole series of methods to treat them. The member for Bragg could enlighten the Leader on this aspect because he was a member of a committee that submitted an excellent report dealing extensively with it. We provide many alternatives before girls are finally sent to Vaughan House. The cry of segregation (that is, on the basis of segregating the goodies from the baddies) is a simplistic approach to

juvenile training and is not a workable or sensible proposition in current circumstances. Much individual assessment takes place: in fact, it is the basis of the whole system and children are grouped at various stages of their management at the institution in accordance with their needs and the needs of the institution at that time. The short answer to the Leader—

Members interjecting:

Mr. Mathwin: We don't want a second reading speech. You've been going for 10 minutes now.

The SPEAKER: Order!

The Hon. L. J. KING: I assumed, in favour of the Leader, that he intended his question to be treated seriously and, therefore, I have treated it seriously by way of reply. If that is a matter for reproach, I invite the Leader, not the member for Glenelg, to make the reproach.

FLINDERS UNIVERSITY

Mr. GOLDSWORTHY: Can the Minister of Education say what is the present position at Flinders University with regard to students illegally occupying the registry? It is reported that many staff members (I think 400 is the figure mentioned in the *News)* stormed the registry this morning and ejected most of the students. It has further been reported that some students (apparently as many as 11) are still barricaded in part of the premises and that considerable damage has been done deliberately to the registry, with equipment, furniture, and the like, being smashed up. Has the Minister had a recent report on this matter? It seems to me an incredible situation that students have been occupying this registry for a month, yet the Government has not seen fit to take any lead whatsoever in this matter.

The Hon. HUGH HUDSON: At this stage, I have seen and heard only what has been reported in the press and announced on the radio. I understand from those reports that both staff and students took the action that was taken this morning. However, having had only those media reports, I cannot yet judge whether or not they are accurate. I shall be seeing Professor Russell later this afternoon, and no doubt I will then receive a more detailed statement from him. The honourable member commented on the lack of Government intervention in this matter: as the Opposition has representatives on the Flinders University Council, I think he would be aware that the handling of this matter has been in the charge of the council and its officers. The Government cannot direct the Flinders University Council as to what it should or should not do. No doubt the member for Kavel has received from the Liberal Party representatives on the council reports on the various arguments that have been canvassed at that level. I consider that the position taken by the university as to the use of police (an attitude that is not unsupported by the police themselves) has been considered carefully and has tried to take into account the general attitudes of people in the community, at the same time having as its main motivation a solution of this problem that will be in the long-term interests of the university.

The problem involves not just the sit-in but also what further moves will be made, and the people who have charge of university policy in this matter have, quite rightly I think, taken that into account. I understand from the reports received that some students (seven, according to one report; and 11, according to another) have barricaded themselves in a room on the first floor of the registry and have not yet left or been removed. However, if that matter is resolved, if the whole problem is solved successfully, and if the university can cope with the aftermath without experiencing further difficulties and trouble, I am sure that this Parliament (and certainly the community at large) will be pleased. I do not think that any member (least of all me) would wish to condone the tactics adopted by those involved in the sit-in at Flinders. Certainly, it is not a situation where one can waltz in and say, "This is the solution; just do that and it will all be right and you won't have any further problems." It is a very complex and difficult situation, which has certainly exercised the minds of the university council and officers, who are able people for whom I have great respect. In my discussions with the people concerned in this matter, I have listened to their views with those overall problems in mind.

UNDER-WATER EQUIPMENT

Mr. DUNCAN: Will the Minister of Labour and Industry investigate urgently the supply and sale in South Australia of compressed air under-water breathing equipment supplied by Alcan-U.S. Diving Company and Asahi of Japan? I understand this equipment does not comply with the requirements of the Boiler and Pressure Vessels Act and it cannot be refilled with compressed air once it has been emptied. People who have bought the equipment and have used the initial supply of compressed air cannot have the equipment refilled and it is useless to them. I ask the question so that the people who have purchased such equipment and those contemplating doing so will be protected.

The Hon. D. H. McKEE: I shall be pleased to get a report for the honourable member.

GRAPE PRICES

Mr. ARNOLD: Will the Premier ensure that greater consideration is given by the Prices Commissioner to high-yielding varieties when setting the minimum prices to be paid for wine grapes during the 1975 vintage? An article in the *Murray Pioneer* of August 8, 1974, states that the Minister of Agriculture (Mr. Casey) has released the recommendations in respect of plantings for the 1974 year. He is reported as saying that the recommendations were made by the Grape Industry Advisory Committee, which recommended that in irrigated areas the planting of sultana and gordo be maintained. The committee is also reported as saying that plantings of other varieties including Rhine riesling, cabernet sauvignon and shiraz may be required, but the committee advised prior consultations with wine-makers. How does the Premier reconcile his own attitude and that of the Hon. B. A. Chatterton that the price of premium varieties should be increased by far more than that of the high-yielding varieties in an attempt to encourage their planting, when the industry itself is not recommending in that direction? In fact, it is expressing concern that the high-yielding varieties, which are the basis of the wine industry, may become in short supply because of the policy adopted by the Government.

The Hon. D. A. DUNSTAN: I understand that the basis of the minimum price structure adopted by the Government is to maintain the recommendations of the Prices Commissioner in relation to the major yielding varieties in existing plantings but to put an extra premium on the premium grape varieties. The reason for this, as I explained to the meeting which the honourable member attended in Berri last Friday evening, is that we are required by the Commonwealth Government to show that we are proceeding to

assist the restructuring of the industry. Some of the premium grape varieties in the newer stocks now available are much higher-yielding than are those of the old plantings. I have previously outlined in some detail the reasons for the decisions of the Prices Commissioner and of the Government. What I did undertake to do was to submit again to the Commissioner analyses of costs that were to be provided to him by wine grapegrowers, since the growers pointed out that, as a result of inflation, the cost situation taken into account by the Commissioner in fixing the minimum prices for the major bearing varieties could now be very much out of line. In consequence we will examine, for next year's minimum prices, the alterations in the cost structure in order to achieve at least what the Commissioner had been trying to achieve in respect of the minimum grape price structure previously: that cost of production plus an increasing margin to the grower should be provided. I have not seen the recommendations from the industry itself, to which the honourable member has referred, and I shall be interested to submit those to the Committee dealing with this matter and making recommendations to the Government.

ASBESTOSIS

Mr. PAYNE: Will the Minister of Labour and Industry consider amending the Workmen's Compensation Act in the area of industrial diseases, particularly regarding the disease known as asbestosis, and the time during which proceedings are maintainable in respect of claims for compensation? As I understand it, section 113 of the Act presently limits the time in which proceedings can be made with respect to claims for compensation to within 12 months from the time the workman voluntarily or otherwise left the employ of the smelting company. A constituent of mine, who was formerly employed by the company, is suffering from the disease and has brought to my notice that medical opinion is that the disease can be slow in its onset and difficult to detect in its early stages. In his case the disease was not diagnosed until several years after he had left the company's employ. I believe that all members would realize that asbestosis is a serious disease, and it would appear that the time within which claims must be lodged may need to be re-examined and perhaps extended.

The Hon. D. H. McKEE: I will examine the question. When the legislation was considered, the period of 12 months was written into the Bill to ensure that anyone who contracted a disease after leaving an industry would be covered. However, if the honourable member has medical advice to the effect that this disease can occur some years later, I will have the situation re-examined.

TEXTBOOK

Mr. CHAPMAN: Can the Premier now answer the question, regarding a poetry book, which I asked him yesterday? Unfortunately, the question was asked late in Question Time, thus preventing the Premier from replying at the time.

The Hon. D. A. DUNSTAN: I do not know the publication to which the honourable member has referred. However, I will have it examined and submitted to the Publications Classification Board.

GUM TREES

Mrs. BYRNE: Will the Minister of Environment and Conservation ascertain why leaves of some of the gum trees in the Tea Tree Gully and Houghton districts (and possibly elsewhere) are looking unhealthy? The leaves of these trees have assumed a brown colour and could be suffering from some form of disease. However, their condition cannot be due to lack of rainfall, as trees in creek beds have also been affected.

The Hon. G. R. BROOMHILL: It could well be that the appearance of the gum trees is due to a natural occurrence that affects the trees or to seasonal conditions. However, I will ask the Botanic Garden to see whether what the honourable member has said is correct and whether a disease is attacking the gum trees in these areas.

LAND AND BUSINESS AGENTS ACT

Mr. BECKER: Can the Attorney-General say when new amendments to the Land and Business Agents Act will be introduced? In reply to a question I asked on August 6, the Attorney implied that the disclosure of the principal sum secured by mortgage was not intended to be a requirement under the present regulations relating to real estate transactions. I was therefore concerned to receive a report from a leading real estate agent relating to a distressing incident at a recent auction he conducted. During the auction of a property the agent, to conform to the Act in its present form, gave details of an existing mortgage. It was a procedure he was required to follow under the Act, but the vendor, a woman, was stunned, and broke down and cried openly.

This had an extremely embarrassing effect on the agent-auctioneer and those attending the auction, and the revelation of detail she considered quite confidential clearly distressed the woman whose property was being sold. The Attorney has already said that he intends changing some aspects of these regulations, the *Sunday Mail* of August 25 carrying one such report. Therefore, in the interests of protecting vendors and agents from a recurrence of situations similar to the one I have described, will the Attorney say when this action will be taken?

The Hon. L. J. KING: I agreed with the honourable member on the last occasion, and I still do: it is unnecessary for the amount of the principal mortgage to be disclosed. On the other hand, I am surprised at the suggestion that it is a matter of such great confidentiality. It must be rare where that is the case, because most mortgages are registered, and the amount secured can be readily ascertained by a search at the Lands Titles Office. Such details are not confidential, generally speaking.

Mr. Becker: The initial sum is.

The Hon. L. J. KING: Yes, but I should not have thought that many people would regard the sum currently owing on the mortgage as being a matter of great confidentiality. However, I suppose there may be such instances for entirely personal reasons, and I concede that there is no need to have it disclosed and that the regulations can and should be amended to make this unnecessary. However, as other matters need attention, discussions are taking place and amendments to the regulations will be drawn up as one set of amendments. I cannot regard the matter of the principal sum secured by the mortgage as a matter of such urgency as to justify a piecemeal amendment to the regulations. This matter is being pursued by my officers and the amending regulations should be introduced as soon as they are ready.

SEX DISCRIMINATION

Dr. TONKIN (Bragg) moved:

That the Sex Discrimination Bill, 1973, be restored to the Notice Paper as a lapsed Bill, pursuant to section 57 of the Constitution Act, 1934-1974.

Motion carried,

The Hon. D. H. McKEE (Minister of Labour and Industry) moved:

That the time for the bringing up of the report of the Select Committee on the Sex Discrimination Bill be extended to Wednesday, October 16.

Motion carried.

MINISTER OF TRANSPORT

Mr. MILLHOUSE (Mitcham): I move:

That this House no longer has confidence in the Government because of its refusal to allow Government time to debate a motion of no confidence in the honourable Minister of Transport on the grounds that:

(*a*) the refusal is a quite unjustified attempt to shield the Minister from the consequences of his statements in the House and elsewhere;

(*b*) the Government has thereby adopted the actions of the Minister and must accept responsibility therefor; and

(*c*) the Government has shown by this and in many other ways that it is not an honest Government.

As its terms clearly show, this is a motion of no confidence in the Government and not only a motion of no confidence in the Minister of Transport, as I intended originally last week. By its actions yesterday in trying to block me, the Government has definitely, if expectedly, aligned itself with the Minister. Last Thursday, I gave notice of a motion of no confidence in the Minister of Transport because of certain replies to questions that he has given in this place in the last fortnight that are contradictory, as I shall show later. Immediately after I had given that notice of motion, which was for yesterday (I put the motion down for the next day of sitting, as it was a matter of confidence and I thought it proper to do so), I approached the Government Whip whom I asked, on that Thursday afternoon while the House was still sitting, whether he would let me know well before yesterday, if that were possible, whether or not Government time would be made available yesterday in which my motion could be debated. It was not until about 1.58 p.m. yesterday, while the bells were ringing, that I obtained the answer to my question by going across and speaking to the Minister of Works as he waited in his place for you, Mr. Speaker, to enter the Chamber. He then told me that the Government would not make available Government time in which to debate this matter of confidence in the Minister, as the Labor Party regarded this as a matter of private members' business; if the matter were to be debated at all it would have to be debated in private members' time. For the life of me, I cannot imagine how a matter of confidence in one of the Ministers can be regarded as private members' business.

The Hon. Hugh Hudson: You must think you're the Leader of the Opposition and offer an alternative Government.

Mr. MILLHOUSE: As was the case last week during discussions on another no-confidence motion, the Minister of Education is prone to try to put members off their point; he is doing that again. I have noticed that he only does it when he does not like what is being said or what he thinks is about to be said. I ask him to be kind enough to contain himself and perhaps to take a more formal part in this debate later in the day. The Government said that, as this was a matter of private members' business, it would not allow it to be debated in Government time. I cannot imagine anything more a matter of public concern and more suitable to be cleared up in Government time than a question of confidence in one of the Ministers of the Crown for what he has said publicly in this House and elsewhere.

After receiving that reply right at the death-knock yesterday (and I have no doubt that I was not given the reply earlier in the hope that that action of itself would put me off), at the first opportunity I had yesterday afternoon I moved another motion—a motion of no confidence in the Government. It is that motion, as I said later in Question Time, that will be the subject of this debate. I make no apology for widening the debate, because the Government has deliberately attempted to shield the Minister by postponing the debate yesterday, no doubt in the hope that I would not get a chance to move the motion at all and that it would be lost in the crush of Parliamentary business. The Government must take the responsibility for trying to avoid a debate on the actions and answers of the Minister. However, as this is private members' day, I intend to confine my remarks almost entirely to the original matter of the railway bridges. Many other things could be said and, if other members wish to widen the debate, there is scope in the motion for them to do so. I intend to stick to this one point because it should have been debated yesterday, when we had a fairly easy day, with the House adjourning at about 9.20 p.m.—very early.

The Hon. G. T. Virgo: Were you here?

Mr. MILLHOUSE: I was here. Last evening, we had an early night. We dealt only with the Local Government Act Amendment Bill. Immediately that was completed—

The SPEAKER: Order! The honourable member is referring to previous debates in the House.

Mr. MILLHOUSE: I am referring to what happened in the House and not to the debate. When we finished that matter, the Minister of Works immediately moved the adjournment of the House before my motion could be called on. Our getting up early makes perfectly obvious the fact that Government time would not have been taken up had we gone on yesterday with the motion. If that was not an absolute refusal on the part of the Government to allow this motion to be debated after it had completed all the business it wanted to conduct yesterday, I do not know what it was.

The Hon. J. D. Corcoran: You're taking their time this afternoon, not ours.

Mr. MILLHOUSE: Yes, and why am I taking private members' time? The reason is that the Minister of Works told me yesterday that this was the only way in which the Government would allow a motion of no confidence to be debated in this place.

The Hon. J. D. Corcoran: By a private member, and that's what you are.

Mr. MILLHOUSE: That is what the Minister would like to think I am.

The Hon. J. D. Corcoran: That's what you are.

Mr. MILLHOUSE: Let me get to the substance of the matter of which I complain.

The Hon. Hugh Hudson: Are you going elsewhere this evening?

The SPEAKER: Order!

Mr. MILLHOUSE: It relates to the conduct of the Minister of Transport in this House and particularly to the various replies he has given to questions asked of him by the member for Davenport. The facts relating to the dispute between Mr. Egan and the South Australian Railways are relevant only in so far as they bear on what the Minister has said and done in this place. For that reason, I will briefly refer to some of those facts, but it is not my purpose at this stage to argue the rights or wrongs of what has happened in that dispute

or to take one side or the other. This motion arises primarily out of what has happened in this House over the last two weeks or so. I say deliberately that during that time the Minister of Transport has acted disgracefully and that as a result he should resign his Ministry.

Let me briefly say what has happened in this place. In the *Advertiser* of August 13, I think on the front page, we saw this headline: "Concrete in rail bridges cracked—engineer". Then there is the by-line of the reporter, and the opening paragraph states:

A civil engineer has petitioned the Governor (Sir Mark Oliphant) alleging the South Australian Railways ordered the completion of rail bridges on faulty concrete that has since cracked.

Then the lengthy story continues on that page and on page 15, setting out several points from the petition that is referred to in the opening paragraph. It ends (and this is the only place in which the matter of safety is canvassed in the article) with some comments by Mr. Harrison that were made for the purposes of the story.

The Hon. G. T. Virgo: Did you say that is the only place that safety was canvassed?

Mr. MILLHOUSE: That is the only place in the newspaper story in which safety is canvassed. Let me read it, as follows:

Mr. Harrison called on the S.A.R. yesterday to inspect the bridges named in the petition to guarantee at least the safety of passengers travelling over them. He said the bridges did not meet the specifications of the contract and the relevant structural codes and there was no way of knowing what effect this had on their inbuilt safety factor.

That is the only reference in the newspaper report in respect of safety. The remainder of the report deals with the fact that the work was faulty. Having referred to that matter, which sets out. briefly the history relating to the salient facts, I turn now to further details. In the early and mid-1960's, Mr. Egan had the contract to build bridges for part of the standard gauge railway line between, I think, Methuen and Mannahill, but the work he did was not, according to the Railways Department, up to standard. He fell behind time with his work and the contract was terminated by the South Australian Railways. Mr. Egan blamed the department for not making available aggregate from Radium Hill for the concrete, and he said that he was obliged, at the instigation of railways officers, to use aggregate from local creeks, and that this meant inferior concrete. This is disputed by the railways, but is the genesis of the controversy. It is alleged in the petition that, notwithstanding the rejection of his work as being below specification, it has been, and is continuing to be, used. I think they are all the facts I need put. I do not take one side or the other: I have referred to what Mr. Egan alleges and what the Railways Department alleges, but I hope it is sufficient to show that the department must have been, and is, aware of all that has happened in this matter for a long time.

It is beyond belief to suggest that the Minister had not been kept fully informed of what had happened. Indeed, if he had not been kept fully informed (and I would not for a moment think this was the case), it would show a gross breach of duly by his senior officers in not informing him of the situation. I come to the conclusion, in the absence of a denial by the Minister, that he has been kept informed of all that has gone on in relation to this matter. However, his own words show that he has been informed. He was asked questions first by the member for Frome and then by the member for Davenport. On August 13, the question and the Minister's replies appear at pages .403 and 404 of *Hansard.*

Let me refer briefly to the question and perhaps not so briefly to the replies, particularly those to the questions asked by the member for Davenport. The first question from the member for Frome was an innocuous one and gave the Minister the chance to say that everything was all right, and he took it. The question was as follows:

Will the Minister of Transport assure the House and the public that the railway bridges in the Mannahill area are safe for passenger traffic, and will he say whether the Government intends, as reported in this morning's newspaper, to appoint a Royal Commission?

The Minister replied:

The honourable member may rest assured that I did not wait for the House to meet to give the assurance he seeks. This morning I issued the following statement:

So, we know that on this day the Minister took the time, and presumably the trouble, to prepare a statement and to issue it to the press. I think it is necessary for me to read the statement, as follows:

The whole of the State's rail system was regularly checked for safety. This included the bridges and tracks of the standard gauge line between Mannahill and Methuen which had been under criticism from an Adelaide consulting engineer. The standard line between Broken Hill and Port Pirie opened for traffic in January, 1970. Since that time thousands of passengers and more than 15 000 000 tonnes of freight have travelled over the line. All bridges on this section of the line, as is the case in other parts of the State, are inspected at regular intervals and any work necessary to keep them in safe condition is attended to without delay. This is in accordance with safety measures exercised throughout the South Australian Railways, other railways of Australia, and, indeed, throughout the world.

It is noteworthy that in his prepared statement and in the reply in this House the Minister concentrated solely on safety. In his prepared statement and in this House he did not say one word about the allegations, reported in the *Advertiser* as being in the petition, regarding the cracking of concrete and faulty workmanship. It reminds me of a Latin tag that used to be fashionable in the law: *Suppressi veri suggestio falsi,* which could be translated as, "If you do not mention the truth it is a suggestion of falsehood." I will return to that point in a moment. Let us see what else the Minister said after he had given the House the prepared statement he had issued earlier. He said:

I gave a further assurance that the line was safe for both passenger and freight rail traffic. Members of the public can be assured that their safety is of paramount importance and, if there were even a slight hint of danger, the section of line involved would be closed or its operation restricted.

I ask members to note the words ". . . even a slight hint of danger, the section of line involved would be closed or its operation restricted". Finally, the Minister said, "The Government has not received a request for a Royal Commission." Since I gave notice of this motion, I have seen the petition and it asks for a Royal Commission, but that is by-the-by.

The Hon. G. T. Virgo: Are you acting in a private capacity for him?

Mr. MILLHOUSE: I will come to that point in a moment. That was the reply given to the member for Frome. Later during Question Time, or it may have been immediately after (it is certainly reported immediately after in *Hansard*), the member for Davenport asked a supplementary question of the Minister. It was obvious as soon as the honourable member rose to ask that question that he had information that was not contained in the newspaper report. What I understood happened was that, and to be perfectly proper, the member for

Davenport had spoken to Mr. Harrison about the matter at some time before he entered the House that day. The member for Davenport asked (and I hope that, as I read out his question, members will notice that the honourable member did not deal with the matter of safety):

Will the Minister deny that the South Australian Railways ordered the completion of construction work on railway bridges between Methuen and Mannahill on top of concrete foundations that did not pass the South Australian Railways specified strength tests, and will he also deny that structural cracks have since appeared in those bridges?

The member for Davenport did not deal with the question of safety; his question dealt exclusively with the standard of workmanship that had been displayed by Egan in building these bridges.

The Hon. G. T. Virgo: And you are saying that has nothing to do with safety.

Mr. MILLHOUSE: The member for Davenport then went on to give measurements of tests that had been carried out. The Minister replied to the question, out of which reply this motion has principally arisen, as follows:

I am called on to decide now whether I should accept the unsubstantiated tripe of a lawyer, repeated in this House by the juvenile member for Davenport, or the qualified, competent reports of S.A.R. officers.

The Hon. G. T. Virgo: Which would you accept?

Mr. MILLHOUSE: The reply continues:

It is not a very difficult decision to make. Anyone who accepted the opinion of the honourable member for Davenport and rejected the certificate that was presented to this House is nothing short of an idiot.

Mr. Harrison: If the member for Davenport asked the same question tomorrow he would get the same reply.

Mr. MILLHOUSE: If that is the case, it shows what a fool the Minister really is.

The Hon. G. T. Virgo: It's just like you, you know.

Mr. MILLHOUSE: The Minister continued:

What the honourable member has failed to acknowledge is that eight years ago the S.A.R. closed up on the contract for Egan, and so we get this character Harrison trying to bleed the State, and the member for Davenport is willing to support him. This shows how irresponsible Opposition members can be.

Later, I will analyse some of the Minister's statements, but let me first quote from a letter, the only document I will quote, written by Mr. L. H. A. McLean, on December 17, 1965, to Mr. Egan. At that time Mr. McLean was the Acting Chief Engineer of the South Australian Railways. I will read the letter in full so that neither the member for Mitchell nor any other member will suggest I have picked out something that suits my argument.

Mr. Payne: Have you a guilty conscience from the previous occasion?

Mr. MILLHOUSE: No, but I was accused of doing that some weeks ago. The letter from Mr. McLean, who I think is now the Chief Engineer of the South Australian Railways, but who was then Acting Chief Engineer, was written long ago, close to the beginning of this matter, and it states:

Dear Sir,

Contract S. 9/64: I refer to your letter dated 7/12/65 wherein you requested payment of approximately £2 570 for defective work performed in February, 1965, at bridge sites 232 miles 54 chains and 233 miles 28 chains—the latter bridge being known as the Mannahill bridge—I. now advise agreement to this request, and I will arrange for early payment to you of approximately this sum as certified by my Field Engineer. I desire to draw your attention to typographical error on page 2 of my letter 2/12/65. The price at which concrete in the abutment stem of the Adelaide abutment of bridge at 232 miles 54 chains will be accepted should be £15 per cubic yard, not £18 per cubic yard as shown. I will be pleased to have early confirmation of your agreement to this alteration.

The final paragraph, which is particularly relevant, states:

With reference to your proposal that use may be made of reject concrete to carry temporary superstructures to enable ballasting to continue, I agree in principle to the proposal with the following reservations:

1. I must consider each case on its own merits.
2. Temporary use of such reject concrete shall not affect its final rejection, as train speeds will be severely restricted over each temporary structure to ensure safe passage of trains.

Yours faithfully,
L. H. A. McLean,
Acting Chief Engineer.

If that letter did not raise the question of safety in 1965, because of reject concrete, I do not know what did. I am informed, and the Minister can deny this if he wishes, that that bridge is in use today. That is what the Acting Chief Engineer of the South Australian Railways wrote in December, 1965, and it was he who used the word "safety" and implied that the bridge would be unsafe. I quoted the letter simply to show that the Minister, in saying "if there were even a slight hint of danger", was misleading the House. At the very least, and I believe there was more, that letter shows a slight hint of danger.

The Minister referred to the unsubstantiated tripe being talked by the member for Davenport. The Minister's replies a week later to the honourable member's Question on Notice showed that what the honourable member was talking about was anything but tripe and anything but unsubstantiated. The Minister then said "the unsubstantiated tripe of a lawyer". I do not know what he meant by that. I was told by Mr. Harrison, whom I had not met at the time but to whom I had spoken on the telephone a day or two before and met for the first time on Monday, that no member of the legal profession was acting at all in this matter.

The Hon. G. T. Virgo: Perhaps it's Mark Harrison.

Mr. MILLHOUSE: It is not Mark Harrison: he has nothing whatever to do with this matter, because I have checked that myself. What the Minister had in mind when he said "the unsubstantiated tripe of a lawyer" I do not know, because a lawyer is not involved in this matter.

The Hon. G. T. Virgo: That means you're not a lawyer. You're confessing you're not a lawyer.

Mr. MILLHOUSE: The Minister is making childish interjections.

The Hon. G. T. Virgo: You're saying a lawyer is not involved, but you are involved in it and, therefore, you're not a lawyer.

Mr. MILLHOUSE: The Minister must really be up against it if he makes an interjection such as that. I am referring to what the Minister said in this House on August 13, when I had never heard about this matter.

The Hon. G. T. Virgo: But you're representing him now in a private capacity.

Mr. MILLHOUSE: I am not representing Mr. Harrison in any capacity, and I wish to make that clear.

The Hon. G. T. Virgo: You are representing Mr. Egan instead!

Mr. MILLHOUSE: I am not representing Mr. Egan, and I have never met him or spoken to him, to the best of my knowledge.

Mr. Duncan: You are certainly making representations in this House on their behalf.

Mr. MILLHOUSE: I have not made any representations on their behalf at all. I have made clear (and the member for Elizabeth knows that I made clear) that I am not

taking sides one way or the other in the dispute between the railways and Egan. The Minister said he had to decide whether he should accept the "unsubstantiated tripe of a lawyer", repeated in the House by the "juvenile member for Davenport" (that was a gratuitous insult thrown at the member for Davenport), or the qualified competent reports of S.A.R. officers. I do not know what those reports are and I would very much like to see them. I hope the Minister has them ready to give to this House. What are these qualified competent reports of S.A.R. officers to which the Minister referred in his reply?

Mr. Dean Brown: We got them a week later.

Mr. MILLHOUSE: Maybe we did, and we will come to that in a moment. The Minister said:

It is not a very difficult decision to make. Anyone who accepted the opinion of the honourable member for Davenport and rejected the certificate that was presented to this House is nothing short of an idiot.

I want to know what certificate was presented to this House and when it was presented. I know of no such certificate that we should prefer to the information given by the member for Davenport. The Minister went on with more abuse not only of the member for Davenport but also of Mr. Egan and Mr. Harrison, saying that Mr. Harrison was trying to bleed the State (I do not know what that means) and that the member for Davenport was willing to support him. The Minister then said that this showed irresponsible opposition. It is the job of the Opposition (members on this side) to test the Government in what it says and does and the member for Davenport was perfectly within his rights to take up as a supplementary matter the question that was asked by the member for Frome which was based on a newspaper report that had been given great prominence on that same day. The reply was, of course, typically abusive: the Minister is given to abuse when he does not have much of an answer, and we are used to that in this place.

That is reprehensible enough but, stripped of its crudities, I suppose the answer is a straight-out denial by the Minister of every allegation reported in the newspaper and referred to by the member for Davenport. It was not an off-the-cuff answer at all, because it was based on that prepared statement which he had issued earlier in the day. I have no doubt whatever that the impression that the Minister meant to give in this House was that there was nothing in the report, that there was no truth in it, that members on this side of the House should not bother themselves with questions, and that no member of the public should worry about it. Certainly, that is the only possible implication that I can see in the Minister's reply, which at that time had to be accepted (although the member for Kavel made one rather lame attempt to ask a third question about it), because we knew no more on that day.

The next development was an article on the front page of the *Advertiser* of August 17 which included a couple of photographs and the heading "Pull down cracked bridge—Engineer". It is a report of a visit that some newspaper reporters and also, I believe, some reporters from channel 7, as I now know, made to one of these bridges on the previous day. The pictures themselves are damning enough as to the cracks that were seen, and the report, written apparently by Richard Mitchell, states:

"This should have been rejected, pulled down and built again", civil engineer, Mr. Peter Harrison, said as he stood beneath the Paratoo railway bridge yesterday. He was pointing out cracks at the top of two concrete piers supporting the bridge and the patching and bracing of the middle pier by new concrete work about a foot thick. The bridge, 310 kilometres (about 194 miles) north-east of Adelaide, is one of about 22 in the area that Mr. Harrison claims are built on concrete that failed to pass South Australian Railways strength tests . . . The bridges, on a 70-kilometre (44-mile) section of Australia's main east-west rail link, carry the Indian Pacific express and heavy freight loads. The Minister of Transport (Mr. Virgo) told the Assembly on Tuesday that the allegations were "unsubstantiated tripe". The *Advertiser* and channel 7 flew the engineer to the bridges yesterday. Cracks are visible in three piers of the 12-span Paratoo bridge and, according to Mr. Harrison, they make the bridge "suspect" . . . The concrete was not reinforced but huge slabs made of inferior materials, he said.

What happened up there is interesting, and it came out clearly in the film taken by channel 7 which I have seen since. The report continues:

Our party was not the only group interested in the Paratoo bridge yesterday—three railway employees followed us from Yunta and blocked the road to the bridge with their car. One of the men denied they had followed us and said they had "just happened" to be there. He said we could not inspect the bridge and if we tried to our names would be taken. We gave them our names and inspected the bridge.

Why on earth the railways should go to such lengths to try to conceal this if there is nothing wrong makes one wonder. That was the newspaper report in the Saturday edition of the *Advertiser.* At the invitation of channel 7 I have since seen the film taken at that time.

The Hon. G. T. Virgo: At the invitation of channel 7?

Mr. MILLHOUSE: Yes. I went out and had a look at the film, because I had not seen it when it was shown on television.

The Hon. Hugh Hudson: Who asked them to give you the invitation? You, I suppose!

Mr. MILLHOUSE: I may have.

The Hon. G. T. Virgo: You are not telling the truth. You asked them could you go out!

Mr. MILLHOUSE: I do not know whether I did or not.

The Hon. G. T. Virgo: Not much you don't!

Mr. MILLHOUSE: Is this a terrible thing I have done?

The Hon. G. T. Virgo: You are accusing me of being dishonest: what about your being honest for a change!

Mr. MILLHOUSE: I do not quite remember what happened.

The Hon. G. T. Virgo: You know very well you rang them and asked them. Now, be honest and own up for a change!

Mr. MILLHOUSE: I may have. I do not know whether I approached channel 7 or whether it approached me.

The Hon. J. D. Corcoran: He forgets when it suits him.

Mr. MILLHOUSE: If it pleases members opposite to castigate me in this way, it shows they have not very much to castigate me for.

The Hon. G. T. Virgo: You are now admitting you are telling lies to the House.

Mr. MILLHOUSE: I am not telling lies at all.

The Hon. G. T. Virgo: You just did.

Mr. MILLHOUSE: Let me tell the very voluble Minister what happened. I went to channel 7, I think at 5 o'clock—

Mr. Payne: Your memory is coming back. Only two minutes ago you said you were not quite sure what happened. You can remember it now, and that is interesting.

Mr. MILLHOUSE: I am rather enjoying this, because Government members would not be trying to make anything of this if they thought they had a defence to what I am saying. Let me tell members what happened.

The Hon. G. R. Broomhill: Are you sure you can remember?

Mr. MILLHOUSE: I think so. I can remember the outline of what happened.

The Hon. Hugh Hudson: I would hale to have you as a witness.

Mr. MILLHOUSE: I had a telephone conversation with someone at channel 7 but, whether I or the channel initiated it, I cannot remember.

Members interjecting:

Mr. MILLHOUSE: I do not remember which way it went. I went out to channel 7 at about 5 o'clock last Friday week and had a look at the film the channel had taken at the Paratoo bridge on the occasion referred to in the newspaper report. It was clear from the film (and I do not know whether all of it had been shown on television) that the railway—

The Hon. G. T. Virgo: How can you have such a clear memory of this?

Mr. MILLHOUSE: The Minister is interrupting me again. I suggest (and I shall be happy to arrange this) that we arrange for the film to be brought here to the House for members to see, if they have any doubt. Will the Minister agree to that being done?

The Hon. G. T. Virgo: This is a Parliament, not a picture theatre.

Mr. MILLHOUSE: I see; the Minister will not answer my question. With your permission, Mr. Speaker, I will arrange for the film to be brought here for members to see, and they can make up their own minds.

The SPEAKER: The honourable member knows that we cannot exhibit films in the Chamber. The honourable member for Mitcham.

Mr. MILLHOUSE: I know that you can get out of it that way.

Members interjecting:

The SPEAKER: Order! The honourable member for Mitcham.

Mr. MILLHOUSE: I do not mean in the Chamber, but in the building. I make that suggestion as a serious invitation to the Minister.

The Hon. G. T. Virgo: You're battling hard to slate a case now.

Mr. MILLHOUSE: Would the Minister like me to arrange for the film to be made available for all members to see?

Mr. Langley: Yes, on Wednesday evening!

Mr. MILLHOUSE: Why will the Minister not answer me? He has been only too pleased to interject during the last 10 minutes, and I have let him go.

The Hon. D. A. Dunstan: If you have a case why not state it, instead of carrying on with silly histrionics?

Mr. MILLHOUSE: Would the Premier like me to arrange for the film to be brought here for members to see?

The Hon. D. A. Dunstan: Do what you like.

Mr. MILLHOUSE: I will make the arrangements, and then we can all have a look at the bridge and the attempts of railway officials to stop people from going to have a look at it. In the meantime, between the incidents to which I have referred and last week, the member for Davenport had put on notice several questions—

Mr. Payne: Is your memory all right now?

Mr. MILLHOUSE: —and they were answered last Tuesday week. I have only the *Hansard* pull of those replies. The questions were detailed and obviously designed to test the accuracy of what the Minister had said in his earlier replies to the member for Frome and the member for Davenport. The most significant answer is in the form of a table that sets out the core strengths as tested, the minimum strengths specified, the locations of the various bridges, the dates of the pour and the dales of the tests. I invite members to examine the results set out in the Minister's reply. There are 24 of them, only five of which were up to specification. The tests were carried out in 1965. One of them had a core strength of 550.

The Hon. G. T. Virgo: 550 what?

Mr. MILLHOUSE: It was 550 pounds per square inch (nearly 3 800 kilopascals). Bad luck! The Minister thought he might catch me on that point. The minimum strength specified was about 20 700 kPa. That was the worst test. Of the 24, 19 were below specification. I invite members to compare these tabular results with what the Minister had said in the House the preceding week. I point out to members that a crack in the concrete means that something must be wrong, because concrete is not. meant to crack in the way in which the bridges have cracked. A minimum strength is specified, in a contract for works, based on the safety factor for the type of structure involved, and that specification is laid down by the Standards Association of Australia in the appropriate code. That was done in this case, and the work that was done was below that specification. Why have any regard to a specification at all? Yet what happened in this case was that the foundations were laid and, when they were core tested 28 days later, they failed.

In the meantime, the piers had been built on those foundations, and they had been left there. When those piers were core tested 28 days later, they, too, failed. So, we have foundations that were below specification and piers on the foundations that were also below specification. The replies the Minister gave in the House last Tuesday week are damning evidence that he had misled the House a week before in his replies. This is what the Minister said in trying to justify himself:

> As a result, work was accepted in the full knowledge (and I repeat in the full knowledge) that whilst the strength tests were below specification—

there being no hint of that a week before in the House—

> such would not be critical in relation to the stresses to which the concrete would be subjected. In other words, the end result of the poor quality work—

not a suggestion a week before that any of the work had been of poor quality—

> performed by the contractor was that, whilst the work was more than satisfactory to withstand expected stresses, it would not be as durable as specified. The expected deterioration—

not a suggestion here or in his prepared statement a week before that there was any deterioration—

> has taken and still is taking place. Remedial action has been and will be taken as required from time to time—

not a suggestion in the House a week before that any remedial action had been taken or was necessary—

> For this reason, valuations at less than the contract rates were made when assessing payments due to Mr. Egan.

I have no doubt at all that the Minister knew all these things when he came into the House on August 13 and answered the questions asked by the member for Frome and the member for Davenport. He did not refer to any of those things in his reply. He gave what was, as I have said, stripped of its crudities, a straight denial that there was anything in the allegations published in the *Advertiser* and referred to in the House. It is for those reasons that I believe the Minister should go, because we can never rely on anything he says in the House. If he is willing to come into the House and say the things he said on August 13, and then on August 20 have to admit in answer to Questions on Notice that things were wrong (that the bridges had failed the tests, that deterioration was occurring,

that remedial action had been taken, and that the bridges were not as durable as they should be), how can he possibly explain away saying those things in the House?

There are many precedents, perhaps not in this Parliament but in other Parliaments, for Ministers who have acted like this to go. I will not refer to all of them. However, I will refer to one, because it is as close as one can get to what has happened in this case. That was the case of a man called Dugdale, who was the Minister of Agriculture in Britain in the early 1950's. He was the Minister responsible during what has become known as the Crichel Down case, in which the department made many errors of judgment, and the Minister had to stand up for what had been done in his name by his departmental officers. On July 20, 1954, when he gave a full explanation in the House of Commons of what had happened (and I have no doubt the Premier will be aware of this matter), he said:

> Having now had this opportunity of rendering an account to Parliament of the actions which I thought fit to take, I have, as the Minister responsible during this period, tendered my resignation to the Prime Minister, who is submitting it to the Queen.

He did that in the tradition of British Parliamentary democracy which is that, if a Minister makes mistakes and misleads the House, he resigns, because he is no longer fit to have the confidence of the House. I believe that is precisely the situation in which the Minister of Transport finds himself. He gave an unqualified assurance to the House in one week and then, in his replies to Questions on Notice a week later, it was patently obvious that that unqualified assurance was a pack of lies. I appeal to all members on this side to support the motion, if for no other reason than to back up the member for Davenport, who was the first member to take up the matter and who bore the brunt of the Minister's vitriol in this place. I ask members opposite to support the motion, although I guess this is a vain hope.

Mr. Wright: Very vain.

Mr. MILLHOUSE: I believe that at least some members opposite would like to support the motion but I have little doubt that, because of Party loyalty, which in their case always transcends anything else, they will not support it. I ask all members to support the motion because, if Parliamentary democracy is to continue at all, the first quality required of a Minister is honesty, and the Minister of Transport has shown lamentably in this matter that he lacks it.

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

> That Standing Orders be so far suspended as to enable Orders of the Day: Other Business to be postponed and taken into consideration after Notices of Motion: Other Business have been disposed of.

Motion carried.

The Hon. D. A. DUNSTAN: I oppose the motion.

Mr. McAnaney: Why?

The Hon. D. A. DUNSTAN: If the honourable member will contain his patience a few moments I. will tell him, and I think I will be sufficiently explicit about it. At the outset, the honourable member has moved a motion of no confidence in the Government on the basis that it refused yesterday to give Government time in which to deal with a substantive motion concerning the Minister of Transport. The honourable member's view was that, in moving a motion of no confidence in a Minister, he should take Government time. I give the honourable member and other private members in this House notice that the Government will not make Government time available for a motion of no confidence, except to the Leader of the Opposition. The reason for that is the conduct of the member for Mitcham, because what he has tried to do in the course of his frustration in his present isolated political position—

Mr. Millhouse: Do you believe that?

The Hon. D. A. DUNSTAN: I believe it, because the evidence is daily to be seen in this House.

Mr. Millhouse: I am quite happy that you should go on believing it.

The Hon. D. A. DUNSTAN: I do, and the honourable member assists me to believe it with every utterance he makes. So frustrated is he in his isolated political position that he tries to pre-empt the business of the House in order to get his business in ahead of Government business or other private members' business, and in order to draw attention to matters that he brings up to try to get publicity for himself and his little group. What he has been doing is wrapping up whatever matter he seeks to bring before the House in a no-confidence motion. We will not fall for that kind of abuse of the proceedings of Parliament, because the honourable member is not serious at all in most of these things.

Consequently, I will confine the taking of Government time to no-confidence motions responsibly moved by the alternative Government. In those circumstances, precedence will be given to such motions over all business of the House, but not otherwise. If the member for Mitcham wants to raise any matter in this House, he must do so in the same way as other private members must raise matters, with his business taking its place amongst the business of other private members. The honourable member was informed about this. I am sorry he was not informed earlier, but there was not an opportunity for the matter to be considered by Cabinet and the Parliamentary Executive of the Government until just before we notified him. At a meeting just before the House met, the matter was duly considered and the decision then conveyed to the honourable member. The honourable member also states that we could have dealt with the matter yesterday, after Government business had been disposed of. The honourable member will not take over in that way the control of the sittings of the House. I point out to him that, under a Labor Government, this House has regularly sat for far longer hours than it ever sat under Governments of which he was a supporter or member.

Mr. McAnaney: There was a weak Opposition then.

The Hon. D. A. DUNSTAN: If the honourable member found the Opposition weak when he was sitting on this side of the House, I can only say that the people did not, and that is why he is now sitting where he is and we are sitting here.

Mr. Mathwin: Are you trying to sway the House?

The Hon. D. A. DUNSTAN: No, I am giving reasons why the Government opposes this motion.

Mr. Millhouse: Why don't you get on with it?

The Hon. D. A. DUNSTAN: I am dealing specifically with a point raised by the honourable member that his motion should have been dealt with last evening. The honourable member will not lake over the sittings of this House. In fact, we have sat for very long hours, giving ample opportunity to the Opposition to raise matters of grievance, far more opportunity than is given in any other Parliament in the Commonwealth. Consequently, the member for Mitcham will be required to proceed with his motions in the normal way. He will not play little tricks to pre-empt Government business and time in the House.

If he has no confidence in the Government on that score, I can appreciate his frustration in the matter but that is how the position will be.

In this case, we have seen one of the extraordinary attempts of the honourable member to make something out of completely nothing. We are used to the pettifogging trivialities with which the honourable member takes up his time and tries to take up the time of the House and the public. Let us see how much substance there was in this business. I will turn to the salient facts that the honourable member wants members to hear about. The salient facts are that a contract was entered into between the railways and Mr. Egan, but Mr. Egan's work was unsatisfactory. The railways examined the work and decided that it did not meet its specifications, but it was better to proceed with the work, because it was within safety standards that had been set although not within design standards as to durability. This practice is not new in engineering work. Mr. Egan has been going on with a protracted warfare with the Railways Commissioner through the court for many years. He has been trying to trump up a public furore about this matter. A series of publications were made about the situation at the two railway bridges, the plain implications of which were that there was danger to the railway line and the public because of this work. They were the main implications of the question asked by the member for the district and by the member for Davenport.

Mr. Dean Brown: That's rubbish!

The Hon. D. A. DUNSTAN: The honourable member knows well that the implication of his statements, given the background of newspaper comment, was that there was danger to the safety of the public, but that was the matter to which the Minister properly replied.

The Hon. Hugh Hudson: What day was this?

The Hon. D. A. DUNSTAN: On August 13. The Minister plainly said that he had issued a statement reassuring the public about the safety factor. The member for Davenport quoted figures that had been used in a report. The Minister said that the use of these figures was tripe, and that the basis of the report of the engineers was that it was not a matter that affected the safety of the public. The Minister rightly made that fact clear to the House and there was nothing wrong with his reply. The Minister stands by it and the Government stands by it.

Mr. Dean Brown: We have a dishonest Government as well!

The Hon. D. A. DUNSTAN: No, we have not. We may have dishonest Opposition members who try to hoodwink the public. The Minister did not reply to anything other than the question whether there was danger to public safety arising out of this matter. There was nothing improper in his reply: there was no lie, untruth, or any misleading of the House. The Minister, in addressing himself to the safety question, was correct, and has been entirely supported by railway engineers. That fact was borne out by his later reply in which he suggested that core samples had not come up to design specifications, but the engineers pointed out that they had made the necessary tests for safety and that it was thought more economic for the railways to proceed with the bridges and patch them up later, rather than rebuild them. Honourable members have a habit of questioning the money spent on railways but, when the engineers make decisions on the basis of safety provisions (and they are their constant concern) that may cost more money, it is suggested that they are somehow incompetent or dishonest.

Mr. Mathwin: Why worry about standards, then?

The Hon. D. A. DUNSTAN: Honourable members must know that, in engineering work, design is required to the best standard in order to obtain maximum durability and the best return for money. If something goes wrong, a decision has to be made whether to rebuild at a greater expense or patch up the work. The member for Glenelg must know that that situation arises constantly in building work. I could refer to a series of matters that occurred under a Liberal Government in South Australia, but the situation is that the member for Mitcham has tried to put glosses on what the Minister said to the House, in order to try, in the typical fashion of some members of my profession, deliberately to mislead. He is trying to make a case, although he does not have much of a case, but then he puts a series of glosses and hopes that the jury will put up with what he is doing. Any plain examination of what the Minister said does not justify what the honourable member has said about the Minister. The honourable member is improperly taking up the time of this House about something that does not deserve to be debated.

Dr. EASTICK (Leader of the Opposition): I move:

To strike out all words after "House" first occurring and insert "has no confidence in the Government".

Member's of my Party have never had confidence in the Government, and many examples can be quoted to substantiate that statement. It is correct that the Premier should present guidelines for the conduct of the business of the House, but he has now spelt out in more detail than I can find recorded in the past the way in which he will accept motions of no confidence from this side. The Premier did not say that he had aided and abetted the activities of the member for Mitcham and his former colleague for a long time in their conduct that disrupted the proceedings of the House, an action that had been condoned by the Government which provided staff and other facilities for them. However, that is in the past. The activities of the present Government concerning many matters is of lasting shame to the organization it represents. One could refer to the mismanagement of the economic situation, the massive increases in taxation, and the airy-fairy schemes that have been proposed to spend State money on projects that are not productive to this State, and on projects which have denied the opportunity for those same funds to be used on more worthy propositions and which would have benefited the community.

I refer to schemes to provide facilities for South Australia that would not be used, such as the international hotel in Victoria Square that would provide accommodation and also allow activities of a rather dubious nature, against the advice of people in the community who had investigated such facilities and had found that the necessary patronage would not be available to make the hotel a viable proposition. One could go on and on about this matter, but it is not my intention to dwell on it. In addition, one could discuss the failure of the present Government to provide adequate leadership and refer to the moratoriums that ravage this State. One could talk about strikes that have been permitted to continue without positive action being taken to solve them.

Mr. Langley: You told us what to do about them.

Dr. EASTICK: One could talk about the failure of the Government to act more responsibly, and earlier in relation to the steel dispute on wharf 29 at Port Adelaide. One could also refer to statements made and questions asked by members on this side, particularly my questions, about the steel dispute. I was told that I was being alarmist, that I did not know what I was talking about, and that

Government action was not necessary to safeguard the employment of many people in the South Australian community. One could talk about the lack of leadership which, on many occasions, has often led to action that has only confounded the problem instead of helping it.

Moreover, one could refer to the statements used to substantiate the arguments used this afternoon, statements made by the Premier in an attempt to put the matter into perspective. On behalf of my colleague the member for Davenport (and he may rise to speak to the amended motion), I believe he has not been given in subsequent replies from the Minister of Transport anything to substantiate the suggestion made by the Minister, on the first occasion when asked about the core samples, that the honourable member's question was unsubstantiated tripe. Not one matter brought forward by the Minister substantiates his attack on my colleague, and nothing the Premier has said has altered my opinion, either.

Members on this side have never had confidence in the Government that sits opposite, sc we cannot accept the motion in its present form because it gives the Government the benefit of the doubt by suggesting that we may have had confidence in it. Perhaps I should qualify my remark, because we did have confidence in the Government on a recent occasion when it saw fit to support unanimously the motion, moved by the member for Torrens, condemning the intrusion of the Commonwealth Government, more particularly Mr. Connor (Commonwealth Minister for Minerals and Energy), into the affairs of the Redcliff project. I suppose one should acknowledge that the Government showed responsibility on that single occasion.

Recently we have had an opportunity to debate and question the activities of the Government in relation to many South Australian projects, two of which were the Redcliff project and the new city of Monarto. By referring to *Hansard* one can pinpoint the doubts that must exist in regard to the credibility of several Ministerial statements made recently. In *Hansard* of August 20, the Minister of Environment and Conservation claimed that environmental impact studies were proceeding at a time when he was acknowledging to the House that the Government did not have a policy in this matter and that a decision had not been reached in relation to such studies.

I look forward to the support of members on this side and hope that members opposite will see for the first time that they can stand up, represent the people who elected them, and cast off the shackles of a pledge that does not allow them (whether it be in respect of late-night shopping, local government boundaries, or any other issue) to support this motion.

Mr. DEAN BROWN (Davenport): I support the Leader's amended motion.

The Hon. G. T. Virgo: Make up your mind.

Mr. DEAN BROWN: In doing so, I would not expect the Minister of Transport to laugh, because I will refer to the grounds raised by the member for Mitcham. It is that matter I deliberately wish to discuss. The member for Mitcham today capably presented evidence that suggested that the Minister of Transport had deliberately misrepresented the facts in relation to the railway bridge in question. To give further evidence of the Minister's misrepresentation, I refer to a report that appears in the *News* of August 13, 1974, a report which the Minister has never denied and which states:

> Virgo hits at bridge criticisms. He discounted claims that faulty concrete had been used in some bridges making them potential hazards.

That clearly indicates that the Minister denied that faulty concrete was used in these bridges. On August 13, 1974, I asked the Minister the following question:

> Will the Minister deny that the South Australian Railways ordered the completion of construction work on railway bridges between Methuen and Mannahill on top of concrete foundations that did not pass the South Australian Railways specified strength tests, and will he also deny that structural cracks have since appeared in those bridges?

I did not ask the Minister to comment on the safety of the bridges. I asked him a "yes" or "no" question whether faulty concrete had been used in the construction of those bridges and the Minister, knowing exactly what the facts were, stood up and gave me nothing but abuse in his reply.

Mr. Goldsworthy: That's not uncommon.

Mr. DEAN BROWN: Of course, it is not uncommon: the Minister always does it. In explaining my question, I gave certain strengths for tests based on the concrete samples which have since been verified in the answer I received.

The Hon. G. T. Virgo: Were they substantiated at the time you gave them?

Mr. DEAN BROWN: It was interesting to note that the answer verified exactly the strengths I quoted. So, on that occasion the Minister was misrepresenting the facts. He said:

> I am called upon to decide now whether I should accept the unsubstantiated tripe of a lawyer, repeated in this House by the juvenile member for Davenport, or the qualified, competent reports of S.A.R. officers.

A week later I received a reply that verified the facts I had put forward, and the Minister knew they were correct when I gave them. He went on to say:

> It is not a very difficult decision to make.

The Minister knew that the facts I had given were correct. If he did not know that, he should have checked the validity of the newspaper article with the Railways Department and sought the necessary information. He continued:

> Anyone who accepted the opinion of the honourable member for Davenport and rejected the certificate that was presented to this House is nothing short of an idiot.

The Hon. G. T. Virgo: That is correct, and I stand by it.

Mr. DEAN BROWN: We know of no certificate being presented to this House.

The Hon. G. T. Virgo: You're admitting you're not doing your Parliamentary work; those certificates are presented to this House four times a year.

Mr. DEAN BROWN: No certificate has been presented in relation to these tests. Of course, the Minister was an idiot at that stage for not admitting to the House that the facts I had quoted in relation to these bridges were correct. The Minister is now trying to climb out of that awkward position of having deliberately misled this House. In his reply the Minister also said:

> What the honourable member has failed to acknowledge is that eight years ago the S.A.R. closed up on the contract for Egan, and so we get this character Harrison trying to bleed the State and the member for Davenport is willing to support him. This shows how irresponsible Opposition members can be.

Nowhere did I support the case for Egan or Harrison. I simply asked a question about the strength of the concrete in the approaches, and the facts since then have shown that the point I raised was a valid one. Following the abusive reply from the Minister, I immediately placed on notice a question asking him for the information. I will read this out because I will present further information that suggests that the Minister has continued to mislead this House by not answering the question. This reflects on all members of

the Government because I understand that answers to Questions on Notice must be ratified by Cabinet. My Question on Notice, on August 20, was as follows:

1. For each concrete core sample submitted by Mr. T. Egan and/or his representatives for testing in relation to his contract with the South Australian Railways between November 3, 1964, and May 9, 1966, what were:
(*a*) the core strength (expressed in p.s.i.);
(*b*) the corresponding minimum concrete strengths required under the terms of contract and/or the specifications of the bridge designs and drawings (expressed in p.s.i.);
(*c*) the corresponding railway bridges between Mannahill and Methuen in which the concrete batches were used;
(*d*) the corresponding dates or approximate dates for the pouring and testing of this concrete; and
(*e*) any other information relating to such tests on individual concrete samples or collective concrete samples?

2. Were all these tests carried out at the Islington laboratories of the S.A.R. and, if not, where were the tests conducted?

In his reply the Minister brought forward information on 24 tests carried out on concrete cores. They related to two bridges and he specified the bridges, the dates, and the minimum strengths. I again make the point that the member for Mitcham made so well: that only five of the 24 core tests reached the minimum specified strength as laid down by the S.A.R. Nineteen of the tests were well below minimum strength and in one specific case the core test was 550 p.s.i. when the specified minimum strength was supposed to be 3 000 p.s.i. That should be related back to the question I had asked a week earlier—whether the Minister would deny that substandard concrete was used in the construction of these bridges. On that occasion the Minister abused me, but a week later he presented facts showing that substandard concrete had been used.

I now present further information which the Minister did not give in answer to my Question on Notice. In paragraph *(e)* of my question I asked for "any other information". I understand that, at about the end of January or early in February, 1965, core tests were taken from F4, A2, and P2, with the following results: F4, specified strength 2 000 p.s.i., core test strength 1 230 p.s.i.; A2, specified strength 3 000 p.s.i., core test strength 450 p.s.i.; and P2, specified strength 3 000 p.s.i., core test strength 1 850 p.s.i. I asked for any other information relating to core tests. Additional information was available, but the Minister did not give it in his replies. Again I say that the Minister has deliberately misrepresented the facts and deliberately misled the House. If the Minister has done that, so has the entire Government, because the reply to my question came through Cabinet.

In addition, I understand that about 200 tests were carried out on concrete pours. I differentiate between tests on concrete pours and core tests. I understand that core tests are taken by means of a diamond drill. A pour test is obtained by pouring a sample of concrete, at the time of the pour at the site, into a tube and testing it after drying. About 200 such tests were carried out on concrete pours.

I understand that the results 'of those tests were even worse than the results of the core tests. Yet, the Minister has still not provided this information. Although much more information was available, the Minister has not even admitted that this information was available, let alone come forward with the facts. The obvious reason why he has not come forward with the information is that the results were even worse than the information he had provided. Such an action deserves a no-confidence vote against the Minister and the Government. The Minister has misled the Parliament and the people of the State to the point where his actions may jeopardize the safety of people in the future. Those bridges, according to the Minister, are safe now and we must accept his word for it. However, there is nothing to say that one of the bridges may not collapse suddenly, with no prior warning. If this were to happen, it would be too late to decide that the bridge was unsafe.

Mr. Payne: That could happen to any bridge anywhere in the world at any time.

Mr. DEAN BROWN: The member for Mitchell has made the point that this could happen to any bridge anywhere in the world, but it is more likely to happen to a bridge on which substandard concrete had been used, and the Minister has admitted that. The Minister also admitted that deterioration is taking and has taken place and that, of course, implies that the bridges are not 100 per cent safe. However, the Minister claims that, if there were any shadow of doubt about the safety of the bridges, he would tell us.

Mr. Millhouse: But not even a hint has he given!

Mr. DEAN BROWN: No; yet on August 20 the Minister admitted that the bridges had deteriorated and were continuing to deteriorate. Of course the Minister has deliberately misled the Parliament! Except that certain terms might be unparliamentary, I would be inclined to use them regarding the Minister. The Minister has gone far beyond the point of merely misleading the Parliament.

Mr. Keneally: What would you say?

Mr. DEAN BROWN: The facts speak for themselves. On August 13, the Minister claimed that substandard concrete had not been used and that the concrete apparently came up to the required minimum strength as laid down in the contract. On August 20, the Minister came forward with information which clearly indicated that the concrete had not reached the minimum specified strengths. Further, I presented evidence to show that additional information was available regarding the core tests. In my question, I asked for all the information relating to the core tests; yet on new information the Minister has deliberately misled the House and the people of the State. It is for those reasons that I support the amended motion. The motion has been amended because the House has already debated at length its complete lack of confidence in the Government over its handling of Monarto and the Redcliff project. The Opposition has no confidence in the Government, and I am beginning to suspect that most South Australians no longer have confidence in it.

The Hon. G. T. VIRGO (Minister of Transport): I wanted to listen to the further issue of tripe from the member for Davenport so that I could speak, justify the position of the engineers in the South Australian Railways, and repeat what I have said before. I have complete confidence in these officers and in their reports which I have tabled in the House. I was absolutely amazed to hear the member for Mitcham say he had never heard of these reports. He has been here long enough to know about them. In fact, I suspect that, as Acting Minister of Roads and Transport during a previous Parliament (while he was Attorney-General), he probably laid the report of the Railways Commissioner on the table during a period of two years. The certificate attached to the report reads as follows:

The Chief Engineer and the Chief Mechanical Engineer have respectively certified that the ways and works and rolling stock have been safely maintained during the quarter.

That certificate of safety is laid on the table of the House every three months. I am not interested in the unsubstantiated tripe spoken by the member for Davenport, but

I will always accept the certificate of people qualified to give a certificate, which is more than the member for Davenport is qualified to do.

The member for Mitcham has raised, and the Leader and the member for Davenport have supported, a rather cruel allegation against the railway engineers, and I hope that we will hear no more of the line, "We have never heard of the reports." An interesting feature in this debate was the admission by the member for Mitcham that he and the member for Davenport were acting at the instigation of Mr. Harrison. In moving the motion, the member for Mitcham went to great pains to say that it was not a question of safety. In fact, in the first report in the *Advertiser* safety is not referred to until page 15, where the report states:

Mr. Harrison called on the South Australian Railways to inspect the bridges named in the petition.

And the member for Mitcham raved on at the first mention of safety. Unfortunately, his memory is as bad as his eyes because, if he reads the first paragraph, he will see the following:

The petition, which calls for a Royal Commission, charges that the South Australian Railways Commissioner failed to enforce the proper structural standards, causing risks to life, limb and property.

No mention of safety? It is ludicrous that the member for Mitcham cannot remember whether he rang channel 7 or whether the channel rang him last Friday week, whereas he can suddenly say, "There is no reference to safety until you get to the end of the report." The whole of the case is based on the safety of the travelling public: that is the basic factor associated with it. The member for Mitcham said that the question of the member for Davenport had no bearing on safety, but that he wanted to know about some engineering statistical facts. Why was he looking for these facts? What information has been fed to him, as we have now learned, by Harrison?

Mr. Dean Brown: It was not.

The Hon. G. T. VIRGO: The member for Mitcham said it was. The member for Davenport and the member for Mitcham should make up their minds, as it is not clear whether the dog is wagging its tail or the tail is wagging the dog. The fact is that it took the member for Davenport 14 minutes of his speech to get around to the matter of safety. He could not help himself and, in the end, he was honest for a change and said that the question was whether the substandard concrete would jeopardize the safety of the travelling public. He wanted to know about it because he wanted to prove that the safety of the general public was in jeopardy. There can be no other reason for his interest unless he is supporting this man in an attempt to get more money from the Government than he is entitled to get. The honourable member even made the wild allegation that the bridge might collapse at any moment. That will be good news for the 200 people in the Indian-Pacific who are riding over it today! He is the prophet of doom from Davenport.

When the first article on this matter appeared in the newspaper, one line of action had to be taken quickly: someone with responsibility had to give an assurance to the public. That duty fell on me, as Minister. I discussed the matter with the Railways Commissioner, the one person who could give me the necessary information and assurances before I made my public statement. On August 14, I issued a press release, as follows:

The whole of the State's rail system was regularly checked for safety, the Minister of Transport (Mr. Geoff Virgo) said today. This included the bridges and track on the standard gauge line between Mannahill and Methuen in the North-East of the State which had come under criticism from an Adelaide consulting engineer. Mr. Virgo said the standard gauge line between Broken Hill and Port Pirie opened for traffic in January, 1970. Since that time thousands of passengers and more than 15 000 000 tonnes of freight had travelled over the line. "All bridges on this section of the line, as is the case in other parts of the State, are inspected at regular intervals and any work necessary to keep them in a safe condition is attended to without delay. This is in accordance with safety measures exercised throughout the South Australian Railways, other railways of Australia, and indeed throughout the world." The Minister gave his assurance that the line was safe for both passenger and freight rail travel.

There is no indication there that the bridge might collapse at any moment, as the honourable member suggests it might, a statement he has made without any foundation at all. That is a scurrilous attack on the integrity of the Chief Engineer of the Railways Department and a disgrace to the honourable member for making it. Yet he has the temerity to say I should resign. He should resign, having made an unjustified attack on a person who cannot answer him back.

Mr. Venning: We've already heard that: get on with something else.

The Hon. G. T. VIRGO: If the honourable member is not careful, I will talk about his cows getting knocked off the line while grazing. The press release continues:

The public can be assured that their safety is of paramount importance and if there was the slightest hint of danger the section of line involved would be closed or operations restricted.

The member for Mitcham treated that as a bit of a joke. All that could be inferred from his innuendo was that the railway officers were not policing operations properly. As I have said, this bridge has been subjected to proper inspections. The member for Davenport said he had not received full information on one question he had asked. He has been given further information that shows exactly what is the position. The engineers tell me (and I cannot argue with them, although I do not know whether the honourable member with his agricultural knowledge could argue with them) that the ability of the bridge to take the stresses and strains it must take is not in any way detrimentally affected by the deterioration of the concrete. I accept that advice. If the honourable member will not accept it, that is his pigeon; let him stew in his own juice about it. If I am guilty of accepting information from experts who are competent and qualified and if that means I am not acting properly and that I should resign, I think the honourable member might have a case. However, I think he might have more of a case if I were prone (and God forbid that this should ever happen) to accept advice from him on engineering matters.

One other aspect on which I will touch shows the foolishness of the case stated by the member for Mitcham and supported by the member for Davenport and, to a lesser extent, by the Leader. From his briefing the member for Mitcham would know, I presume, that this matter has been the subject of litigation for some time. He would know that on June 17, 1966, Mr. Egan took out a summons in an action seeking an order restraining the Railways Commissioner from using the implements and materials brought on this site. That summons was dismissed by Judge Bright on July 1, 1966. I think that the honourable member would also know that there was a generous attempt (and I would go as far as to say it was too generous) by the Railways Commissioner to settle the matter in the interests of all concerned. While the matter was again before the court in 1971, it was suggested

that, during an adjournment, an independent assessment should be made of the value of the work done by Mr. Egan under his contract. The cost of that assessment was not shared; it was borne by the Railways Commissioner in full. A fully qualified and eminent consulting engineering firm (I prefer not to state its name) was engaged to perform the assessment only after Mr. Egan and the Railways Commissioner had agreed that it should do so and agreed to the terms of reference. What happened? It was clearly shown by that independent firm's assessment that Mr. Egan had been paid more than he should have been paid for the work. In these circumstances it is difficult to understand why the member for Mitcham and the member for Davenport are now trying to get more money out of the State's Treasury for this man, and so deprive us of projects to which that money could be devoted.

Mr. Millhouse: You know that's an absolute and deliberate lie on your part.

The Hon. G. T. VIRGO: The honourable member can rave on and I will not ask him to withdraw. I do not mind: a lie is a lie to me. I am querying the reason for his raising this matter.

Mr. Millhouse: I'm telling you it's a lie.

The SPEAKER: Order!

The Hon. G. T. VIRGO: If the honourable member could find one other logical reason, the House would like to hear it, and so would I. We have heard an admission from the honourable member that he is acting after having consulted with Mr. Harrison.

Mr. Millhouse: What do you mean by "acting"?

The Hon. G. T. VIRGO: The honourable member is acting; indeed, he has been acting in this House for about three-quarters of an hour. A weak case has been stated for Mr. Harrison, and there have certainly been disgraceful criticisms by the honourable member of competent and qualified officers of the South Australian Railways who are continuously working in the interests of the people. I am not surprised that the honourable member and others have launched this attack, because some people never miss an opportunity to criticize the South Australian Railways. If the opportunity is not there, they make one up, and that is what has happened in this case.

Mr. GOLDSWORTHY (Kavel): I support the amendment. The Leader of the Opposition has rightly pointed out the many deficiencies of this Government. The Government's mistakes and the way it has misled the public have become legion. The Minister has misled the House in suggesting that the Leader has criticized railway engineers. The Leader said that the Minister had not replied satisfactorily to questions about core samples, but at no time did the Leader reflect on the competence of railway engineers. It is a favourite ploy of the Minister to attribute to Opposition members statements that they have not made, and then to criticize the statements. The Minister has imputed to the members for Mitcham and Davenport statements that they did not make. We have heard of recent Government activities that would lead to a vote of no confidence. The Premier made an oversea tour at great expense to the State, one of the major reasons being to investigate housing. The present record of the Housing Trust is that it built half the number of houses in the recent financial year that it built 10 years ago.

The Government does not deserve the confidence of this House, and it is certainly not receiving the confidence of the public. I refer to the environmental impact of the Redcliff project, industrial unrest, and the disgraceful situation at Port Adelaide in which the employment of many people was affected because the Government was not capable of acting. We could think of many other similar instances concerning this Government. Many of the activities of the Minister of Transport are typical of the way the Government operates. Recently, he negotiated with his Commonwealth colleague in order that this State would have some autonomy in its decisions about spending money for road projects in this State. However, the Minister was completely powerless when dealing with his Commonwealth counterpart, and it was the Australian Senate which ensured that what our Minister was asking for would be done. We now retain some of our decision-making powers regarding funds that are raised in this State.

An announcement was made of a new complex and plaza to replace the Railways Department offices. Obviously, the Minister of Transport builds castles in the air in order to delude the public into thinking that we have a transport policy. What about the platform policy that helped the Minister to become a member of Parliament: that is, to scrap the Metropolitan Adelaide Transportation Study plan and not proceed with the construction of freeways? Yet the Highways Department has proceeded with its acquisition programme. The Government commissioned Dr. Breuning from America to compile a report that would replace the M.A.T.S. plan: any university academic could have written that report in a weekend after reading a few documents. The Breuning report was a completely phoney document, but it was supposed to replace the M.A.T.S. plan. All the Minister has done this year is squeeze private bus operators out of business in the metropolitan area. It is reported in *Hansard* that, as Minister of Local Government, he said that local government was controlled by vested interests. Who could have confidence in a Minister who carries on in this way?

I believe that this Government has deliberately destroyed the low-cost advantages that this State previously enjoyed. At present this State leads the Commonwealth in cost-of-living increases, in increased unemployment, and in industrial unrest, because the Government has proved that it is powerless to come to terms with these problems. The Government seeks to treat trade unions as a privileged class in our society and to deny citizens the right to take a trade union to court. The Government has had a change of heart in this matter, but it still indicates the incompetency of the Government in coming to terms with reality and in doing things in what it proclaims to be the pacesetter State. I do not intend addressing my remarks to the original motion. What I have said is in support of the amendment moved so ably by the Leader of the Opposition. I believe the evidence that is mounting daily against the record of this Government is such that the House cannot but support the Leader's action.

Mr. PAYNE (Mitchell): As a member of the Government Party, which is supposedly (and I stress the word "supposedly") under censure by the Leader's amendment, I wish to say at the outset that seldom in the history of this or any other Parliament has such a flimsy foundation been provided for a motion moved by an Opposition Party that sets out to present itself as an alternative Government.

Mr. Millhouse: I think Eric Franklin has pricked you into this.

Mr. PAYNE: He has not pricked me into anything. I have been a member of this House for four years and have spoken to Mr. Franklin on only three occasions, on each of which there has been no pricking from either side.

The honourable member may use that form of communication, but it is certainly not a method I use. I suggest that Mr. Franklin has not been guilty of this, either. The member for Mitcham has already had his say, and I use the word "say", because I could not state that he made a speech or a contribution in this debate. At the time of the honourable member's rude interjection, I was addressing my remarks to the amended motion. Among the points raised by the Leader in attempting to censure the Government were matters such as the alleged conduct of the Government in the moratorium, the referendum on shopping hours, and other matters of that nature that certainly go back some time.

Mr. Keneally: It shows he has a better memory than the member for Mitcham has, anyway.

Mr. PAYNE: I agree, because the member for Mitcham has what I would call a "flexible" memory, and I will leave it to members to decide what that means. The Leader raised matters, extending back as far as three or four years, in an endeavour to suggest that the record of the Government was less than it ought to be. I remind the Leader that those matters were fully canvassed with the South Australian public before the last State election, and we all know the result of that. We received an overwhelming endorsement for our policies and for the way in which we were conducting the affairs of Government, and we are still sitting on this side of the House. The Leader is strangely silent now.

Dr. Eastick: You have a responsibility, when you speak in a debate, for saying more than you are saying now.

Mr. PAYNE: I would never have expected the Leader to refer to responsibility; indeed, on more than one occasion I have clearly shown how irresponsible the Opposition is in not functioning as an Opposition should function. It is clear to me that the Opposition is in its present position in the eyes of both the public and members in this House because it will not stop trying to make political capital out of matters coming before the House, into which matters politics should not enter at all. The matter before the House today is a good example of what I am saying. The member for Davenport asked a question of the Minister of Transport, presumably in the interests of the people of South Australia. I cannot say that he ever made that point clear when asking the question, because I have read it several times. However, it might have been difficult for him to illustrate the technical detail associated with the question. The honourable member went on to ask, only at the end of the question, whether the Minister would deny that bridges had been constructed on top of faulty concrete which did not reach a specified strength.

We should be examining the Minister's conduct in replying, because it has been suggested that he misled the House and that he acted other than he should have acted as the Minister responsible for this matter. I refute that accusation completely, because the Minister had the safety of the South Australian public in mind. Can anyone argue with his attitude? Would any member opposite suggest that he should not have the safety of the public in mind? There being no interjections, it seems that members on both sides of the House agree on that point. The Minister, in replying, illustrated the nature of the question before him: on the one hand he had a question dealing with technical matters raised by a member of the House imputing matters of a serious nature; and, on the other hand, he had (as he more than amply indicated) the combined opinion of responsible, qualified officers of his department with long-standing records of service to the State that had not been questioned previously in his time as a Minister. That is what he had to consider. In addition, the Minister indicated that on at least four occasions each year members could question the responsibility, the qualifications of officers, and the operations of his department when certain measures were before the House.

Does any member opposite suggest this matter was ever raised on the basis of the lack of qualification or of dissatisfaction with the performance of the officers concerned in the department? On the contrary, no such attempt has been made. On the fateful day, the Minister was asked the question by the member for Davenport. How else could he have accepted it responsibly other than to have done what he did on that day? He came down heavily on the side of the qualified advice of his officers. If he failed to listen to those officers, he would be derelict in his duty. If members take umbrage at his language on that occasion I can only remind them that most have on occasions in the House used language other than Fowler's English, in order to describe someone or comment on something. Is there any member who has not resorted on occasions to using a phrase that may have been used more carefully? I am sure the member for Mitcham will agree with me.

Mr. Millhouse: You will agree that it is fairly difficult to defend the Minister on that point.

Mr. PAYNE: That interjection, coming from the member for Mitcham, is laughable. It implies that the Minister is the only one who sometimes uses terms other than those of endearment.

Mr. Millhouse: There was no such implication.

Mr. PAYNE: I submit that the Minister put the case clearly on that day. He had obtained technical and qualified advice from responsible people. How else could he have replied? I am not going to suggest he could have used different phraseology, because I am more concerned with his actions.

The Hon. L. J. King: He is a very blunt Minister.

Mr. PAYNE: He is a firm, forthright Minister. There is no question about that.

Mr. Goldsworthy: Have you ever been his campaign manager?

Mr. PAYNE: Once again, the member for Kavel has flopped, because I have not been campaign manager at any time for the Minister. I have certainly been the campaign manager and secretary for the Commonwealth District of Hawker since its inception and I will probably continue to be so for some time. I believe we have had a Labor Party member representing Hawker since its inception. We must examine the motion moved by the member for Mitcham in the light of the Minister's actions rather than his phraseology. I have not heard it suggested that there was anything wrong with the information contained in his reply. Certainly when the question was put on notice it was not suggested that he did not give the technical information sought. The Minister made quite clear the position regarding the bridges. He said that the position was recognized at the time and that the officers concerned were faced with a decision in relation to the contract. He said that they were faced also with the task of determining what should happen in relation to the bridges, which he pointed out were under constant supervision and inspection. He said that remedial work would be carried out where necessary. At page 526 of *Hansard* the Minister said:

I again emphasize that, apart from regular inspections of bridges made by permanent way employees and a bridge inspector, divisional engineers and other senior engineers at head of branch and assistant head of branch level make random inspections; in fact, such an inspection was made by the Assistant Chief Engineer during the

second week in June, and three weeks before that a divisional engineer made an inspection as a result of which some remedial work was undertaken on one pier.

The Railways Department has acted responsibly in the matter and has the position under control. The bridges are subjected to regular inspection and any necessary work is undertaken. The officers undertaking the inspections are sufficiently qualified for us to know that the safety of the public of South Australia is assured. These are the actions of a responsible Minister. I know that the amendment by the Leader sought to rescue the operation. The Leader and the member for Mitcham do not always see eye to eye, and this has been demonstrated over the last two years. I think on this occasion, in the point-scoring contest that takes place on the other side of the House, the Leader has taken the prize. He has seen clearly and accepted the fact that the motion moved by the member for Mitcham was on shaky ground and was not capable of being sustained. I must give the Leader credit for that. Having decided to take out the reference to the railways and to attack the Government in general, the Leader has tried to salvage something from the ruin into which the original motion had fallen. When Opposition members realized the slim content of the motion, they acted in the usual way, making a political point.

The Leader tried to put up a reasonable front and, fortunately, he did not take up much time of the House (and I suppose I should give him credit for that). Government members must listen to much bilge from the Opposition and, on this occasion, I give credit to the Leader for giving us only a small dose of bilge. If I were forced to describe the situation existing after the member for Mitcham and then the Leader had spoken, on the spur of the moment the best terms I could suggest would be "wreck" and "near wreck". Obviously the Leader was not fair dinkum: he was stuck with this and probably said, "Let's see what we can salvage out of it."

What aspect of the Government's conduct has the Opposition shown not to be in accordance with the policies for which the Government stands, which have been put before the people, and which have been endorsed by them with more than satisfactory results? The member for Kavel said that we had had examples of the way the Government had acted in these matters. He referred to the plans for the new Adelaide railway station building. Is that supposed to show that we are not responsible and that we should vacate office? Is that a justifiable way of showing the House that it should have no confidence in the Government? I could not follow his reasoning. Does the member for Kavel not think that the Government is fair dinkum when it engages Hassell and Partners, a firm of excellent repute, to tackle matters of this kind? The Government has engaged Mr. Colin Hassell to prepare redevelopment plans for the new station complex. What substance is there in the allegation by the member for Kavel that this is merely something that the Government has put up without any meaning? Is this not the way in which these matters are usually handled? One has proper plans drawn up by competent personnel.

If it comes to a question of whether the Minister is capable, two simple points show beyond all doubt that he is most capable of handling his portfolio, and I bring one of them to members' attention. Before the Minister became Minister of Transport, transport in this State (and, what is more important, planning for transport) was never on a sound and organized basis. This Government established a directorate of planning, staffed by qualified people, and provided the necessary funds. Anyone can set up a group of people but not give them any money. No attempt was made recently by any Opposition member to alter the $500 000 allocation for transport research when this matter was before the House. This is the kind of thing the Minister has done. He is forthright, frank and he may be blunt.

Mr. Becker: Crude!

Mr. PAYNE: If a Minister has to be crude in performing his duties correctly, crudeness, I suggest, is justified. I often wonder how Ministers contain themselves so well when they have to deal with such parochial and nonsensical matters, for example, those raised during Question Time, that could easily be taken care of by correspondence. Government members often correspond in order to obtain information. The Opposition handles every question as though it is a $64 question. For example, "Will the Minister see that we get a new shelter wall for the toilet in the south-west corner of the Munno Para school?" Such questions are of tremendous importance! Opposition members are supposed to be responsible, and it constantly surprises me that Ministers are so calm when replying to these questions. I oppose the motion and the amendment. Nothing has been put up by the Opposition as a whole (if I can use the term "as a whole", because it is so fragmented) to justify either the motion or the amendment.

I could give a long list of innovations by the Minister to show that he has considerable courage, is at times under considerable pressure from the Opposition, and yet has been forward-thinking on transport matters. The member for Hanson may laugh.

Mr. Becker: Can't you tell the difference between a cough and a laugh?

Mr. PAYNE: The only contribution the member for Hanson has ever made to transport in this State is to ride a push bike here one day, and we have not seen him do it since.

Mr. Becker: That's more than you have done.

Mr. PAYNE: I had a bicycle before the member for Hanson was even able to sit on one. I am not sure whether the member for Hanson will be permitted to speak, as preselection for his district is looming. The Opposition (singularly, plurally, and collectively) has failed in its attempts to give any reason why the motion or the amendment should even be considered. I completely oppose both the motion and the amendment.

Mr. ALLEN (Frome): I wanted to participate in this debate for three reasons: first, I am the member for the district in which this controversy exists; secondly, I wanted to reply to some points made by the member for Mitcham; and, thirdly, I wanted to reply to a statement made by the Premier. The member for Mitcham said that I had asked an innocuous question regarding this matter. I admit that it was an innocuous question because I intended it to be so. I possessed many of the facts regarding the matter long before it broke in the press, and I asked the Minister this innocuous question to enable him to assure the South Australian public that this railway line was safe.

It so happened that a derailment occurred at Gladstone on the Saturday before this story broke in the *Advertiser* on August 13, and I travelled to Gladstone to inspect the scene of the derailment. In my question to the Minister I referred to that derailment and, indeed, to another derailment that had occurred two years before. People at the recent derailment scene asked me why the derailment had occurred and whether the line was safe. Only a few days later, when the story broke in the press, I considered that, as the responsible (and I use that word advisedly) member for the district, I had to ask the Minister a question so that he could assure the public and this House

that the line was safe. I said that I had information regarding the line before the press story broke, and I had no doubt, as a result of my information, that the line was safe. I knew that railway engineers periodically inspected the line and, as I have no doubt about their qualifications, I have no worries about this matter.

I cannot very well thank the member for Mitcham for participating in the debate, for I assure him that I am capable of looking after my district and that, had he approached me before making the statements he has made, I could have enlightened him somewhat. He said that my question was based on a newspaper report: however, I had the information some time before that, and the question was not based on the press report but was provoked by it. When replying to the member for Mitcham, the Premier said that I (the member for the district) and the member for Davenport made implications in questioning the Minister. I refute that statement, because I did not imply anything in my statement.

I am disappointed with channel 7, whose employees went to the area and took film of the bridge concerned. That television station approached the member for Mitcham, or he approached it (I am not sure which), and there has since been a furore over this matter. Channel 7 is probably unaware that there is a member for the district. Had it approached me, I could have enlightened it considerably. I have no alternative but to support the Leader's amendment, especially in view of the Premier's insinuation regarding the question I asked of the Minister.

Mr. KENEALLY (Stuart): I oppose the motion and the amendment. It is probably obvious to the Opposition that the Government does not believe it can be defeated on the motion; otherwise, I would not be speaking as early in the debate as I am. Although this is a motion of no confidence in the Minister and, as the amendment illustrates, in the Government as well, which Opposition members have participated in the debate? After the member for Mitcham, we heard the Leader of the Opposition, who spent 10 minutes on this important subject. He was followed by the member for Davenport, who spoke for 14 minutes. The member for Kavel then gave us seven minutes of his time on this important motion demanding that either the Minister or the Government should resign. Also, some of the matters the Opposition has advanced as reasons why the Government should resign relate to occurrences before the last election. As the member for Mitchell has said, all members would recall the debates on the moratorium and on shopping hours, matters on which the Opposition considered the Government should resign. It said that, because it had no confidence in the Government, it should therefore resign. But who expects the Opposition in any Parliament to stand up and say that it has confidence in a Government?

Mr. Coumbe: Certainly not in this Government.

Mr. KENEALLY: It is laughable for any Government to be called upon to resign solely because the Opposition has no confidence in it. The Opposition has advanced no reasons to substantiate its claim that the Government or the Minister should resign. What has really happened is that the Liberal Party Opposition is embarrassed because 12 months ago, when a motion of no confidence in the Minister was moved by the Liberal Movement members, the then L.C.L. members of the Opposition supported the Government and voted against the motion, thereby indicating their confidence in the Minister. On this occasion, however, they felt embarrassed about doing the same thing, so they tried to amend the motion. As the Leader thereby excluded any reference to the Minister of Transport, it was a *de facto* recognition of the Minister's worth. The Opposition is moving a vote of no confidence not against the Minister of Transport but against the Government.

Mr. Coumbe: But you know its policy on transport—

Mr. KENEALLY: I hear the member for Torrens interjecting. If ever the Opposition had an eloquent spokesman on transport matters, it would be the member for Torrens, but has he yet entered into this debate? Of course he has not, because he is, to a degree, somewhat principled and knows that the motion has no worth. Otherwise, he would have followed his Leader. One might also have expected that the member for Mallee, another principled and articulate Opposition spokesman, would enter into the debate, but he will not do so. Whom have we seen enter into the debate? The heavies? Of course not, because the Opposition is embarrassed regarding this matter, as is the member for Mitcham.

This afternoon I have, if anything, developed a small degree of respect for the members for Mitcham and Davenport, both of whom have had the good grace to be embarrassed about the motion. For the Opposition to suggest that the questions asked of and the replies given by the Minister of Transport are subjects on which a motion of no confidence can be moved is utterly and completely ridiculous. The Minister has clearly shown that concern for the safety of people who use facilities for which he is responsible should not be the subject of a motion of no confidence. The attitude of Opposition members, who attempted to make political capital and suggested that the Minister was hiding something, was disgraceful.

The member for Frome said that he was not altogether happy with the member for Mitcham's activities, because he could look after the interests of his own district. We all respect the member for Frome, who said that, if the member for Mitcham had discussed the problem with him, he could have given the honourable member enough information to make this motion unnecessary. However, the member for Mitcham is interested not in finding out the truth but only in trying to gain some political advantage. I know that he is in a most frustrating position in trying to instil some vigour into the Opposition. This motion was frivolous and the amendment was stupid. To justify a motion of no confidence in the Government in seven minutes is a ludicrous situation. Any motion of no confidence should refer to matters for which this Government is responsible, and not to those that were the responsibility of previous Governments. The Government has complete and utter confidence in the Minister of Transport and in officials of the South Australian Railways and, despite what Opposition members may say, I have used my opportunity to speak in this debate to show how completely embarrassed Opposition members are about this matter. I oppose the motion and the amendment.

Dr. TONKIN (Bragg): I support the amendment, which is not stupid, but I am not too sure about the substance of the motion. The amendment to the motion was the result of the actions of the Minister of Transport, and I refer (as I have often done) to the sort of reply we receive from the Minister. When the matter of safety of railway bridges had been made public on August 13, the Minister gave an unqualified assurance that railway bridges in the North-East of South Australia were completely safe. That was a responsible statement, but the Minister spoilt it by discounting claims that faulty concrete had been used in some bridges thus making them potential hazards. Opposition members had been better informed and knew that concrete had been used that was not up to specifications. That was the crux of the matter.

The Minister's reply indicated that no faulty concrete had been used. By this reply the Minister caused unnecessary alarm, and, if he had been honest and had said that the concrete had not been up to specifications but that railway engineers and the Commissioner believed that it was safe, we would not have had any quarrel and everyone would have been reassured. Perhaps even the member for Mitcham would not have had the chance to jump on another band waggon for publicity purposes, and to waste an afternoon that should have been used for private members' business. I hope the member for Goyder will continue to restrain his colleague, but I doubt whether that will be possible.

The Minister's attitude was not in the best interests of the community or of Parliament. We were pleased to facilitate this debate, but I will be interested to find out whether the member for Mitcham thanks the Opposition for doing this. I doubt whether we can expect that courtesy from the honourable member, but we acted on the basis that he might have some new information that could throw more light on this matter. However, we find that there is no new information brought forward. Nevertheless, the matters brought forward were fair enough, but they could have been dealt with in a different way. I do not think it was necessary to tie up all of the time for private members' business, but the blame lies basically on the Minister and certainly on the member for Mitcham for his disregard of the information that could have been made available to him by simple inquiry of the member for Frome and the member for Davenport.

The member for Davenport now says that he is reassured to hear from the Minister that the Chief Engineer and the Commissioner are entirely happy that the bridges are safe. That reassurance should have been given unequivocally and straight away. The matter of the concrete not being up to specification should have been cleared up as rapidly as possible. This lack of responsible action on the part of the Minister is our immediate concern. Although I do not intend to go into the many other reasons why we lack confidence in this Government, I will canvass one reason very briefly; I refer to the total reliance by the State Government for transport matters on special Commonwealth grants. I could develop that theme at great length and, by itself, it would be a major cause for concern and lack of confidence in the Minister. There are many other issues on the same theme that could be developed in connection with special grants. The Minister of Transport is content to sit back and let the Commonwealth Government take over the running of his department. He is willing to hand it over today, giving this State's rights away. It is only a matter of time (and it will not be a very long time) before we see the State railway system being offered to the Commonwealth by this Government. We have no confidence in the Government of this State for that reason, apart from others.

Mr. MILLHOUSE (Mitcham): This debate is noteworthy for what has not been said even more than for what has been said. In answer to the points I have made in moving the motion we have heard irrelevancies and outright lies. The Minister of Transport, the main speaker in his own defence, did not at any time touch the major point I made. He relied on irrelevancies, and he told lies to the House. He said things that he knew to be untrue.

The Hon. HUGH HUDSON: I rise on a point of order, Mr. Speaker. The member for Mitcham is persisting in asserting that another member has told lies. I ask you to rule that that is unparliamentary.

The SPEAKER: I will not uphold the point of order that the phrase "telling lies" is unparliamentary, as it has been used on many occasions.

Mr. MILLHOUSE: The Minister himself used the same phrase of me this afternoon. The Minister said not one word to justify the difference between his attitude of August 13 in this place and what he said a week later. On August 13 he deliberately ignored any suggestion that there was anything wrong with the concrete, but a week later he had to admit, in reply to a question by the member for Davenport, that the concrete was faulty. He had known that this was the case, but he deliberately ignored that aspect of the matter in his public statement and in his replies to the member for Frome and the member for Davenport. He has not dealt at all with that point this afternoon; that is the most eloquent acknowledgment that there could be on the substance of the complaint I have made. If he had had answers to these questions, he would have talked about them, rather than saying that I was acting for Egan or Harrison. He knew that this was untrue, and that is why I used the word "lie" before. I had never met Harrison before I gave notice of my motion last Thursday; it was only a couple of days ago that I met the man. For the Minister to say something that he knew was untrue to try to defend himself shows the difficulty that he was in with the truth.

The Minister has not answered the points I and the member for Davenport have made; that is an acknowledgment of the facts of the case. I know, as he knows, that this is a numbers game; that is what he said last night in another debate. He knows he has the numbers and that he will win on the vote, yet I have never seen him more ill at ease in this House than he has been when this matter has been mentioned. His interjections have been childish, frivolous and, at times, downright dishonest. He has been tense and nervy; we have all seen that. The Minister was like it yesterday and today, and he is acting like a child now. He does not do that when he knows he is on the right side.

Members opposite can laugh, but they know jolly well that I am right. I have never seen the Minister more ill at ease in this place than he has been while this matter has been debated. I now come to what was said by the partnership of the Premier and the Leader of the Opposition, because I can lump them both together on this one. The Premier was not so crude as was the Minister of Transport in what he said, but he was equally as abusive of me and my motives. It was perfectly obvious when the Leader of the Opposition got up that he entirely agreed with the point of view of his senior partner, the Premier.

This morning, I wondered whether the L.C.L. would be willing to give me time to move this motion. The L.C.L. was in difficulty last year when it let me down when I moved a motion of no confidence during the Budget debate, and that rebounded against it later. So, not wanting to fall into that trap again, the L.C.L. was virtually obliged to give me precedence after what the Ministry had done yesterday in not allowing time to debate this motion on the proper occasion—yesterday. I am not at all grateful to the L.C.L.; it knew that it had to give time for this debate. It has embarrassed its own member, the member for Davenport, because it was out of his questions that this matter arose. An article in the *Advertiser* of August 21 states:

> Outside Parliament Mr. Brown said Mr. Virgo had now admitted that the bridges were constructed on top of faulty concrete. "It would appear that the Minister deliberately misled the Parliament and the public," he said.

"The Minister obviously protected the administration of his own department before ensuring the safety of the public who use the railways. His actions are despicable and leave a stench of abuse of Ministerial powers. The Premier should make him account for and apologize for this abuse."

Having waited until the end of the week to see whether the L.C.L. would do anything to back up its member, I had to give notice last Thursday of a motion, because the L.C.L. had done nothing to back up its own member. Today, the L.C.L. had to give me time, but it thought it would sink the motion by widening it so that it became a general motion of no confidence in the Government. Of course, that is what it is trying to do by its amendment, which I oppose, and it has lamentably failed in that. Not one other matter of any substance has been debated by L.C.L. members. A few other things have been mentioned, but not one has been pressed home. The only member to support me has been the member for Davenport. He is the only one who has concentrated on the facts of the matter.

The Hon. G. T. Virgo: He made quite plain that he supported the amendment of the Leader.

Mr. MILLHOUSE: Yes, because he has got to, but he spent the whole of his time on the motion, and the Minister spent a good deal of his speech in rebutting what the member for Davenport had said. The L.C.L. has done its best to sink this motion by moving an amendment. It is a perfect example of the partnership between the L.C.L. and the Government in this matter: Tweedle Dum and Tweedle Dee, the Premier and the Leader of the Opposition! I oppose the amendment, hoping it will be defeated. I hope members of the L.C.L. will then vote for the motion as it now stands.

The House divided on the Leader of the Opposition's amendment:

Ayes (18)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick (teller), Evans, Goldsworthy, Gunn, Mathwin, McAnaney, Nankivell, Rodda, Russack, Tonkin, and Venning.

Noes (24)—Messrs. Boundy, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Dunstan (teller), Groth, Harrison, Hudson, Jennings, Keneally, King, Langley, McKee, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Majority of 6 for the Noes.

Amendment thus negatived.

The House divided on Mr. Millhouse's motion:

Ayes (16)—Messrs. Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Goldsworthy, Gunn, Mathwin, McAnaney, Millhouse (teller), Rodda, Russack, and Tonkin.

Noes (23)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Dunstan (teller), Evans, Groth, Harrison, Hudson, Jennings, Keneally, King, Langley, McKee, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Majority of 7 for the Noes.

Motion thus negatived.

DAMAGE TO PROPERTY

Dr. TONKIN (Bragg): I move:

That in the opinion of this House, the Government should introduce a Bill to amend the Juvenile Courts Act to make the Government liable for damage to property caused by the wrongful act of a child under the care and control of the Minister where the Minister or his officers have failed to exercise proper measures to control that child.

As honourable members will recall, this matter was introduced in the House during the last session of Parliament in the debate on the Juvenile Courts Act Amendment Bill. It is significant, I believe, that it was that Bill which made it competent for a juvenile court to exercise the powers conferred by the Criminal Injuries Compensation Act. As a result of a subsequent amendment to that Act, the maximum sum in respect of criminal injuries payable by persons convicted of offences has now been increased to $2 000, which is almost insufficient. Surely no-one would deny that, in the present climate of inflation, $2 000 does not go very far. The establishment of the principle contained in the Criminal Injuries Compensation Act was extremely important.

Compensation for injuries sustained at the hands of juveniles convicted of an offence is just as important, because the injuries can be equally as serious as those sustained at the hands of adults convicted of an offence. I do not think that anyone would in any way take exception to the application of that Act to juveniles. Fortunately, offences of such a nature are not particularly common and therefore the injuries resulting are not nearly so common when juveniles are involved: far more common are offences involving damage to property. No doubt all members will know of many instances of juveniles joy-riding, using motor vehicles without permission (often using them in escapes), driving them recklessly, being involved in accidents causing untold damage, breaking and entering premises, and engaging in sheer vandalism for the sake of vandalism. I am sure that many members will recall the examples given when this matter was touched on previously. It is a debatable proposition that, if we agree that the Criminal Injuries Compensation Act is necessary, there should be similar legislation with regard to damage to property. I believe that a fairly good case can be made out that, if one form of legislation is necessary, so is the other. Such a Bill can be drafted and introduced, but only the Government can introduce it, as it involves the expenditure of Treasury funds. I seek leave to continue my remarks.

Leave granted; debate adjourned.

ORDERS OF THE DAY: OTHER BUSINESS

Mr. EVANS (Fisher): With the consent of the members concerned, I move:

That Orders of the Day: Other Business Nos. 1 to 5 be made Orders of the Day: Other Business for September

Motion carried.

Mr. MILLHOUSE: I rise on a point of order to point out that the member for Fisher did not have my authority to do anything regarding Order of the Day: Other Business No. 5.

The Hon. Hugh Hudson: Why didn't you oppose his motion?

Mr. MILLHOUSE: I expected it to be called on by the Clerk, whom I did not hear say Orders of the Day: Other Business No. 5.

The SPEAKER: Order! I took the motion on the basis of the member for Fisher saying, "With the consent of the members concerned."

Mr. MILLHOUSE: He did not have my consent, nor did he consult me about this matter.

The SPEAKER: Order!

Mr. MILLHOUSE: I am willing to move a motion now myself, but the member for Fisher did not have my consent in the matter.

The SPEAKER: Order! The House has considered a motion, taken a vote on it, and agreed to the motion submitted to the House.

Mr. MILLHOUSE: Yes, but the member for Fisher has misled the House. He did not have my consent to do what he has done.

The SPEAKER: Order! At this stage I cannot interfere with a decision made by the House.

Mr. MILLHOUSE: I hope that my protest is noted.

[Sitting suspended from 6 to 7.30 p.m.]

MOTOR FUEL DISTRIBUTION ACT AMENDMENT BILL

The Hon. D. H. McKEE (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Motor Fuel Distribution Act, 1973. Read a first time.

The Hon. D. H. McKEE: I move:

That this Bill be now read a second time.

Of the 15 clauses in the Bill, one is formal and one provides for a most important extension of the period on the expiration of which the regulatory provisions of the principal Act, the Motor Fuel Distribution Act, 1973, come into operation. The remaining 13 clauses establish a scheme, of an essentially transitional nature, to protect the interests of persons who, through no fault of their own, could be disadvantaged by the operation of the principal Act in its present form.

Honourable members will be aware that it is up to the owner of premises, the subject of the principal Act, to apply for a licence or permit for those premises. So far, in most cases, owners are discharging their moral (to put it no higher) obligations in this matter, if only for the reason that it is to their long-term economic advantage. However, it has been suggested to the Government that some, at least, of the owners of premises are demanding from the lessees of those premises some additional payment before they apply for licences or permits for those premises. In the Government's view, there is no justification for these demands, and by this Bill it is intended that some degree of protection will be afforded those whose interests require it.

As has been mentioned, the arrangements intended are essentially of a transitional nature, since the protection is afforded only to those holders of subsidiary interests, that is, interests that are are less than full ownership in premises where that subsidiary interest arose before the commencement of the Act presaged by this Bill. Those who enter into arrangements in the future in the full knowledge of the scope of the principal Act are well placed to look after their own interests.

Clause 1 is formal. Clause 2 sets out the definitions necessary for the purposes of the measure, and they are commended to honourable members' attention. Clause 3 provides that the persons who hold an interest, as specified in subclause (1) of this clause, in premises the subject of a licence or a permit may cause that interest to be recorded in the records of the board relating to those premises. Flowing from this official acknowledgement will be the right to be informed of any dealings in relation to the premises that may affect those interests. It is suggested that the precise scope of this clause will become clearer if it is read in conjunction with clauses 5, 6, 11 and 12 of the Bill.

Clause 4 is the only operative clause of the Bill that does not deal with the protection of subsidiary interests. This clause arises from an indication by the board that it cannot complete its task of determining applications likely to come before it before the day (effectively September 30, 1974) after which it will be illegal to sell petrol without an appropriate licence or permit. The board's task has been made more difficult by the fact that many potential applicants are being most tardy in making their applications. The effect of this amendment is to extend the expiration of the period for making applications to January 1, 1975.

Clause 5 is one of the key protective clauses in the Bill and provides that, where an owner of premises does not make application for a licence under section 29 of the principal Act within the time limit set out in that section, the "prescribed lessee", as defined, may apply for the licence within two months after the expiration of that time limit. Honourable members will recall that this section provides for an almost automatic licence for existing premises. Clause 6 applies almost the same principle to section 30 of the principal Act, which deals with general applications for licences. In this case, however, the recalcitrant owner can only attract the protective provision if he positively refuses to apply for a licence when so requested by the prescribed lessee.

Clause 7 amends section 34 of the principal Act by affording a measure of protection to the holder of a subsidiary interest against the capricious surrender of a licence by the holder thereof. Clause 8 amends section 35 of the principal Act by again affording a measure of protection to the holder of a subsidiary interest, if the annual licence fee is not paid and by force of the Act the licence lapses. Clause 9 enjoins the board in any dealings relating to the licence to pay regard to the interests of the holders of subsidiary interests.

Clause 10 emphasizes in the case of "prescribed lessees" the transitional nature of the protection afforded by this measure. It inserts a new section 36a which provides that, so soon as the lease that gives rise to the relationship of "owner" and "prescribed lessee" expires, the licence will revert back to the owner for him to deal with as he will. Clauses 11, 12, 13, 14 and 15 in terms merely mirror the provisions of clauses 5, 6, 7, 9 and 10 respectively, except that these clauses deal with permits rather than licences.

Mr. ARNOLD secured the adjournment of the debate.

SUPERANNUATION ACT AMENDMENT BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

Adjourned debate on second reading.

(Continued from August 27. Page 685.)

Dr. EASTICK (Leader of the Opposition): I support the Bill. At the time the original legislation was introduced, it was recognized and acknowledged by members on both sides as being complex; it was seen then that alterations would be necessary. Honourable members will recall that between the time of its introduction and passing several amendments were necessary. These amendments were moved by the Government and fully supported by all members because they fulfilled the original intention of the legislation as described in public announcements and in the public debate at several Public Service meetings.

Opposition members have stated on several occasions that they will not accept, out of hand, legislation which is retrospective in nature. I qualify this remark because I acknowledge that the retrospectivity associated with this Bill relates to the original intention of the legislation. It

was recognized at the time of its introduction that some clarification would be required when specific cases were put to the Public Actuary and others who were responsible for administering the provisions of the legislation. I was surprised to learn from the information that the Premier has provided that the formulae used in the original legislation could have had a negative result. Amendments in the Bill are expected to prevent this. Information I have been able to obtain shows that the amendments will in no way affect the sum available to recipients of the fund; nor will the fund be adversely affected by any amendment of the formula that determines the amount that individuals will receive. With that assurance and the knowledge that this measure is supported by those who represent superannuants, I indicate the Opposition's support.

The only other point I wish to make is that so often amendments to Acts of Parliament are never challenged unless someone examines a specific provision and ascertains that it means something different from the interpretation that has applied to it for a long time. I refer specifically to the amendments that are effected by clauses 3 to 6. Having examined the provisions, the Government's legal advisers suggested that the method of election that had applied in the past was not strictly in accordance with the statutory provisions. We find ourselves in an almost identical position to that which occurred earlier this session when it was found necessary to amend the Motor Vehicles Act and the Road Traffic Act in relation to persons who had received notices regarding expiation fees that could not strictly be enforced.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10—"Attributed contribution months."

Dr. EASTICK (Leader of the Opposition): It is intended under this clause that future contributions will be subject to a report by the board to ensure consistency of policy, a perfectly wise course to follow. Is it intended that a report will be laid on the table of this House, or will it be available only to the trustees responsible for the conduct of superannuation matters and, therefore, to anyone who wants to ascertain the contents thereof? Some people may regard the contents of such reports as personal. I believe it is intended to provide a yardstick by which other persons may measure their own situation and then be satisfied that they are receiving substantially the same advantages as any other person receives who joins the Government's service with attributed months of superannuation.

The Hon. D. A. DUNSTAN (Premier and Treasurer): It is intended only that the report shall be made to the Minister to ensure consistency. It was not intended that the contents of the report should be published, simply because in many cases people would not want the contents of a report regarding their own situation published.

Dr. EASTICK: That being so, problems could arise in future when Opposition members, no matter of what political persuasion, expressed doubts. For many years, questions have been asked regarding the benefits with which certain individuals have been provided when entering the Government service. It is reasonable that more than a report solely to the Minister ought to be available and, although I accept the confidentiality aspect to which the Premier referred, I believe some sort of register should be available to responsible persons who should be able to clear the atmosphere regarding such appointments and the benefits that accrue to appointees.

The Hon. D. A. DUNSTAN: This is not really a matter of concern to the individual; it is to ensure there is consistency in what is done in attributions. It is being done to ensure efficiency in administration.

Clause passed.

Clauses 11 to 14 passed.

Clause 15—"Benefit payable from the Provident Account."

Dr. EASTICK: A large sum was amassed by the fund, and superannuants are concerned to see that just returns go to persons who have been contributors under the old Act or to their dependants, and that such profits will not be distributed across the board and go to those who have recently joined the fund. I understand that the Commonwealth Government was to pass on to individuals or their dependants the profits that had accrued in its fund.

The Hon. D. A. DUNSTAN: I believe that, by the new superannuation proposals, a very fair proposition was made concerning the distribution to existing superannuants of any existing excess in the fund.

Mr. Mathwin: Not to those who have been members for a long time.

The Hon. D. A. DUNSTAN: The Government made a significant contribution to existing pensioners, whilst providing for the distribution of any excess in the fund. So far as I am aware, the Commonwealth Government has not yet acted on the original recommendations for a new Commonwealth scheme. The present South Australian scheme is the most generous, both for superannuants and contributors, anywhere in the country.

Mr. Mathwin: What about those who retired 10 years or 15 years ago?

The Hon. D. A. DUNSTAN: They did not do too badly. Discussions in relation to existing pensioners concerned a stepped increase as against a flat increase. The flat increase of 9 per cent was chosen, plus the Government contribution, which I think took the increase to about 23 per cent. Therefore, I do not think we have been unfair to existing pensioners in what has been done.

Mr. COUMBE: Can the Premier say when this distribution was made, and can he indicate the present state of the fund?

The Hon. D. A. DUNSTAN: The distribution was made on July 1, but, as I do not have the figures required by the honourable member, I will obtain a report.

Mr. GOLDSWORTHY: Can the Premier confirm that one of the terms of reference of the working party established to devise a new superannuation scheme was that it would be the best scheme in Australia?

The Hon. D. A. DUNSTAN: One of the terms of reference was that the scheme would be as good as any in Australia and that no-one in our scheme would be worse off overall than those in schemes elsewhere. Overall, that has proved to be the case, and the scheme has been accepted by the Public Service Association and by the Superannuation Federation, as such. It has been an extremely good deal, and people in other States are envious of what has happened here.

Dr. EASTICK: I am pleased the Premier said that it was on an overall basis, because the person who told me to ask these questions has indicated that in Western Australia a widow receives the full entitlement compared to the two-thirds applying here. An article by P. D. C. Stratford (President, South Australian Superannuation Fund Board) shows the actual investments of the fund as at June 30, 1969, as follows:

Class of Security	Amount $	Per cent
Stock, bonds and debentures—		
Local government bodies	4 409 594	7.62
Commonwealth inscribed stock . .	11 310 600	19.55
Public authorities—South Australia.....	14 089 097	24.35
Public authorities—interstate . . .	1 801 350	3.11
Loans on mortgage.....	25 009 613	43.23

The ACTING CHAIRMAN (Mr. Crimes): Order! I must ask the Leader to confine his remarks to the clause.

Dr. EASTICK: I take it, Mr. Acting Chairman, that you do not want me to apportion the other 2.14 per cent of the fund. The funds at the Treasury, accrued interest, etc., amounted to $1 235 984, or 2.14 per cent. It was believed from discussions that took place that the surplus was about $17 000 000. In connection with the distribution at the 9 per cent rate (and I accept that the 9 per cent rate was one of the amendments in the Bill passed by this place), was that 9 per cent a figure that cut out the total of the surplus, or is a surplus still maintained in the fund that might properly be the property of those who were members of the fund before the recent changes?

The Hon. D. A. DUNSTAN: It was regarded as a figure that would deal with the existing surplus. It was difficult to arrive at an accurate figure because it was difficult to arrive at a complete valuation of the existing fund. I dealt with the problems of valuation at a number of discussions with the South Australian Government Superannuation Federation, and these problems were the subject of lengthy reports by the actuary. I shall put the Leader's question to the actuary and get a reply. In reply to the member for Kavel, the following is an extract from a letter of thanks from the federation for the introduction of the scheme by the Government:

The tenor of comments by delegates representing various affiliated organizations was favourable. It seems that the aim of you and your Government to provide a scheme equal to, if not better than, the best in Australia has been achieved.

Mr. GOLDSWORTHY: What the Premier is really saying in suggesting that the terms of reference—

The ACTING CHAIRMAN: The honourable member must confine himself to discussing the clause.

Mr. GOLDSWORTHY: Certainly, Mr. Acting Chairman. The Premier is really saying that the Government is more heavily committed to the scheme than are Governments in other States.

The Hon. D. A. Dunstan: Yes, we are.

Clause passed.

Title passed.

Bill read a third time and passed.

SUPERANNUATION (TRANSITIONAL PROVISIONS) ACT AMENDMENT BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

Adjourned debate on second reading.

(Continued from August 27. Page 685.)

Dr. EASTICK (Leader of the Opposition): I support this Bill, which is a companion measure to the Bill just passed, and I see no reason why its passage should be delayed.

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

MENTAL HEALTH ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 15. Page 511.)

Dr. TONKIN (Bragg): I support the Bill, which is yet another example of the work of Mr. Edward Ludovici, who is carrying out the duties of Commissioner of Statute Revision with great distinction. The Bill provides for the Mental Health Act to be consolidated, updated and reprinted under the Acts Republication Act, 1967. An interesting situation has arisen because of the amendment of the Act in the past. Two clauses are in limbo; they have no place in the Act as amended, and there is no place where they can go.

These clauses relate to a specific provision whereby six months leave of absence after five years service is granted to medical practitioners practising psychiatry in mental institutions. This provision applied at a time when there was a great shortage of psychiatrists, and it applied only to those people who had been practising psychiatry before 1935; there are very few people, if any, to whom these provisions now pertain. Nevertheless, it is high time that the Act was consolidated and printed in an understandable form. I therefore support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Leave accrued under repealed provisions."

Dr. TONKIN: I am interested to know how many medical practitioners qualify for the leave provisions as applying under the 1935 legislation.

The Hon. L. I. KING (Attorney-General): I regret to say that I have not got the information readily available. I shall find out for the honourable member, but I can assure him that, whatever the number is, it will not be changed by the provisions of this Bill, which achieves absolutely no change in the law.

Clause passed.

Remaining clauses (4 and 5) and title passed.

Bill read a third time and passed.

METROPOLITAN TAXI-CAB ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 15. Page 501.)

Mr. DEAN BROWN (Davenport): This Bill involves simply a metric conversion of a figure relating to section 37 of the principal Act, which section provides for any taxi to ply for hire as long as it does not take its passengers more than 25 miles from the Adelaide General Post Office. The Bill alters the figure of 25 miles to a metric conversion of 40 kilometres. In a direct conversion, the exact figure would have been 40.234 km, which would be untidy in any Act, so the conversion is simply to 40 km. In a distance of 40.234 km, a difference of 234 metres is quite insignificant. Therefore, the Opposition supports the Bill.

Mr. McANANEY (Heysen): I voice my protest at the injustice perpetrated by imposing penalty fares beyond a certain distance from Adelaide. A passenger can travel north for 32 km, east for 12.8 km, and south for from 9.6 km to 32 km before penalty rates are incurred. This is an injustice. There should be a uniform radius from the General Post Office (say 16 km, 24 km, or 32 km) before the penalty rate applies. When I took up this matter with the board I received a sympathetic hearing, but when the board held its meeting I got no change at all.

I wish to express strongly my view that equal distances should be travelled in any direction before penalty rates

are imposed. I have discussed this matter with the member for Fisher and the member for Glenelg. People in some districts are being unjustly penalized by a board that does not seem to give proper consideration to all areas. Recently, I travelled in a taxi and when I paid the driver I asked his opinion of the increase in the rates. He said he was dead against it. To me, this indicated that he was doing quite well, and I think he feared that the higher rates would reduce his business. I make this point in the hope that the Minister in charge of the Bill and the board will try to see that justice is done to everyone.

Mr. EVANS (Fisher): I support the Bill, and I take up the point raised by the member for Heysen. One problem with taxi operations in Adelaide involves the unfair practice under which a person who lives in the Stirling area, within 19.3 km of the General Post Office, must pay double rates for the journey from Leawood Gardens onwards. This is totally unfair. People living at Christies Beach, Noarlunga, or Elizabeth, equally as far from the General Post Office, do not have to pay this penalty rate. The metropolitan area should be regarded as one area, and we should not have two classes of citizen; the same consideration should be extended to all. People from Stirling should be able to hire a taxi and pay the single fare in the same way as people do in other parts of the metropolitan area. In supporting the Bill, I ask the Minister to take up the matter with the board so that, later in this session, we may be able to ask a question of the Minister and find that the board has changed its policy in this regard.

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

IMPOUNDING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 15. Page 501.)

Mr RODDA (Victoria): This is only a short Bill.

The Hon. G. T. Virgo: Yes, but an important one.

Mr. RODDA: I agree, and there are many ways in which it could be put to good use. It effects three metric conversion amendments to the principal Act. Clauses 3 and 4 are the operative clauses. Clause 3 amends section 15 of the principal Act by converting a distance of five miles to eight kilometres. Beyond that distance, a property owner may impound cattle or straying stock found on his land. Clause 4 amends section 26, which fixes certain charges for the delivery by a pound keeper of certain notices. Here the Treasurer's rapacious hand reaches out, because the charge is to be increased from 1c a mile to 10c a kilometre. Relating this charge to my own district (and I live 16 km from Naracoorte), I find that I will be paying the pound keeper $1.60.

The Hon. G. T. Virgo: You shouldn't let your cattle stray.

Mr. RODDA: That is what I am worried about. If someone impounds a bull and takes it 16 km, he would be short-changed at $1.60. The Government never misses out. We have seen many revenue-raising measures and here, with this rats and mice legislation, it has gone all the way. That is why the poor people of the State are being picked up on the ante. Whereas it now costs $1 to chase a bull from Naracoorte to Struan, for that privilege it will soon cost $1.60!

The Hon. G. T. Virgo: But that's for the pound keeper.

Mr. RODDA: I will come to that aspect later. If the outrageous animal has been incarcerated by the pound keeper—

Mr. Goldsworthy: That's when it becomes a steer.

Mr. RODDA: No, it maintains its lustre in full glory. I will have to pay Harold Moody, the pound keeper, $1.60; so he will not get very rich. That is a practical example of the effects of inflation now creeping into all our legislation.

The Hon. G. T. Virgo: Inflation has been blown up out of all proportion.

Mr. RODDA: Not in this case. I would be failing in my duly if I did not bring this matter to the Minister's attention, not that it will make much difference to him. The Bill provides for a charge of 10c for every kilometre or part thereof. In dealing with impounding legislation, I think we should deal with the member for Mitcham for his base ingratitude to me and my colleagues this afternoon, although I am probably out of order in saying that. I have no real grievance about the Bill. I assure the Minister that the Opposition supports it and, in general, I have pleasure in supporting it.

Mr. McANANEY (Heysen): Once again the Minister has raised my hopes and dashed them to the ground. For a number of years I have inquired about what to do with straying stock in the Hills, and each time I have received a reply from the Minister saying, in effect, "We will introduce a new Impounding Act." This was to become a modern Act to cope with straying cattle. Cattle often stray from unfenced paddocks, a neighbour catches them, and a property owner must impound them. It takes about a month for me to find out where the nearest pound is located. There are no pounds in the Hills. Surely we must have a new Impounding Act, as the Minister has promised many times. There are few pound keepers in South Australia (there is one at Naracoorte, apparently). Therefore, we are amending an Act to increase a charge to someone who does not exist—this is the standard of government we are getting in this State.

Mr. Coumbe: Are you suggesting this is another broken promise?

Mr. McANANEY: The Minister rarely gets around to doing much. Considerable stock is carried by the railways, but there are no stock paddocks or stockyards in many of the railway yards. I make a plea to the Minister that he do something about the problem in South Australia of straying stock. I seek the introduction of an up-to-date Bill to cope with the problem now applying in this State.

The Hon. G. T. VIRGO (Minister of Local Government): Normally it is not usual to reply in a second reading debate of this nature. However, because of the importance of the Bill and the points raised by the member for Heysen, I assure him that I will consider the problem involved in the absence of a pound and a pound keeper in the Hills area. True, it may take about 18 months or more to organize a pound, but I think in about 18 months we will be able to organize a new pound there. At that time we will call applications for the position of pound keeper and, if there is anyone at that time who has retired and is interested in that position, I am sure that we would give serious thought to that person filling that position and, if that happened to be the member for Heysen, I would be delighted.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Owner may impound on his own land cattle trespassing on such land."

Mr. RODDA: There are not enough pounds in South Australia. In the South-East there is an increase in the

number of cattle, particularly bulls. Recently I heard of a case in which 25 bulls were in the wrong paddock. This sort of situation causes many problems for primary producers: fences may be broken and there is a shortage of material with which to construct fences. This is a major problem. The member for Heysen referred to the inadequacy of pounds, and the Minister should look closely at this provision as it applies to the cattle country.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

ARBITRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 15. Page 501.)

Dr. EASTICK (Leader of the Opposition): This Bill effects a reform in the law which has been sought by the Law Society of South Australia since 1957. It renders ineffective the sometimes oppressive results, upon the claimant party to an agreement, of what is generally known as a *Scott* v. *A very* clause. The Lords of Appeal in *Scott* v. *Avery* 1856, 5 House of Lords Cases, 811, held that the jurisdiction of the courts was not ousted by an agreement which makes it a condition precedent to the enforcement of a claim by proceedings in a court of law that the liability and amount shall first be determined by arbitration. Any such agreement, therefore, is valid, and constitutes a defence to any proceedings brought before the publication of the arbitrator's decision.

This decision has been followed by the courts in Australia in such cases as *Swanson* v. *Board of Land and Works* 1928 V.L.R. 283; *Anderson* v. *G. H. Michell and Sons Limited* 64 C.L.R. 549-550; and *Webb* v. *Queensland Insurance Company Limited* 1920 N.Z.L.R. 118, in each of which it was held that an arbitration clause providing that no action shall be brought until an award is obtained for the amount sued for is construed as making arbitration a condition precedent to the accrual of a right of action and not as an attempt to oust the jurisdiction of the court in respect of rights of action already accrued. By section 28 (2) of the Instruments Act, 1958-1971, Victoria made this decision inoperative, with one exception. The Act provides that the arbitration of any claim upon a contract of insurance by an insured or any person claiming through or under an insured is not a condition precedent to the institution of proceedings in any court of competent jurisdiction by the insured or any such person upon such contract. This section therefore makes a *Scott* v. *Avery* clause of no avail as a defence. It does not, however, apply to an arbitration clause in an accident insurance policy which is incorporated in a life policy subject to the Commonwealth Life Insurance Act, 1945-1973.

In all other States of Australia and in New Zealand, a *Scott* v. *Avery* clause constitutes a defence to any proceedings brought before the publication of the award, as held in *Community Development Proprietary Limited* v. *Engwirda Construction Company* 120 C.L.R. 455, as other cases. This is not so, however, where the claim is for damages for repudiation of the contract containing the arbitration clause, as in *Larratt* v. *Bankers and Traders Insurance Company Limited* 41 N.S.W. State Reports, 215. In Queensland and New Zealand the court has a statutory power to extend the time for the commencement of arbitration proceedings so as to avoid undue hardship, notwithstanding that the time fixed by the arbitration clause has expired, but without prejudice to any statutory limitation period for commencing arbitration proceedings. There is no provision for extension of time by the court in any Australian State other than Queensland.

In New Zealand the court has power to order that a *Scott* v. *Avery* clause shall cease to have effect. There is no such provision in any of the Australian States in which the clause applies. In the United Kingdom the *Scott v. Avery* clause has been given legislative effect by section 4 (1) of the Arbitration Act, 1950. The arbitration required under this clause is often expensive and private. This is a burden to the ordinary man, yet has no accompanying adverse effects on the company concerned. Indeed, such a situation can at times benefit the company either through the claimant's inability to proceed because of expense or lack of publicity of facts. Although the agreement can be manifestly weighted to one side, it is only in rare cases that the claimant can obtain redress for this situation.

This Bill invalidates this often unfair situation. It gives the claimant direct access to the impartial and open court, with all attendant legal remedies such as right of appeal. It places all parties to an agreement on an equal footing before the law, so that "justice can now be seen to be done". The Law Society of South Australia recommended as far back as 1957 (and I have ascertained that it is still of the same opinion) that this matter is long overdue for correction. Having regard to the legislation which has been passed and to which I have referred, I have pleasure in supporting the Bill.

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

FIRE BRIGADES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 15. Page 511.)

Mr. EVANS (Fisher): I support this consolidating Bill which also contains one or two other amendments to make it more applicable to today's needs, particularly regarding areas for which the board was originally intended to be responsible. It is difficult for citizens to ascertain exactly which authority has fire control and prevention powers; they do not know, for instance, whether it is the Emergency Fire Services or the Fire Brigades Board. This Bill will clarify that aspect. It is fair that I now refer to a letter dated August 18 which I received from Mr. R. H. Overall (Secretary of the Fire Fighters Association of South Australia) and which refers to the Fire Brigades Board and its officers. Part of that letter is as follows:

The association has directed me to inform you of its displeasure concerning statements, about our organization and myself, attributed to you that appeared in recent issues of the *Mount Barker Courier* and the Messenger newspapers. The statements published under your name were incorrect, and one item in the *Mount Barker Courier* was a definite slur on the integrity of the fire fighters of this State who regularly risk their lives for the community.

This item suggested that a strike would have been sure to occur in the wet conditions that prevailed at the Happy Valley E.F.S. competitions, if fully professional union-controlled fire fighters had been involved. May I point out that members of our association have never been on strike and that, during a brief stop work action some 25 years ago, fire stations were still manned. I am directed to seek an apology from you for this disparaging remark which is a contemptible attack on a dedicated and well-trained body of men performing an important community service.

The letter continues:

The true facts are that a proposal by our organization to the State A.L.P. Convention was accepted, and the State Government plans an inquiry into establishing a single State authority that we hope will make the most effective use of both volunteer and full-time fire fighters.

The Fire Fighters Association of South Australia has always expressed great admiration and respect for the E.F.S., and we believe that both bodies would provide the community with better fire prevention and protection service if they were integrated under one control.

I appreciated receiving the letter from the Secretary of the association, and thought it fair I record what he had to say about my public statement. I replied to his letter as follows:

Thank you for your letter of August 8, 1974, pointing out that your association had been disappointed concerning a statement, attributed to me, that was published in recent issues of the *Mount Barker Courier* and Messenger newspapers. First of all, may I point out that your organization is becoming politically orientated, as your letter suggests, in authorizing you to introduce proposals on behalf of the organization at the State A.L.P. Convention. I, personally, do not doubt the dedication and the ability of your personnel for their past performance, but I made the point that I believe the volunteers for the E.F.S. were just as effective in their field of fire fighting.

I trust that your association continues its past good record of not striking or causing unrest in the fire protection and fighting field. The responsibility to maintain this balance rests more in the executives' hands of. the Fire Fighters Association, than the rank-and-file members. May I point out to you that three of your members have contacted me and expressed their disgust that their association executives had taken matters to the State A.L.P. Convention, thereby implying that all the members support that political Party.

Members interjecting:

The SPEAKER: Order!

Mr. EVANS: My letter continues:

I agree that all fire fighting and protection should come under one Minister, but under two separate authorities, one for country fire-fighting services (which would be volunteer orientated) and the other for city and urban communities for the metropolitan Fire Brigades Board. One lesson that we have learned in Australia—monopoly control in any field produces inefficiency, lack of competition, and an opportunity for small groups to strangle the community, and as much as I believe that your rank-and-file members would not consider taking the community to task, at the moment, if they end up with a militant disruptive-minded executive the future may prove very different from the past! I wish your organization continued success, and congratulate your personnel on the sacrifices and services that they give in serving our urban communities.

I thought it was the appropriate time to give credit to those members who had given service in the past.

Mr. Duncan: You should apologize publicly to that organization.

Members interjecting:

The SPEAKER: Order!

Mr. EVANS: It has been suggested that I should apologize because I said the fire fighters had gone on strike in the past. However, my statement was anticipating what could happen in the future: I did not reflect on present members of the association, so there is no need for an apology. Merely because someone drew an inference from my statement, that is their problem and not mine.

Government members know that people in the Salisbury area are concerned that the union would like the Fire Brigades Board units to move into that area to give fire protection, and that some people in that community are promoting that move; so, an extra burden will be placed on the community. Although Government members may not realize it, last year we amended the Fire Brigades Act to increase the amount that insurance companies must contribute to the Fire Brigades Board. The total cost of the board is now $7 000 000 a year, and, as 75 per cent of that amount has to be met by insurance companies, these companies have now decided that in the metropolitan area, where the Fire Brigades Board gives protection, property holders who insure their properties must meet these additional commitments.

Mr. Duncan: If there's a decent fire in Salisbury they call on the metropolitan fire brigade and get it free.

Mr. EVANS: People in Salisbury are concerned about this extra burden. I support the Bill, but I thought that I should clear up one area of concern and, at the same time, indicate that there is no need for me to apologize. I make the further point that a sister organization, the E.F.S., has also given excellent service to the community.

Mr. GUNN (Eyre): I refer briefly to what may happen if Mr. Overall's suggestions are adopted. Recently, I met many members of the E.F.S. at a competition conducted by that organization in my district. After speaking to them, I firmly believe that they strongly support the action taken by the member for Fisher, and that any attempt to conscript voluntary fire fighters into a trade union that would destroy the voluntary nature of the organization would have a detrimental effect on the fire-fighting services of this State. They consider that the only reason for this suggested conscription is that the Australian Labor Party would thereby receive union affiliation fees from members.

The SPEAKER: Order! We are dealing with the Fire Brigades Board, not the E.F.S

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

ADJOURNMENT

At 9.4 p.m. the House adjourned until Thursday, August 29, at 2 p.m.