

HOUSE OF ASSEMBLY

Tuesday, October 14, 1975

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

QUESTIONS

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

FISHING ADMINISTRATION

Dr. TONKIN (on notice):

1. On whose recommendation are prawn licences and rock lobster licences granted or allocated in South Australia?

2. Who are, and what qualifications have, the Chairman and members of the Prawn Fishing Industry Advisory Committee and the Rock Lobster Industry Advisory Committee, respectively?

3. How many times does each committee meet each year, and what have been the major recommendations of each committee in each year since they were established?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Prawn permits are issued by the Director of Agriculture and Fisheries upon the recommendation of the Prawn Fishing Industry Advisory Committee and after approval by the Minister of Agriculture and Fisheries. Issue of rock lobster authorities follow similar procedures after recommendation by the Rock Lobster Industry Advisory Committee.

2. Composition of the Prawn Fishing Industry Advisory Committee is as follows:—

Chairman: Mr. W. R. Harniman, retired Special Stipendiary Magistrate, ex Local and District Criminal Courts Department. Owner of a sea-going pleasure vessel with many years association with the sea and recreational fishing.

Secretary: Mr. D. E. Poole, J.P., Administrative Assistant, Department of Agriculture and Fisheries. Five years experience in fisheries resource management.

Committee: Mr. G. J. Jensen, fisherman, President of the Western Waters Prawn Boat Owners' Association. Mr. M. J. Corigliano, fisherman, President of the Port Adelaide Professional Fishermen's Association. Mr. A. M. Olsen, Director of Fisheries Research, Department of Agriculture and Fisheries.

The composition of the Rock Lobster Industry Advisory Committee is as follows.

Chairman: Mr. A. M. Olsen, M.Sc., Director of Fisheries Research, Fisheries Branch, Department of Agriculture and Fisheries.

Secretary: Mr. D. E. Poole.

Committee: Mr. T. O. Wilkins, Mr. A. T. Whittle, Mr. R. M. Guy, Mr. D. M. Miller, Mr. G. T. Rumbelow, Mr. P. H. Harvey, Mr. V. K. Perryman. (All licensed rock lobster fishermen.)

3. Composition of the Prawn Fishing Industry Advisory Committee was approved in Cabinet on February 4, 1974. The committee meets as required: six meetings were held in 1974, and a further three in 1975. Major recommendations from 1974 meetings were—

1. Adoption of guidelines and criteria for issues of prawn authorities.
2. Selection and recommendation of seven applicants for new prawn authorities.

Major recommendation for 1975 was: Ministerial permits be granted for experimental trawling in Investigator Strait area, and conditions related thereto.

Functions of the Rock Lobster Industry Advisory Committee were approved by Cabinet in November, 1967. Meetings are held in the off season and as frequently as business requires. Major recommendations have been:

1967—

1. Establishment and submission of broad principles for the restriction of entry of new vessels into the rock lobster industry.

1968—

1. That all fishing vessels undergo marine survey regardless of size.
2. To adjust the table of pot allocations for the Southern Zone.

1969—

No major recommendations.

1970—

Numerous minor recommendations relating to implementation of rock lobster management policies.

1971—

1. Prosecution for non-submittal of statistical returns.
2. That abalone divers shall not hold an endorsed rock lobster fishing licence nor shall an abalone permit holder dive from an authorised rock lobster vessel during the open rock lobster fishing season.
3. That the Fisheries Department introduce measures to prevent gear being deliberately left unattended.
4. That policy of one man one authorisation be implemented.
5. That one more member be appointed to the committee to represent the Northern Zone.
6. That a questionnaire be prepared to canvass the views of rock lobster fishermen on present and proposed management measures.
7. That manning regulations for rock lobster vessels be implemented.
8. Requesting placement of a resident fishing inspector at Port MacDonnell.
9. Recommending a bag limit on rock lobster for amateur fishermen.

1972—

1. That the legal minimum length of rock lobster be increased from 9.85 cm to 10 cm.

1973—

1. That transfers of rock lobster vessels be approved only to people who have been actively engaged on a registered fishing vessel immediately prior to the application to transfer.
2. Amendments to regulations relating to transfers of pot allocations from one vessel to another.
3. That certificates of competency be required for skippers of vessels under 25ft. in length.

1974—

No major recommendations.

1975—

The Rock Lobster Industry Advisory Committee has not met in 1975.

GAUGE STANDARDISATION

Mr. VENNING (on notice):

1. Has settlement been finalised with all landowners in South Australia affected by the construction of the standard gauge line between Port Pirie and Sydney, and, if not:—

- (a) how many owners are still awaiting settlement; and
- (b) who are these owners and what amount is involved, respectively?

2. If settlement has not been completed, why not?

The Hon. G. T. VIRGO: The replies are as follows:

1. No.
 - (a) One
 - (b) W. J. & R. T. Williams of Caltowie; \$669.96 plus interest from date of occupation to date of settlement at 5 per cent per annum.
2. At the time the Crown Solicitor was ready to settle, a mortgage involved was discharged and a new mortgage registered over the certificate of title involved. The memorandum of transfer has been executed and the matter should be finalised shortly.

ABSCONDINGS

Mr. MATHWIN (on notice): How many abscondings have occurred from Brookway Park and the McNally Training Centre, respectively, since June 30, 1975, and of these absconders:

- (a) how many are still at large;
- (b) how many have been charged with offences committed whilst at large and what type of offences were committed;
- (c) how many had previously absconded; and
- (d) how many had been charged with offences on these previous abscondings and what type of offences were committed?

The Hon. R. G. PAYNE: The replies are as follows:

Total number of abscondings since June 30, 1975:

From McNally Training Centre . . . 50

From Brookway Park..... 46

(a) Number of absconders still at large:

From McNally Training Centre . . . 10

From Brookway Park..... 3

(b) (i) Number of absconders charged with offences:

From McNally Training Centre 30

From Brookway Park..... 18

(ii) Predominant type of offences committed by absconders:

From McNally Training Centre:

Illegal Use

Break and Enter

Larceny

From Brookway Park:

Illegal Use

Break and Enter

Larceny

(c) Number of absconders who had previously absconded:

From McNally Training Centre 10

From Brookway Park..... 16

(d) (i) Numbers charged with offences on previous abscondings:

From McNally Training Centre 4

From Brookway Park..... 12

(ii) Type of offences committed:

As per (b) (ii) above

NORTH PARA RIVER

Dr. EASTICK (on notice):

1. Was the Engineering and Water Supply Department advised of the intention of the Barossa Valley wineries to release effluent into the North Para River?

2. Was the effluent monitored during its passage along the river and, if so, what reports were submitted?

3. Was there any evidence of permanent damage to the river or to any life associated with it because of the effluent?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Yes.

2. Yes. Daily samples of quality and quantity of water were taken and reports submitted.

3. There appears to have been no adverse effects on the vegetation and aquatic plants in the river system. As in previous years, the aquatic animal life in the North Para-Gawler River below Nuriootpa has been affected, namely golden carp and yabbies. Recolonisation of the main stream from tributaries should occur in a reasonable time as has been the case in recent years. Extensive follow-up rains in the catchment have resulted in high stream flows and ensured that the river systems have been completely flushed clean.

Dr. EASTICK: Can the Minister tell the House what stage of correction (regarding this method of dispersal of effluent) has been reached? When we debated a matter relating to the waterways of this State some three to four years ago, it was stated that one of the very real reasons behind the legislation was to offset contamination by effluent of this kind and that an advisory committee would be set up to arrange for the proper utilisation or dispersal of effluent in the future. I appreciate that there is an advisory committee and that it has been functional, but obviously it has not yet found an answer to the problem, with the result that the North Para River was contaminated recently and a large number of fish and yabbies perished. Although disposal of effluent must be carried out by the industry, which operates to the financial advantage of the State, it is necessary to know to what point the deliberations have proceeded.

The Hon. J. D. CORCORAN: The honourable member has referred to an advisory committee. I think it was back in 1973 that I and the Minister of Environment and Conservation visited the area, made several inspections, and met people who had an interest in the control or disposal of this effluent. I think the member for Kavel was present on that occasion, and I pointed out that I believed that to deal with the matter properly would require a full investigation and that it could well be that the measures that needed to be taken to control the problem effectively would be beyond the resources of those people involved in the industries. We commissioned that inquiry, and it is due to report to me in June, 1976. I think the honourable member will appreciate that, until I receive that report, there is little I can or will say about the overall situation. It was necessary for the maintenance of the industry that the effluent be discharged. The honourable member is fully aware of that fact. That was handled by the local committee.

Mr. Goldsworthy: A deputation came to see you.

The Hon. J. D. CORCORAN: A deputation of industry leaders introduced by the member for Kavel came to see me about three weeks ago. At that stage they were desperate because their evaporation ponds were being fully utilised, and it would have been necessary for them to cease processing had we not been able to do something about discharging the effluent. Normally, to minimise the effect on the weir, they wait until the North Para River comes down in flood before they bleed off some of the effluent. Fortunately, rain fell shortly after that deputation met me, and we were able to take advantage of that situation. At that deputation it was decided to purchase about 32 hectares of land from a Mr. Fisher, of Nuriootpa. I have also had discussions about this with representatives of the five wineries originally involved

(one winery has since lost interest in this matter). The land is adjacent to ponds already in existence, and ponds will be constructed and be utilised by January next year. The Engineering and Water Supply Department will give every assistance it can in designing these structures. I think today officers are doing soil tests on the property to ascertain what sort of designs will be needed. So, the reply to the question is that steps have already been taken to overcome the problem that occurred this year, and it is believed that the use of this land, and the number of ponds that can be constructed on it, will not only facilitate the discharge but will probably solve the problem completely, but that is not known for certain. This will be done not without some cost and, whilst the Government is not contributing to that cost, I can assure the honourable member that the Treasurer, following an approach from me, has, through the State Bank, made available to the company that has been formed to construct the lagoons every financial facility that can possibly be made to it. The work will proceed, and I had the assurance of members of the company as late as last Friday that this work could proceed and the ponds would be in operation by January next.

OLD BELAIR ROAD

Mr. MILLHOUSE (on notice):

1. What are the plans for the improvement of the Old Belair Road in the vicinity of the Mitcham Reserve, and are such plans now final?
2. With a view to such improvement:
 - (a) has any property been acquired and, if so, at what cost; and
 - (b) is it proposed to make any further acquisitions and, if so, of which pieces of land and when?
3. Has any design work on these roadworks been done and, if so, what work?
4. When is it expected that construction will be commenced and completed, respectively?

The Hon. G. T. VIRGO: The replies are as follows:

1. Preliminary plans have been prepared for the improvement of Old Belair Road between Fullarton Road and Blythwood Road at Mitcham. These plans make provision for a new bridge over Brownhill Creek, upstream of the existing stone bridge which it is proposed to leave as part of the Mitcham reserve. The proposed alignment will preserve as many of the existing gum trees as possible. These preliminary plans will be forwarded to the Mitcham council in the near future for comment following which plans will be prepared for public exhibition and comment, before final decisions are taken and detailed plans drawn.

- 2.(a) Six properties have been acquired for earlier schemes or as a result of owner approach. The cost of this acquisition was \$75 450.
- (b) An additional 10 properties would be required for the new proposal. The final scheme adopted may invoke more or less properties. Negotiations for this acquisition will commence about two years in advance of the commencement of construction work. Earlier acquisition of individual properties may take place if requested by property owners.
3. No detailed design work has yet been undertaken.
4. Because of lack of funds, it appears that construction will not commence for four or five years. No definite date can be fixed at this stage.

MASSAGE PARLOURS

Mr. MILLHOUSE (on notice):

1. Has the Government yet completed its consideration as to whether to introduce legislation to control massage parlours and, if so, what decision has it reached and what action, if any, is to be taken?

2. If not, when does it expect to come to a decision?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. No.
2. In due season.

MONARTO

Mr. MILLHOUSE (on notice): In relation to the Monarto project what planning and work, respectively, are at present being undertaken by the Lands Department and the Engineering and Water Supply Department, respectively?

The Hon. HUGH HUDSON: The following work is currently being undertaken by:

- (1) The Lands Department: Orthophotographic production for the Monarto designated area including 1-1 000 prints with transparent overlays and 1-2 500 prints. Estimates to carry out ground survey in relation to existing houses within the designated area and proposed city centre. Valuation and negotiations in respect of the remaining land acquisitions.
- (2) The Engineering and Water Supply Department: Stream gauging station operation and maintenance. Water quality sampling and testing. Preliminary design and water treatment plant and sewerage treatment plant. Environmental impact statements.

KIMBA-POLDA MAIN

Mr. GUNN (on notice): When will the branch mains of the Kimba-Polda main be completed?

The Hon. J. D. CORCORAN: It is expected that this work will be completed during September, 1976.

PORT LINCOLN FACILITIES

Mr. GUNN (on notice): When will the new port facilities at Port Lincoln be in operation?

The Hon. J. D. CORCORAN: The new phosphate rock unloading berth has been in use since August, 1974, and it is expected that the bulk grain loading berth will be commissioned in March, 1976.

HIGHBURY SEWERAGE

Mrs. BYRNE (on notice): What plans has the Engineering and Water Supply Department for sewerage Green Road, Highbury?

The Hon. J. D. CORCORAN: The Engineering and Water Supply Department is planning a scheme to provide sewers in Green Road from the existing sewer in Citrine Street. This will involve the acquisition of easements.

CHRISTIE DOWNS RAILWAY

In reply to Mr. EVANS (August 27).

The Hon. G. T. VIRGO: The sum of \$2 932 291-14.

TEACHER RECRUITMENT

In reply to Mr. MILLHOUSE (October 7).

The Hon. D. J. HOPGOOD: Mr. Mildred, Director of the Murray Park College of Advanced Education, was overseas recently, but he was not interviewing teachers for primary and secondary schools. The Education Department has suspended its overseas recruitment programme

indefinitely. Recruitment in the United States ceased in May, 1974, and in the United Kingdom in 1975. Mr. Mildred as Director of the autonomous Murray Park College of Advanced Education was overseas interviewing applicants for tertiary positions at the college in disciplines (for example, early childhood education) in which there is a shortage of qualified persons in Australia. The college advertised nationally first and then in the United Kingdom when it became apparent that suitable applicants from within Australia were not forthcoming.

WHYALLA HOUSING

In reply to Mr. MAX BROWN (September 17).

The Hon. HUGH HUDSON: The honourable member queried reasons for the delay in completing a block of Housing Trust houses, bounded by Cartledge Avenue, McDouall-Stuart Avenue and Menard Street, Whyalla. The contract covering these houses was let just prior to the period in which there were unprecedented demands on the building industry. Consequently, the builder concerned, Adelaide Building Company, had extreme difficulty in obtaining both materials and labour. The contract was won at public tender with extremely fine pricing—and the builder could simply not meet the unreasonably high prices demanded by subcontractors. Since early this year the builder has been making every possible effort to complete these houses and at 30 August, 31 had been handed over and the keys received by the South Australian Housing Trust. The builder has assured the trust that the remaining houses will be handed over by the end of October. It should be remembered that this builder has had other contracts operating concurrently at Whyalla and has, during the past three years completed 68 in 1972-73; 58 in 1973-74; 56 in 1974-75 and to date in this financial year they have handed over 15 houses and the Housing Trust has no reason to disbelieve the builder's intentions to complete the contract by the end of October.

TIMBER INVESTMENTS

In reply to Mr. CHAPMAN (September 17).

The Hon. D. A. DUNSTAN: The nature of the operations of the company are being examined to determine whether the invitations being made to members of the public to participate in the scheme constitute an offence against the Companies Act.

SUCCESSION DUTIES

Dr. TONKIN: Will the Premier say whether he intends, during this session of Parliament, to introduce legislation to amend section 8 of the Succession Duties Act and, if he so intends, will he say when he will introduce the legislation? During a grievance debate a few weeks ago and, since then, during the debate on the Statutes Amendment (Gift Duty and Stamp Duties) Bill, I stated that the election promises made in respect of relief to surviving spouses in marital homes were not worth the paper they were written on. There has been much confusion in the community, not the least being in the real estate, broking, and legal professions, about whether the Premier's promises can be honoured without amending section 8 of the Succession Duties Act, particularly in subsection (1) (o). The matter is now being raised again. Time is advancing and, although some concessions have apparently been made since the election, people in the community do not know where they stand, and they have a right to know. Therefore, I ask the question point blank of the Premier: does he intend to amend section 8 of the Succession Duties Act during this session of Parliament which, from what he has said, seems to be going to end rather rapidly?

The Hon. D. A. DUNSTAN: I do not have the Succession Duties Act Amendment Bill with me at present, so I cannot tell the Leader whether it refers to section 8, because I do not remember the numberings of the sections.

Dr. Tonkin: Shame!

Mr. Mathwin: But you're a Q. C.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I do not pretend to hold in my head (nor does any other Queen's Counsel in this State pretend to hold in his) the whole of the numbering of sections of Acts.

Dr. Tonkin: You might be able to guess as to what it refers to.

The Hon. D. A. DUNSTAN: I am not proposing to guess for the Leader. However, I can assure the Leader that the Bill to amend the Succession Duties Act which I said would be introduced will be introduced in Parliament this week, and he will be able to see for himself in detail the proposals for the amendment of succession duties. At this stage, in view of what he has said and the curious consonance of phraseology between what he has said here and a report appearing on page 4 of today's *Advertiser*, I point out that that report was published in the paper without any checking with the Government and on the assumption that no amendment to the Succession Duties Act would be introduced, even though it was referred to in the Governor's Speech and has been referred to numbers of times both in debate and in replies to questions in the House. The report in the *Advertiser* was completely false, improper and disgraceful. I protested to the Editor of the *Advertiser* about it, and the reporter concerned inserted that article only as a result of propaganda from the Liberal Party. Further, he made an allegation against a member of the Upper House about his having run all around the place advising people what to do. I have checked with that honourable member, who gave advice to one member of the Labor Party alone on what it was proper for him to do with regard to this matter and told him to consult his broker on it.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I do not know what his broker did, but the extraordinary statement appears in this morning's *Advertiser* that Normie was running all around the place doing this, that or the other. If ever there was a piece of improper journalism it was what appears in this morning's *Advertiser*, and it is no use the Leader's getting up here and trying to add confusion to what his Party has already been doing in this area. The Government's promises at the election were clear, and they will be carried out.

LABOR DAY MARCH

Mr. GOLDSWORTHY: In the light of the poor attendance at yesterday's Labor Day march, does the Premier see the march continuing, or would the Government support a May Day march like that held in Adelaide by the left-wing unions for the first time this year which is so popular in Communist countries? I think that only about 200 people attended yesterday's march and, from the television coverage, it appeared that, if it had not been for floats entered by Government departments, the march would have been a complete flop. Does the Premier intend to support some of his colleagues (the new Attorney-General, I think, for one) who are so keen on the May Day march?

The Hon. D. A. DUNSTAN: I do not really know what business it is of the honourable member, or of this House. If the honourable member wants to come and watch me march through the streets I am happy to have his audience. I can assure the honourable member that, if the authorised Labor movement of South Australia decides that it is going to have a public march, I will be there. If the honourable member wants to come, we will be happy to have him there. If he himself intends to march on May Day I do not think I will be there but, then, I do not think it is incumbent on me to be there.

ELECTORAL BOUNDARIES

Mr. RODDA: In view of the Premier's statement in the South-East last Friday that the seat of Millicent will remain will he say whether people in country areas can take that as some assurance that the Government, in its submission regarding the redistribution of seats, will look favourably on the provision of lower quotas? I think the people of Millicent took some heart from the Premier's assurance, and needless to say there is a greater confusion among those people who are not lucky enough to be mentioned. It is obvious when one reads the Bill setting up the electoral commission that the commission will decide matters involving redistribution. Has the Premier anything to add to the statement he made in Millicent on Friday?

The Hon. D. A. DUNSTAN: If the honourable member does a simple calculation of the number of voters in the city of Mount Gambier and takes the surrounding areas between Mount Gambier and Millicent, he will come to the conclusion, on the basis of simple arithmetic, that the town of Millicent cannot be put into the same seat as the city of Mount Gambier without having a district well over the quota. That is the plain situation. One does not create seats under this redistribution measure by a series of islands: they have to be contiguous wholes. The statement that was made by certain Liberal interests in the South-East that Mount Gambier and Millicent would be in the same seat just cannot be borne out by the facts. It may well be, of course, that Millicent and Naracoorte are in the same seat, but I would point out to the honourable member that that was the case under the old system when there were 26 country members in this House and when the then member for Victoria was Mr. James Corcoran, who represented a seat that included both Millicent and Naracoorte.

The Hon. G. T. Virgo: Extremely well, too.

The Hon. D. A. DUNSTAN: Yes.

Mr. Jennings: We heard him, too!

The Hon. D. A. DUNSTAN: Yes, his voice was heard from here to Tantanoola. I am sure that he spoke up well for the people of that district and that the member representing that district in future will be able to do so, too.

HOUSING COSTS

Mr. WELLS: In view of the rising costs of housing construction, will the Minister of Housing say what steps, if any, the South Australian Housing Trust is taking to alleviate the situation, and what form of new construction, if any, is being considered?

The Hon. HUGH HUDSON: The honourable member was good enough to inform me that he wanted to ask a question on this matter, and he gave me prior notice to collect some information.

Mr. Gunn: You wrote the question yourself.

The SPEAKER: Order!

The Hon. HUGH HUDSON: The Housing Trust itself is, in a number of ways, paying attention to possible new forms of housing construction as a means, hopefully, of moderating the effects of inflation on the costs of construction. First of all, through the large amount of information that comes to it, the trust is watching the developments in industry. The trust has a Building Information Centre for the use of professionals and others outside the trust. It also has officers who travel interstate and are in touch with latest developments. Secondly, its officers have had many discussions with industrial organisations which are interested in developing industrialised systems of building. To inquiries from outside, the trust has an open-door policy and is willing to offer any assistance it can. Probably a new system is offered every few weeks. Thirdly, new plans developed by the trust for rental housing have been designed on a metric modular system, anticipating possible entry into the construction field of panelised building systems. Fourthly, the trust has already built some experimental houses, using prefabricated panel systems, and is in close consultation with the Public Buildings Department on that matter. Fifthly, South Australia is, through the Minister of Housing, a member of the Housing Ministers' Research Council, and the trust attends all meetings of the standing committee of that council. The council has before it at least two research programmes into panel systems.

It is probably true so far that, because industrialised housing has still not fully satisfied environmental requirements, from the point of view of long-term housing the most economical construction techniques now available are basically traditional. As well as attention to the actual building form, the trust is attempting to lower building costs by careful planning and careful control of economics in both labour and material, without compromising in any way the performance, durability or quality of its housing. Experience has suggested that rationalisation of construction within the constraints of conventional building processes may produce better results than the total-system approach. There is, of course, a free exchange of research material between such instrumentalities as the Master Builders Association, the Housing Industry Association, the Institute of Architects, and housing authorities, as well as academic fraternities throughout Australia. Steady progress is being made and change is occurring, probably at an appropriate rate, particularly in South Australia where, for example, the development of the transportable house has shown that it is possible to condense living space and to provide a degree of industrialisation, and at the same time employ off-site labour.

One of the other problems of the housing industry has been its fluctuations. I am sure this factor tends to increase costs and if, through appropriate Government policies particularly at Australian Government level, some of these fluctuations can be avoided, we should get some beneficial results at least from that. The first report of the Indicative Planning Council is expected late this year, and we hope that the work of this council will prove beneficial in this direction. Finally, quite apart from the technical aspects and the question of planning our housing programme so that we do not run into excessive fluctuations, a vital factor involved is the financing of housing and the interest costs that apply in relation to housing loans. For the future this will still be an absolutely vital feature of Government policy that must be encouraged, particularly

at Australian Government level, to ensure that adequate funds are available at low enough interest rates to make housing available to the ordinary person at a price which is relatively reasonable and which is within the purchasing power of the ordinary citizen.

WATER RESOURCES COUNCIL

Mr. ARNOLD: Can the Minister of Works say when the proposed South Australian Water Resources Council will be established? Having regard to the expected flood conditions that will exist in South Australia this year as a result of the rainfall in the Eastern States and in view of the salinity that will follow immediately after the high river, it is essential that the Water Resources Council proposed by the Government in the Governor's Speech be put into effect as soon as possible. In an effort to solve the salinity problems that will undoubtedly arise immediately following this high river, I ask the Minister when this council will operate, as I believe many experts in the community would be able to assist the Government to solve the problem.

The Hon. J. D. CORCORAN: I understand that the Water Resources Council, to which the honourable member has referred, is the organisation I intend to establish under the new water resources legislation that I hope will be introduced late this session, possibly in February. That council on its own cannot tackle salinity problems in the Murray River. The honourable member would be aware that, in 1973, the Prime Minister, and the Premiers of Victoria, New South Wales, and South Australia met in Canberra. As I have said before, it was a historic meeting, and the first time in many years that those people had met in connection with the functions of the River Murray Commission. At that meeting it was decided that something must be done about the control of the quality of water in the Murray River. Whether that was to be done by extending the powers of the commission or by establishing a separate and new authority was to be decided. A steering committee, representing Ministers of the States and the Australian Government who were interested in that aspect, established a working party that brought down an interim report, I think, late in 1974, and I expect to receive within the next fortnight the final report of that working party. I hope that report will be discussed at length following the Water Resources Council meeting to be held, I think, in Sydney on October 24. As a result, I hope that proposals will be made for some alteration to the commission's powers. I believe the commission is quite competent to deal with this matter, and would be able to undertake the sort of things we need to do to solve the prime problem of salinity which now exists and which will worsen in future.

Mr. Arnold: Have you any idea how long it will be?

The Hon. J. D. CORCORAN: I believe it has taken far too long to reach this stage. As the honourable member would appreciate, South Australia's interest in this problem is far more intense than is that of New South Wales or Victoria, because they are not on the bottom end of the system. Nevertheless, that is not to say that the New South Wales and Victorian Governments are not interested: they are, and recognise their responsibilities. However, as three States and the Australian Government are involved, it is difficult to obtain firm decisions in relation to exactly how a new system will work and what is to be done under the jurisdiction of the new authority, whatever it may be. I assure the honourable member that I share any concern that he or his constituents may have about this matter.

However, this is not a matter solely for the concern of South Australia, but is a matter that must involve the three States and the Australian Government if we are to tackle the problem properly and effectively.

MURRAY RIVER LEVELS

Mr. OLSON: Can the Minister of Works give details of the present levels of the Murray River?

The Hon. J. D. CORCORAN: The honourable member said earlier that he would ask for further information; I understand he is interested in this matter, especially from the viewpoint of shack owners in his district. A departmental report, bearing today's date states:

Rain in patches has occurred over most of Victoria in the last six to seven days, and this has caused some flooding in the Victorian tributaries of the Murray River (mainly the Goulburn, Ovens and Campaspe Rivers). This extra water is entering the Murray behind the peak caused by the rains of mid-September, but it is anticipated that by the time the first peak arrives in South Australia the two peaks will have merged into a single peak of longer duration than was anticipated. It should be slightly higher than was previously assessed but still below the 1974 peak and near to the levels that occurred in 1973. The peak should reach Wakool Junction at about the weekend of October 24-25, when a more accurate assessment could be made. On the basis of the 1973 peak, the levels at Renmark will be 1.85 metres above pool and 0.40 m below the 1974 peak, and at Morgan 4.50 m and 0.80 m respectively. The river has been open at all locks since the fourth week in September, further gates have been progressively opened at the barrages, and Lake Alexandrina is now under sea tidal influence.

It is not possible at this stage to say exactly where, when and for what duration certain shacks will be flooded. I can only say that some shacks situated in low-lying areas will be flooded. I have asked the department for a weekly report on this matter, and have also asked departmental officers to try to establish for me exactly which shacks will be affected, when they are first likely to be affected, and for how long they are likely to be affected. When I get that information I will give it to the honourable member.

ROAD GRANTS

Mr. GUNN: Can the Minister of Transport say whether he has allocated as much money as the Commonwealth Minister for Transport (Mr. Jones) expected when the agreement was negotiated between the Commonwealth and the States in relation to funds for road construction in Australia over the next three years? I have been contacted by the Chairman of a district council who has pointed out to me the following comments in volume 2: 3 of the *Australian Government Weekly Digest* for the period July 28 to August 3, 1975:

The grants provided for rural arterial roads under the Roads Grants Act totalled more than \$111 000 000 over the three years 1974-75 to 1976-77. Of this amount S.A. would receive \$4 800 000...It was important that there be a proper network of high standard arterial roads feeding into the national highways system. The allocation of these road grants will considerably improve the quality of roads in the rural areas and assist in having this network constructed.

Mr. Jones is quoted as saying:

I would expect the State Government to allocate an amount equal to this saving—

he was referring to the Commonwealth's having taken over the responsibility for the Eyre Highway thus saving the State Government considerable funds—

towards roads which are primarily the concern of State and local governments. These include rural arterial and local roads and urban arterial and local roads. I hope that a fair proportion of that money will be made available to councils for rural local roads.

That was the comment in the digest that concerned the district council. The Minister would be aware that councils have been complaining about the small grant allocations they have received. The Chairman of this district council believes that, in view of the many comments that have been made by the Minister over the past few months about allocations for road construction, the State Government has not lived up to the expectations of the Minister's Commonwealth colleague. I will therefore be pleased if the Minister can give the information I require, because I believe the small grants allocated concern not only people living on Eyre Peninsula but also all members in the House and other members who are not in the House today, as they are involved in other matters.

The Hon. G. T. VIRGO: I am not concerned about members who are or are not in the House.

Mr. Gunn: Who are they?

The Hon. G. T. VIRGO: I can see many vacant seats on the honourable member's side of the House, so I assume he is talking about his colleagues. However, I would sooner reply to the question he has asked than talk about that.

Mr. Arnold: They're not very happy today.

The Hon. G. T. VIRGO: I do not think this has anything to do with the member for Chaffey, and if he keeps quiet I will answer the question asked by the member for Eyre. Opposition members are all a little toey today. Even the Leader laughs his usual hilarious laugh about nothing.

Mr. Gunn: Answer the question.

The Hon. G. T. VIRGO: If the colleagues of the member for Eyre would stop being rude and stop interrupting all the time, I would reply to the question. The legislation that the Australian Government brought down, with the support of the honourable member's colleagues in the Australian Parliament, provides for specified sums to be made available to each of the States in each of the three years mentioned in the Act, in the specific categories, and one category is urban arterial roads. I cannot be held responsible for anything in the *Australian Government Weekly Digest*. I have no reason to believe that the information given as being factual is anything but correct, but I offer no comment on it; I have had nothing to do with its compilation. All I can say is that, in accordance with the legislation, the South Australian Government, through the Highways Department, has disbursed all the money made available from the Australian Government for rural arterial roads and, indeed, it has disbursed all the money in all the categories. There is provision for a switch of money from one category to another on a sort of topping-up arrangement, because it is impossible always to budget precisely for a sum, but in general terms the amounts that are allocated in each of the areas must be consistent with the amounts in the Act. Furthermore, as far as I am aware, they are subject to a certificate of the auditor that that is the case. The honourable member has spoken to the Chairman of a district council, to whom he has referred about six times, but he did not think it important enough to say which Chairman he was referring to. Obviously, he has something to hide there.

Mr. Gunn: Nothing at all.

The Hon. G. T. VIRGO: If he did not have something to hide, he would probably have mentioned the council concerned.

Mr. Gunn: I'll tell you privately.

The Hon. G. T. VIRGO: I accept that. If he thinks there is a reason for what he has done, I will not press that point. The Highways Department is very conscious of the problem that there are less real funds available this year than there were last year, because of the inflationary effect felt in the Highways Fund. Indeed, this has been felt not only in councils but also within the Highways Department, and we are doing the best we can to stretch the dollar to do the most we can with it, and we have had to ask councils to do the same. If the honourable member wants to find out whether there is still some money tucked away under a false bottom of the old oak chest, the answer is that such money is not there. We have allocated the money in the best way we know to get the maximum return for all concerned.

LEGAL ADVICE

Mr. JENNINGS: Will the Attorney-General say whether it will be his policy, as it has been the policy of most Attorneys in the past, to refuse to answer questions asked in the House by members on purely legal matters? Some members seem to expect answers to such questions, and many of their constituents expect that they can get the advice free.

The Hon. PETER DUNCAN: I am pleased that the honourable member has raised this matter, because I believe that it is one that can lead to some difficulties if the Attorney-General is called on to answer such questions in the House. Not only can it lead to some difficulties because of the possible implications of giving advice of that sort, but also the situation of the legal profession at large is called into question by the Attorney's providing such advice, and certainly it will be my policy to follow the precedent set by other Attorneys by not giving such advice and not answering such questions in the House.

BUSINESSMEN'S ADVICE BUREAU

Mr. COUMBE: Will the Premier say whether the Government intends to establish in this State a small businessmen's advice bureau, as has been suggested in some other States and as has been suggested by members of my Party? Already, we have in South Australia, under the Industries Development Act, a provision for assistance to industry through both the corporation and the Parliamentary committee, and I am referring to the area outside the ambit of both those bodies. I am referring to a small businessmen's advice bureau that can give free and confidential advice on such matters as finance, licences, export, and marketing, because many small businessmen in this State require this type of information. I point out to the Premier that, after all, these persons provide a large section of the employing class in this State. By that I mean that they provide much assistance to this State in enterprise and employment, and they need the advice to which I have referred, apart from the advice they get from their professional bodies.

The Hon. D. A. DUNSTAN: No decision has been taken as yet, but the matter is under review.

COAL TAR

Mr. ALLISON: Will the Minister of Works say whether he is aware of the possibility of using coal tar from South Australian steelworks for road surfacing purposes? If he is not, will he investigate the matter? A report in the *South African Digest* of August 15 states:

The country's road construction costs will be cut by millions of rands annually, and the consumption of oil-derived bitumen sharply reduced as a result of a new

development—after years of work—by the National Institute of Road Research. The institute has developed a method of improving the qualities of coal tar—readily available from the steelworks of the South African Iron and Steel Industrial Corporation (IsCOR)—to the point where it can outperform bitumen as a road surface binder. The coal tar is half the price of bitumen in areas close to tar supplies. Surface binder makes up a large part of total road construction costs.

The Hon. J. D. CORCORAN: I am not sure whether this matter comes under my jurisdiction or that of the Minister of Mines and Energy or the Minister of Transport. However, between the three of us we will find out whether any research or trials have been conducted in South Australia and whether any of the departments are aware of the information that the honourable member has given the House. We will let the honourable member know what has been done about the matter.

THE LEVELS TRAFFIC

Mr. RUSSACK: Will the Minister of Transport say what are the terms of reference of the investigation being conducted into the vehicular traffic problem of access to and from The Levels Institute of Technology? Who is conducting the investigation and when will a report be released? Earlier this session I asked a question concerning a complaint regarding the intersection of Warrendi Road and Main North Road, and the Minister said that there were three possible ways of solving this problem. The first two, namely, the installation of traffic lights and the reduction of speeds, he designated as being not practical at present, but he referred to the alternative of Cross Keys Road. In reply to a question asked in another place, it was stated that the most appropriate solution to the problem of access to The Levels seemed to be the provision of an alternative road via Cross Keys Road and that the means by which this could be achieved were being investigated. It is because of that reply that I ask my question.

The Hon. G. T. VIRGO: It is not quite an investigation in the sense that a committee has been established with terms of reference. It was simply a statement of fact that the problem could properly be solved only by the building of Cross Keys Road so that persons wishing to travel south would, on leaving The Levels, be able to travel along Cross Keys Road and do a left-hand turn on to Port Wakefield Road, and those going to The Levels would be able to travel along Main North Road and do a left-hand turn into the institution. With that kind of concept, the Highways Department (I think I am right in saying) has provided an additional left-hand slip lane on Warrendi Road to provide quicker access on to Main North Road for north-bound traffic. Since the matter was last raised in the House the suggestion put forward regarding the building of Cross Keys Road has been taken to the point that I am referring it to the Minister of Education, because I said then (and I still believe it) that the road would not serve the ratepayers of Salisbury. As the road is under the care and control of the Salisbury council, ratepayers' money would be used for a road directly benefiting not that council's ratepayers but only the students and staff of the college. On that score, I have referred the matter to the Minister of Education, who, in turn, has written to the Australian Minister for Education because The Levels, being a tertiary institution, is funded completely by the Australian Government. The Australian Government has been requested to provide the funds necessary to give access to the students at The Levels. At this stage, no reply has been received.

HOLDEN HILL NORTH PRIMARY SCHOOL

Mrs. BYRNE: Will the Minister of Education obtain for me a report on whether it is still expected that the new Holden Hill North Primary School, now being constructed in Heysen Avenue, will open in February, 1976, and say how many children does the survey, which has been taken to ascertain the number of transferees from other schools, show will attend this school?

The Hon. D. J. HOPGOOD: Yes.

CONTROLLED ACCESS ROADS

Mr. WOTTON: Can the Minister of Transport say whether any action is at present being negotiated to amend section 30e (f) of the Highways Act so that it will be possible for permits to be issued to enable farmers to drive stock on or across controlled access roads? Problems exist at present where farms are split by a controlled access road as proclaimed under the Highways Act. Farmers with land on both sides of these roads have, in some cases, applied to the Commissioner of Highways for a permit to drive stock across roads in such circumstances, and the Commissioner has been unable to grant permits because of the section I have quoted.

The Hon. G. T. VIRGO: I should be pleased if the honourable member would provide me with details of specific cases, because I have no knowledge of this matter. My only comment on the honourable member's explanation is that it would seem that, if there were any relaxation, the whole purpose of controlled access roads might be defeated. This is only an off-the-top-of-the-head observation but, if the honourable member provides me with details of specific cases, I will undertake to look at them and see whether it is necessary to consider any review of the Act.

GOVERNMENT FINANCES

Mr. BECKER: Can the Treasurer say when the statement of revenue, together with the Treasury statement, for the month ending September 30, 1975, will be made available to Opposition members, and can he explain the reason for the delay in providing these documents? The statement of the Revenue Account and the Treasury statement are usually made available to Opposition members during the first week in the month following the month in which the statement comes out. The documents give a brief explanation of what has happened during that period, but the September statement is not yet available. Can the Treasurer say whether the State's finances are running to Budget and whether the Australian Government has been able to make Medibank payments to the State in the month in which they were due?

The Hon. D. A. DUNSTAN: I do not propose to answer the series of questions.

Mr. Becker: This is the only chance I'll get.

The Hon. D. A. DUNSTAN: The honourable member has made a good try. I do not know why the statement is somewhat late at present, but I will inquire for the honourable member and let him know tomorrow.

PREMIER'S DEPARTMENT

Mr. VENNING: I, too, regret that my turn to ask a question comes far too infrequently. To what degree is the Premier trying further to establish a dictatorship in this State over and above his present enunciation of it? I refer to one of the more enlightened articles in the press—

The SPEAKER: Order! I remind the honourable member that he must seek leave to explain his question.

Mr. VENNING: Yes, Sir, I am sorry. I seek leave to explain my question, and I refer to one of the more enlightening articles of Mr. Eric Franklin in which he drew a plan relating to the growth of the Premier's Department. The article, headed "Growth of the Premier's family tree," states:

The Premier's family tree, soon to be pruned of its legal branch and a number of attached responsibilities, is unlikely to lose its capacity for growth. The Premier's Department as such employed 30 five years ago. That number has grown to 238. The State Public Service, consisting of more than 14 000 permanent and temporary officers, has had an average annual growth rate of 550 since 1964.

The Premier replied to Mr. Eric Franklin, as reported in the following day's *Advertiser* under the heading "Growth Figures 'Mislead'", as follows:

It is completely misleading to say that the Premier's Department had grown from 30 employees five years ago to 238 today, the Premier (Mr. Dunstan) said yesterday. Mr. Dunstan was commenting on an article by Eric Franklin in "The Advertiser" yesterday. "Changed Ministerial responsibilities, the Government's desire for greater administrative efficiency, the Government's policy initiative and the absence of any legal provision for a Public Service unattached list have completely transformed the function and structure of my department," Mr. Dunstan said.

I ask the Premier to what further extent he intends to create a dictatorship in this State over and above this enunciation of it.

The Hon. D. A. DUNSTAN: The honourable member is obviously in one of those states where he is so far removed from the normal understanding of the meaning of English that it is difficult for him to explain himself. This Government is concerned not with dictatorship but with democracy: it has furthered democracy in this State to enable the average citizen to have an effective say in his own Governments in a way which completely opposes and belies the policy of the Party to which the honourable member subscribes and which imposed on the people in this State a dictatorship for 33 years. As to my own department, again this was a piece of work by the journalist to whom I referred earlier today.

Mr. Venning: He writes good articles.

The Hon. D. A. DUNSTAN: He obviously writes good articles according to the member for Rocky River, because they all seem to emanate from the halls of the Liberal Party.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: It is not these days necessary for the Liberal Party to have what used to be its weekly column in the *Advertiser*, because it is supplied gratis. I will point out what Mr. Franklin failed to put in the article, although he knew it, because he was the political roundsman for years, he was in the department, and he knew perfectly well what the situation was. Is the honourable member suggesting that it is an extension of the Premier's Department that the Tourist Bureau was taken into the Premier's Department for a period or that amongst the 238 people involved in the department is the manager of the Immigration Hostel?

Mr. Mathwin: You've got your finger on the lot.

The Hon. D. A. DUNSTAN: Previously they were under the Ministerial responsibility of Sir Thomas Playford. They were simply a separate department. Because we have reduced the number of departments, it is then put in the *Advertiser* as an increase in the departments

by taking those people under the administrative control of the head of the department.

Mr. Venning: The Premier.

The Hon. D. A. DUNSTAN: What is the difference between the Premier having a Ministry in which he is in charge of the Tourist Bureau (and Sir Thomas Playford was) and having the Tourist Bureau as part of the Premier's Department? How is that changing Ministerial responsibility?

Mr. Wells: It isn't.

The Hon. D. A. DUNSTAN: It is not, but taking those officers in is called a growth in the Premier's Department. That statement is dishonest and untrue. The staff of the Minister of Mines and Energy, the Minister in charge of planning, and the Minister Assisting the Premier are for technical purposes (simply administration purposes under the head of departments) included in the Premier's Department. The whole planning office was for a period: previously it had been under the Attorney-General. But that is not a growth in the department: it is simply an alteration in Ministerial responsibility, simply in organisation.

Mr. Venning: I am talking of a dictatorship.

The Hon. D. A. DUNSTAN: Of course the honourable member is, but he would know what it was. There used to be a Minister of Works Department, but it is now under the Engineering and Water Supply Department, so, according to the honourable member, it has disappeared. The situation in the article to which the honourable member referred was well known to the editorial staff of the *Advertiser* and the journalist concerned, because mis-statements had been made about this before in the *Advertiser*, and their attention was drawn to it. It was a damn lie.

Dr. TONKIN: I rise on a point of order, Mr. Speaker. I understood, Sir, from your earlier rulings in this House that the use of the words "lie" or "liar" was unparliamentary.

The Hon. D. A. DUNSTAN: It did not apply to any member.

The SPEAKER: The honourable Premier used the term generally. He did not apply it to any member of this House.

LOXTON HALL

Mr. NANKLVELL: Is the Minister of Works (the Minister of Education, too, may be interested in this matter) aware that the magnificent new community hall at Loxton, to cost \$493 000, has no provision in its planning for the hanging of costumes? I understand that the South Australian ballet company and other groups have indicated a very keen interest to use the hall, when it becomes available, as a medium from which they can provide performances for the public. It was pointed out to me by Her Worship the Mayor yesterday that, as a local government member, she had not been able to have access initially to the plans of this building. In fact, the council, which had contributed to the building, was not consulted in relation to the building. She is now concerned that this hall, which is a wonderful asset to the town, will not, because of an oversight in planning, suit the needs of some of the people who will use it. I believe it is not too late to consider the matter. I ask that the matter be considered urgently so that, if there has been an oversight, it can be remedied.

The Hon. J. D. CORCORAN: I am pleased that the honourable member was talking about costumes. I shall

have the matter examined and let him know whether anything can be done. I do not know whether an alteration of plans will be needed. It seems to me that a little local initiative might have helped.

WORKER PARTICIPATION

Mr. DEAN BROWN: The Premier's family tree is suffering from gummosis.

The Hon. D. A. Dunstan: Question!

The SPEAKER: Order! "Question" has been called.

Mr. DEAN BROWN: I am about to ask the question.

The SPEAKER: The honourable member must realise that he must ask a question and not comment. He started by commenting. "Question" has been called.

Mr. DEAN BROWN: I therefore ask the question.

The SPEAKER: Order!

Mr. DEAN BROWN: On a point of order, Mr. Speaker. I think Standing Orders provide that, when "question" is called, the member has to ask the question.

The SPEAKER: What is the question? No question has been asked. As I stated earlier, the honourable member made a comment without asking a question.

Dr. TONKIN: On a point of order, Mr. Speaker. It is general practice in this House that, when a member goes on explaining a question for too long, and members on the other side for one reason or another call "Question" the member sits down and the question is answered. When, on the other hand, the member forgets, as has often happened on both sides, to phrase his question in the original sentence, and someone reminds him by calling "Question", he usually goes on and asks the question.

Mr. Jennings: It has never happened before.

The SPEAKER: The honourable member for Davenport may briefly ask his question without commenting.

Mr. DEAN BROWN: Thank you, Sir. Will the Minister of Housing say whether the Industrial Democracy Scheme in the South Australian Housing Trust has yet been revised and, if it has (or when it is), will he make a copy of the revised proposal available for scrutiny by members of Parliament and the public before the employees of the trust are asked to vote on that scheme?

The Hon. HUGH HUDSON: Further material is being prepared. It will be sent to employees of the South Australian Housing Trust, because they are the ones primarily affected by the proposal, and they are the ones with whom consultation must take place before any proposal is implemented. That is the procedure that is proposed to be followed. Certainly we recognise that the honourable member is not particularly interested in assisting industrial democracy to be implemented in South Australia, so any comment he would make would not be with that purpose in mind: it would be with a destructive purpose in mind. Whilst no doubt when documents are circulated to all members of the trust the honourable member will be able to get held of a copy, the Government does not see any good purpose in consulting with the honourable member or his immediate colleagues on this matter.

Mr. Dean Brown: Don't you believe in open government?

The Hon. HUGH HUDSON: It is an open government.

Mr. Dean Brown: Of course it isn't.

The Hon. HUGH HUDSON: The fact that a document is circulated to all employees makes it a public document, and that is what occurred previously. The honourable

member can object to the nature of the proposal if he wishes (he has already done that), but he cannot object to us that the Government is not being open about it, because it has been. It was on the instructions of the Premier and me that that document was circulated to every employee of the Housing Trust. The honourable member cannot have it both ways—not unless he wants to misuse the English language to the same degree as the member for Rocky River misuses it.

SAILORS AND SOLDIERS MEMORIAL HALL ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

PUBLIC FINANCE ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Public Finance Act, 1936, as amended. Read a first time.

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

That this Bill be now read a second time.

This Bill, which amends the Public Finance Act, 1936-1970, proposes to give the Treasurer power to invest Government funds with authorised dealers on the short-term money market. Cash holdings at Treasury fluctuate on a daily basis, reflecting the timing of receipts and payments, particularly in relation to Australian Government advances for specific purpose grants, period taxes and licence fees (such as tobacco), and period payments such as sinking fund contributions. During the past financial year these daily cash holdings varied between \$70 000 000 and \$140 000 000.

Members may be aware that the Public Finance Act presently restricts the investment of those funds by the Treasurer to the banking institutions where the minimum investment period is one month. Nevertheless, despite that restriction, the Government earned \$8 000 000 from its investment programme last year, which went to meeting interest liabilities on certain trust funds held at Treasury as well as making a significant contribution towards meeting the State's interest bill. However, the absence of shorter term lending facilities, particularly "on call" facilities, necessitates Treasury maintaining a substantial amount (about \$16 000 000 on average in the past year) in its current account at the Reserve Bank in order to meet its daily commitments. That account currently attracts an interest rate of 1 per cent. The investment of some of those funds with authorised dealers in the short-term money market would provide a significant revenue return to the Government.

Mr Coumbe: Specially over a long weekend.

The Hon. D. A. DUNSTAN: Yes. Whilst many factors can affect the interest rate at any given time, it would not be unreasonable to expect an annual investment return of \$500 000 if \$8 000 000 was diverted from the current account to the authorised dealers, and this could be done without (a) jeopardising the Government's ability to meet its day to day commitments as they fall due; and (b) jeopardising the security on the moneys invested. Like the banking institutions, the authorised dealers also have lender of last resort facilities with the Reserve Bank.

In recommending this measure, I am conscious that the release of liquid funds to money market dealers may in certain circumstances run contrary to national economic

policy. However, I do not believe that a State should have to take its support for those policies to the extent of bypassing opportunities to earn revenue, and this view is shared by the Reserve Bank, which has indicated that it is its responsibility to control the money supply in the financial sector through the various devices presently available to it, including variation of the Government's current account interest rate if it considered that to be an expedient measure at any time. Clause 2, the only operative clause, authorises the Treasurer to make deposits with dealers on the short-term money market.

Whilst it is true that we invest money on monthly terms (and anyone in the Treasury knows that almost daily some moneys come in and go out for this purpose), we can get a better return for the State by allowing some of our current working balance to be provided to the short-term money market in circumstances in which we will not make difficulties for ourselves about our working balances, and we can thus provide extra money in revenue for the State. This is a sensible procedure. If the Reserve Bank is not willing to pay us the interest rate that we can receive on the short-term money market, to the extent of about \$8 000 000, we should take advantage of this measure.

Dr. TONKIN secured the adjournment of the debate.

CIGARETTES (LABELLING) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 16. Page 767.)

Mr. MATHWIN (Glenelg): In supporting the Bill, I draw the attention of members to specific facts concerning it. Again the Government has allowed important matters contained in this Bill to be dealt with by regulations. One wonders what could occur if Parliament recessed for many months. At present the recess is to be slightly less than eight months, and regulations could become law some months before actually passing through the procedure of Parliament and being considered by the Subordinate Legislation Committee. Members will recall that a couple of years ago I introduced a private member's Bill on this subject but the Government refused to support it unless amendments to its liking were included. With the threat of the Bill being lost, I accepted those amendments, so that action would be taken when most States agreed to introduce similar legislation. For all the argument, the vote on the Bill was made on Party lines. I am concerned about this matter, and I agree that this Bill is at least a step in the right direction. However, when considering cigarette smoking obviously we cannot appeal to addicts of nicotine.

Mr. Evans: Does cancer kill smokers?

Mr. MATHWIN: Of course. It is a great problem, because addicts find it impossible to give up smoking cigarettes. The main aim of this sort of warning on labels is to bring to the attention of young people the damage and harm that can occur if they continue the habit of smoking tobacco. I have no doubt that the smoking of tobacco can be linked with cancer, and figures show the increasing incidence of deaths resulting from lung cancer: in 1955, it was 105; in 1960, it was 130; in 1965, it was 201; in 1970, it was 291; and in 1972, the figure was 314. In 1971, 3 400 deaths were caused by lung cancer in Australia whilst at the same time 3 847 deaths occurred on our roads. These figures should be a warning to everyone. One problem of this Bill concerns the intended regulations and the impossibility of their being properly perused before they become law.

A meeting of Health Ministers from all States in Perth earlier this year agreed that other forms of tobacco would not be covered by regulations at this stage: that is, cigars and pipe smoking. The Ministers indicated that warnings would be mandatory on all cigarette advertisements in newspapers, magazines, hoardings, handbills, pamphlets, leaflets, cinema slides and films, and other written material advertising cigarettes on smoking accessories, articles of wear, and on cigarettes being sold by other means. Obviously, that decision covers a wide range. Some T-shirts now being worn by young people also advertise cigarettes, and on a display on the bosom of a young lady could appear a warning that there was a hazard about, and that would relate to cigarettes.

Another matter discussed by the Health Ministers was that the lettering of warning would be of a height not less than one-quarter of the maximum dimension of the lettering in which the brand name of the cigarette or the name of the manufacturer, whatever was the larger, was displayed, and in any case not less than three 3 mm in height. The situation could arise with a certain brand of cigarette (perhaps Ardath or Marlboro) where—

Dr. TONKIN: On a point of order, Mr. Deputy Speaker. If the honourable member refers to the brand names of cigarettes, he should be required to say, "Medical authorities warn that smoking is a health hazard".

Mr. Becker: That's how silly the Bill is!

The DEPUTY SPEAKER: Order! The honourable member for Glenelg.

Mr. MATHWIN: Perhaps the Leader was presupposing that the Bill would be passed, in which case I would admit that I was out of order. Agreement on these matters was reached by Health Ministers from all the States. The warning on the inside or outside of the packet could well be larger than the brand name. Another part of the agreement was that spoken advertisements on films or over public address systems should contain a warning. The situation could arise where a tobacco company donated a trophy to, say, surf lifesavers (perhaps it could be the "Iron Man"), that the announcer would say, after the race and as the successful contender was ploughing his way up the beach to receive his trophy, "I now present you with a trophy donated by Rothmans of Pall Mall and must warn you that smoking is a health hazard and should not be partaken of", or words to that effect. Members of Parliament are often asked to present trophies. If we were asked to present a trophy that was donated by a certain cigarette company, we would have to issue the health warning before we even shook hands with or congratulated the winner. That is a ridiculous situation.

Mr. Evans: If he's a keen sportsman he won't smoke, anyway.

Mr. MATHWIN: True, but some people cannot help smoking; they do not realise the damage they may be doing to themselves. The agreement among the various Health Ministers will create a rather ridiculous situation. I have drawn members' attention to these facts, because of the possibility that regulations could be introduced when Parliament was in recess. Another problem relates to cigarette advertisements that have been displayed for some years in shops that could have changed hands many times. These advertisements would have to contain the warning. Who is responsible for altering advertisements that have been displayed in, say, delicatessens that have been sold several times? It has been admitted by tobacco companies that they do not know the location of all their advertisements, some of them being displayed in small country towns. The

advertisements could be anywhere at all. The companies have little idea of how many advertisements are involved and just where they are, because they have no records of this.

One cigarette advertisement could be placed on top of another. Who would be responsible for endorsing the additional warning? The same would apply to advertisements on cigarette packets where the capital letters of the brand name were smaller than the warning. I imagine that contributions by tobacco companies to local organisations could be affected, too. Although this is a serious matter, I still believe people will continue to smoke and that financial benefit will still pass to sporting bodies and will not drop off quickly as a result of this Bill.

It is interesting to note some of the figures associated with the cigarette industry. Commonwealth customs and excise duty in 1974-75 amounted to \$500 000 000, which is the equivalent of more than \$1 000 000 a day going into Commonwealth Government coffers. That is big business! Australian tobacco growers this year will be paid \$52 000 000 for their crop. Including share farmers in the industry, there are 3 350 tobacco growers. The value of printing and packaging material used by manufacturers amounted to \$30 000 000 for the year ended June 30, 1974. Cigarette papers, filters, and cork tipping used by manufacturers amounted to \$7 000 000, which is indeed big business. The number of employees employed by cigarette manufacturers was 6 000 in June, 1974, and their salaries and wages amounted to \$50 000 000. That sum would increase because of salary and wage increases granted in the past year, so the figure would exceed \$50 000 000 for the following year. Cigarette wholesalers employ more than 6 000 workers, and the number of retail outlets exceeds 60 000. Many of these outlets depend heavily on the sales of tobacco. The cost of producing all forms of cigarette advertising is \$3 500 000 a year, and the value of cigarettes and tobacco sold in Australia is \$1 000 000 000. The capital value of growers' holdings is \$130 000 000.

Although I agree in principle with the Bill, the big problem I see relates to regulations. At their recent conference in Perth, Health Ministers, it seems, agreed that this matter could be handled by regulation. Regulations could be put into effect before they were considered by Parliament, and that is wrong. There is no definition of what will be done regarding advertising. In the Bill, "exempt advertisement" is defined as an advertisement or an advertisement of a class for the time being exempted by regulation under the Act. Again, the matter depends on the regulations, and we do not know what the regulations will be about, unless we are governed precisely by what the Health Ministers have said.

The Bill leaves the matter wide open, and there is no indication in the explanation of what type of exemption will be given. Will the Minister exempt T-shirts, or chocolate cigarettes for children that have the name of a cigarette company on them? Will the Minister require a health warning to be put on them? The Government has not given us any help in that regard. Will a cigarette package standing on the counter of a shop, with a health warning on it, be covered under this legislation?

Mr. Becker: Do you support the legislation?

Mr. MATHWIN: I support it because of its principle. It is all very well for the member for Hanson to criticise me. We all know that he is an addict. He cannot help it. He must smoke cigarettes often and, if he does not smoke them, he puffs cigar smoke in our faces. I was a smoker,

but I have got over that problem: I was strong enough to cast it behind me. I think I am in better condition now than I was when I was smoking, and I can do much better in some things than I was able to do.

The other problem is the matter of car bumper stickers, and so on. Private people own these signs. Further, will we regulate what people can wear? Will the Government tell people what they may wear and what can be put on a car? How far will the Government go? The position is disgraceful, because the Government knows that Parliament will be in recess when the regulations are gazetted, and they will become law. What about the position regarding drink coasters that tobacco firms give away? We all have those coasters if we want to protect our furniture, and many of them have the brand of a cigarette on them. Will we have to have a warning label on ash trays?

The Hon. R. G. Payne: Is drinking one habit to which you were addicted?

Mr. MATHWIN: Not really. If the Minister is willing to buy me a drink later, I will accept that offer. There are more than 1 000 000 drink coasters about. There are also many labelled plastic bags in use, and there would be hundreds of thousands of ash trays in use. How will the situation regarding these matters be overcome? The Government has not given us enough to go on, and it has been weak in that respect. The information given in the second reading explanation is too wide, and the Minister has not told us what the Health Ministers from all States have agreed to, although I was able to get a copy of this information when someone showed it to me.

The Government should say what it has in mind. It is wrong of the Government to expect us to surmise what it plucks from the air. Clause 2 (2) provides that a proclamation referred to in clause 2 (1) shall not be made unless the Government is satisfied that legislation similar in effect to this has been enacted in respect of not less than three other States of the Commonwealth and that legislation has, or is likely to, come into operation. This is a similar proviso to what was included when the Government gave me the ultimatum regarding my Bill that it would accept it when a majority of States accepted it. According to the agreement made by the Ministers, it seems that it will not be long before this legislation comes into operation. I have dealt with clause 4 when criticising the Government about what type of advertisement will be exempt and about the matter being left to regulations. I should like the Minister to say what he has in mind about that provision. His second reading explanation covers only one sheet of foolscap paper, and three-quarters of the explanation deals with the clauses. Part of the explanation states:

The Government recognises that there is a considerable investment by the industry in what might be described as "permanent advertising" . . .

I have given the figures in that regard, for the benefit of people who may wish to read them in *Hansard*. In dealing with clause 4, the Minister states:

Clause 4 amends section 3 of the principal Act by inserting definitions of "advertisement" and "exempt advertisement".

There is nothing there to help us, and I think the Government is trying to put one over us. The Minister has also referred to clause 5, which enacts a new section 4a in the principal Act, and he used the words "after a day to be fixed by proclamation, which will be fixed in consultation with the authorities of other States". Here again, we do not know when that will be, but we presume it will be soon.

I support the Bill because I support the principle and consider that it is a step in the right direction. We should do anything we can to help young people and try to warn them of the horrors and dangers of smoking. Once they get into its clutches, it is extremely difficult to get out, and these people become addicts and cannot stop smoking. The purpose of the Bill is to put this message over to the young people. If we let them see the light regarding the problem, I suppose we will have done something. On the other hand, I believe that it is my duty to criticise the Government for the poor manner in which it has introduced the Bill, with a poor second reading explanation by the Minister and an even poorer explanation of the Bill which says that, in the areas in which we want advice, it will be done by regulation. That, at this stage, is the problem, because we know that Parliament may be in recess for a long time. Therefore, the regulations could come into effect at a time during which Parliament would not have the opportunity of scrutinising them. In principle, I support the Bill.

Mr. WOTTON (Heysen): I, too, support the Bill as an extension of the warning regarding all forms of cigarette advertising. I realise that, as the member for Glenelg has said, the Bill is not the complete answer, but I believe strongly that it is a step in the right direction regarding the education, particularly of young people, of the dangers involved in cigarette smoking. Many people throughout the world are devoted to the task of working towards and understanding the problems associated with lung cancer. These people have come to the conclusion without doubt, and have proved beyond doubt, that a strong relationship exists between cigarette smoking and lung cancer. I support the Bill, because the cigarette labelling legislation was introduced as a result of the urgent need to warn people of the risk they run by smoking.

As the member for Glenelg has also said, the Bill will do little to convince the true cigarette addicts that there are dangers in smoking, but it is our aim, by means of the Bill, to educate even further the young people who have to face the situation. I believe that the campaign to warn people against cigarette smoking has not been intensive enough in the past, nor has it been running long enough for the warning to sink in. This matter involves education, and it will be a slow process. I am pleased to find that the education regarding this matter is already under way and is to be stepped up soon. I realise the difficulties in the Bill. One thinks of advertising as being only advertisements in the press and in magazines and on radio and television, but I appreciate that advertisements go further than that to things such as hoardings, neon signs and give-away ashtrays, and prizes. Despite all the problems associated with the Bill, we still must support it. The students of the College of External Studies public relations course, of which I was a student at the time, recently organised a survey designed to evaluate whether the general public was aware of the announcement that followed cigarette advertising on radio and television that "Medical authorities warn that smoking is a health hazard." The following is an analysis of those results.

All of those interviewed were aware of the advertisement, and 80 per cent believed that the announcement was not an effective method of warning, but it was generally appreciated that they believed that this type of advertising, or this form of education, was an extremely slow process. Another question asked those interviewed was whether they would give their ideas of how the

announcement could be made more effective. All said that they believed that the warning should be intensified and made dramatic by, for example, naming the consequences associated with smoking and, where possible, showing as much of the affected part of the body as could be screened, in an effort to shock people into taking notice. Other comments were that the format should be changed regularly and that the announcement should be made a little more "with it" so as to get through to the younger people and make them take notice. Another suggestion (and I think it was a fair suggestion) was to have the warning before the advertisement, instead of after it. All agreed that the warning must be more startling. A further question was, "Should cigarette advertising in all forms be banned?"

Mr. Keneally: "If you smoke you will finish up like the member for Hanson," or something to that effect.

Mr. WOTTON: That is what I am afraid of. A total of 30 per cent of those interviewed believed that cigarette advertising in all forms should be banned, 30 per cent said that they did not really worry one way or the other, and 40 per cent said "No," because they believed that, if cigarette advertising was banned in all forms, food, which supposedly causes heart problems, and alcoholic drinks, etc., should also be banned. The Bill is not the complete answer to this complex question, and I believe that it will be a slow process to find the correct answer. Many young people, particularly those at school, do not know what the word "hazard" means.

Mr. Jennings: They know what smoking means, though.

Mr. WOTTON: Yes, and they need to know what "hazard" means before they know what smoking means. This is a pity, because it is the schoolchildren in particular on whom we should be concentrating our attack. Recently, the *Medical Journal of Australia* published a report which stated that one-third of Sydney schoolchildren aged between 10 and 12 years who were tested did not really know the meaning of "hazard". Mr. Osborn, of the South Australian Anti-Cancer Foundation, tells a story about the foundation's running a poster competition recently. On one poster a child had drawn a man smoking; then he died and, when he was picked up by the ambulance, the nurse was quoted by the child as saying, "He died of a health hazard". That explains that many young people do not know what "hazard" means. We should be trying with every possible effort to get through to the young people.

I appreciate the point, already made by the member of Glenelg, that cigarette companies contribute to many charities and employ many thousands of people, and I realise that we should be showing our appreciation. As I have pointed out earlier, many people are devoted to the task of working towards and understanding the problems associated with lung cancer. Those involved with the development of anti-cancer work in this State have proved without doubt that a relationship exists between cigarette smoking and lung cancer. At present, it is estimated that about one-third of all Australian adults smoke cigarettes. Statistics available for 1973 show that cancer, of all types, was responsible for 18 per cent of all male deaths in South Australia. Figures in relation to lung cancer show that, for males, 20 per cent of deaths from cancer were due to lung cancer.

Mr. Evans: Do you think that that would stabilise the population?

Mr. WOTTON: It is killing people when they should not be killed. The World Health Organisation has issued figures for 1974 which show that 21 per cent of all cancer

cases in all males are lung cancer. I will quote from a book entitled *Tobacco and Your Health* or *The Smoking Controversy*, written by Dean Harold Sheely Diehl, who, for 23 years, was Dean of Medical Sciences and Professor of Public Health at the University of Minnesota. The book states:

There, his broad interests and responsibilities made him aware of the whole gamut of human ills and of the effectiveness of medical resources to deal with each of them.

That applies particularly in the U.S.A. The book continues:

His experience led him to the conclusion that cancer and its allied diseases represent one of the major health problems that demand solution (throughout the world). Surveys indicate that most people have heard of a relationship between cigarette smoking and cancer but that many of them consider the risk small and remote. Most people know little or nothing about the heart disease, the chronic bronchitis and emphysema, and the other illnesses that frequently result from smoking. News items in the public press and on radio and television about the health hazard of cigarette smoking are commonly headlined as "the cigarette controversy" or "the smoking controversy." Public opinion polls indicate that a considerable proportion of the public accepts such statements as accurate. Yet there is no controversy or difference of opinion on this subject among medical and health organisations and agencies.

That also applies throughout the world. I wish now to quote what a few authorities have said in the United State and throughout the world. The Surgeon-General of the U.S. Public Health Service says:

Cigarette smoking is the greatest preventable cause of illness, disability and premature death in this country.

The Commissioner of Health, State of New York, says:

No other single factor kills so many Americans as cigarette smoking. . . . Bullets, germs and viruses are killers; but for Americans, cigarettes are more deadly than any of them. No single known lethal agent is as deadly as the cigarette.

The Chief of the Thoracic Surgery Division of New York's Roswell Park Memorial (Cancer) Institute states:

Cigarette smoking is, without question, the greatest single public health problem this nation has even faced.

The Director of Health of California has said:

Cigarette smoking is one of the greatest threats to well being in modern times. Every appropriate preventive tool, every new, more effective method that can be devised, must be employed to stop this epidemic from spreading further among our young people, and roll it back from the adults . . . It doesn't take long for this "social" habit to progress into full-fledged dependence. The boys and girls who become habituated are establishing an addiction that can kill or cripple them at a time when their rewards and contributions should be the greatest, with the loss not only theirs but society's as well.

At the World Conference on Smoking and Health, Sir George Godber, a past Chief Medical Officer of the Ministry of Health of Great Britain, said in 1968:

We can be certain that many more than 50 000 deaths a year in England and Wales are directly due to cigarette smoking and that of these deaths the number occurring before the age of 65 is sufficient to cause annually the loss at least of 150 000 years of working life. In addition to this there are the years of progressive disability, so characteristic of chronic bronchitis that some people say that death from lung cancer is the lesser evil.

Similar statements have been made by the Canadian Medical Association, the British Medical Association, the Royal College of Physicians of London, and many other responsible medical and health organisations throughout the world. In September, 1967, the first World Conference on Smoking and Health was held in New York City. In his opening address the Chairman, Dr. Luther Terry, Vice-President—Medical Affairs, the University of Pennsylvania,

Chairman of the National Inter-agency Council on Smoking and Health, and former Surgeon-General of the U.S. Public Health Service, stated:

The period of uncertainty is over. There is no longer any doubt that cigarette smoking is a direct threat to the user's health. . . . Today we are on the threshold of a new era, a time of action, a time for public and private agencies, community groups and individual citizens to work together to bring this hydra-headed monster under control.

This Bill in helping to stamp out cigarette smoking is doing just that. It is time that we all did everything in our power to emphasise the dangers involved in cigarette smoking. One must accept the fact that adults have the right to choose for themselves whether or not to smoke. However, the risk should be made very clear. One can lead a horse to water, but it is extremely hard to make him drink. Those who have observed the agony of a patient dying with lung cancer and the anxiety caused to the rest of the family fully know what this situation is all about. I refer again to *Tobacco and Your Health*. I conclude by referring to government responsibility, particularly as it was involved in bringing about the cigarette labelling legislation in the United States. This book states:

Before the harmful effects of cigarette smoking were recognised, the tobacco industry had grown into one of the largest, most powerful businesses in the country. Farmers profited from the raising of tobacco; manufacturers from its processing and distribution; public relations firms from its promotion; newspapers, magazines, radio, and television from its advertising; retail merchants and vending machines from its sale; charitable, youth-serving, education and research organisations from its grants and subsidies; and government of all levels from taxes both upon the industry and upon the many millions of purchasers of tobacco products.

In June, 1961, the American Cancer Society, the American Heart Association, the American Public Health Association and the National Tuberculosis and Respiratory Disease Association jointly requested President John F. Kennedy "to appoint a commission to consider the responsibilities of government, of business and of voluntary agencies relative to the health hazards of cigarette smoking and to recommend a solution of this health problem that would protect the public and would interfere least with the freedom of industry and the happiness of individuals."

Some of the recommendations that came from that commission are as follows:

The Federal Cigarette Labelling and Advertising Act should be amended by changing the required warning statement to read: "Warning: Cigarette Smoking Is Dangerous to Health and May Cause Death from Cancer and Other Diseases." A statement setting forth, the tar and nicotine content of each cigarette should be required to appear on the package and in all cigarette advertising. Increased appropriations should be made to the Department of Health, Education, and Welfare for education of the public (especially young people) as to the health hazards of smoking. Appropriations should be made for research under the direction of the National Institutes of Health on the development of less hazardous cigarettes.

I reiterate that I believe that this Bill, although not a complete solution to this problem, should be supported. As it is a step in the right direction, I have pleasure in supporting it.

Mr. SLATER (Gilles): I was interested to hear the remarks of the member for Glenelg and the member for Heysen. I support the Bill for different reasons from those expressed by those members. I am a cigarette smoker, and I believe that it is my right to smoke if I so desire. I am not thoroughly convinced about the merits of all the arguments put forward by the experts and those quoted by the member for Heysen in relation to the connection between lung cancer and cigarette smoking. There may be some connection: there may not be. No-one has finally determined the incidence of lung cancer associated with

cigarette smoking. There are many other hazards to health. I believe that the motor car is more of a hazard to the community than is smoking, as it leads to carbon monoxide fumes being inhaled by the community at large. No-one is suggesting that we put labels on motor cars that they are a health hazard.

There are many other hazards to health. I think that alcohol is more injurious to health than is smoking. Many other things in a modern society are hazardous to the individual. I am not thoroughly convinced that the arguments that are put up by the so-called experts in relation to cigarette smoking are essentially correct. I disagree with the views of the members for Glenelg and Heysen in relation to cigarette smoking. I support the Bill, but I doubt very much whether it will do much to reduce the incidence of cigarette smoking; after all, the decision whether to smoke is a personal matter.

Mr. BECKER (Hanson): After listening to the members for Glenelg and Heysen, I think we should forgive them for they know not what they are doing. I have never heard such an ill-informed debate on legislation that is so much in the air. We are getting carried away on the emotional issue of whether cigarette smoking is a health hazard. The member for Gilles supports the Bill because he has to support it, but he is not convinced that cigarette smoking is a real health hazard. He is a smoker and a sportsman, and I can see nothing wrong with him. He is not convinced about the matter, but he has to support this legislation because of his Party's policy. I cannot support the Bill in any way at all. I feel sorry for the members for Glenelg and Heysen because they have fallen for the very trap into which the people who support this anti-smoking campaign have fallen. This belief is now supported by the Government not so much because of health hazards but because it sees it as a wonderful opportunity to give the cigarette companies a nice old thump behind the ear, and a kick in the tail, because the best way to smash free enterprise is to introduce legislation to restrict its activities.

To suggest that cigarette companies must be compelled in the future to put warnings on their advertising one-quarter of the size of the advertisement is beyond my comprehension. I cannot see how this will prevent people from smoking; I cannot see how it will reduce the health risk to which my colleagues have been referring. The television campaign has been going for some time and yet more people are smoking today, and I refer particularly to young people. If one goes to a high school yard five minutes before the bell rings, one will see smoke wafting in the air. When I went to high school if a student was caught smoking he was threatened with expulsion. I was caught once but it did not make any difference. More children are smoking today than were smoking in my day. Probably they have more money in their pockets today than we had when I went to school; if we had a cigarette once a week we were lucky. After the Health Ministers' conference in May, 1975, the following press release was issued:

The States Health Ministers at their Conference in Perth today, agreed to include in uniform legislation to control cigarette advertising the following:

- (i) The important intention would be cover advertisements for cigarettes, other forms of tobacco would not be covered at this stage.
- (ii) The warning would be the same as on cigarette packages, i.e. "WARNING—SMOKING IS A HEALTH HAZARD".
- (iii) The warning would be mandatory on all advertisements for cigarettes, in newspapers, magazines, hoardings, hand bills, pamphlets, leaflets, cinema slides and films, and other written material advertising cigarettes on smoking accessories, articles of wear and on cigarette machines, or by other means.

- (iv) The lettering of the warnings would be of a height which is not less than one-quarter of the maximum dimension of the lettering in which the brand name of the cigarette or the name of the manufacturer, whichever is the larger, is displayed and in any case not less than 3 millimeters in height. Lettering should be in durable characters, in bold face sans serif type and printed in such a colour or colours as will afford a distinct contrast to the ground. Where advertising is displayed on both sides then the warning should appear on both sides.
- (v) No advertisement will be marked or labelled in any way with any expression or words such as "non-injurious", "non-hazardous", or contain any comment of, or any reference to, or any explanation of any statement which is required by the legislation to be included as part of the advertisement which directly, or by implication, contradicts, qualifies or modifies that statement.
- (vi) Spoken advertisements on film or public address system advertisements should also contain a warning.

This recommendation follows upon the 1974 Australian Health Ministers' Conference when Ministers decided to work towards the inclusion of warning notices in all forms of cigarette advertising in addition to radio and television by September 30, 1975. The 1974 Conference acknowledged the Australian Government policy to completely phase out cigarette and tobacco advertising on radio and television by September 30, 1976.

Issued by:

Hon. D. H. L. Banfield (S.A.)
 Hon. Dr. L. R. Edwards (Qld.)
 Hon. A. N. Scanlan (Vic.)
 Hon. N. E. Baxter (W.A.)
 Hon. R. O. Healey (N.S.W.)
 Dr. J. R. MacIntyre (Representing the Tasmanian Health Minister).

I can see my two colleagues the members for Glenelg and Heysen have had enough and are going out to have perhaps an apple cider, which could be more dangerous than a cigarette. Their arguments were fairly weak. South Australia and Tasmania are the only Parliaments to introduce similar legislation, and the Tasmanian Parliament has thrown out its Bill. I understand that the Queensland Premier is not interested in it.

Members interjecting:

Mr. BECKER: Members may talk about a banana republic in Queensland, but when we look at this Bill we will see where the banana republic really is. The Victorian Government will not proceed with similar legislation, and neither the Western Australian Government nor the New South Wales Government has indicated whether it will go ahead with it. No other State has this legislation before it currently; they are not even considering similar legislation. Why does South Australia have to go it alone again?

Mr. Slater: We are trend setters, I suppose.

Mr. BECKER: Even if the Government is a trend setter, I do not believe this legislation will be proclaimed. Clause 2 (2) provides:

A proclamation referred to in subsection (1) of this section shall not be made unless the Government is satisfied that—

- (a) legislation similar in effect to this Act has been enacted in respect of not less than three of the other States of the Commonwealth.

No doubt the Australian Government will change the word "Commonwealth" and that will make that clause invalid. This Bill cannot be enforced unless three other States proceed with similar legislation, and I am led to believe that no other State is even contemplating similar legislation. How ridiculous to waste the time of this Parliament when we have been told by the Premier we have such an important session. The members for Glenelg and Heysen

have said that the enforcement of the Bill will depend on regulations, so what? The Bill is a farce—it is a complete waste of public money. I hope this Bill is not passed but, if it is passed, we will have to sit around until the regulations come in. If we get the type of regulations normally presented to this House, it is anybody's guess what will be included in them. We will get all sorts of promises from the Minister in another place. He has said that the Benson and Hedges sign at the Adelaide Oval relating to Benson and Hedges cricket awards will not necessarily have to have a warning on the sign. We do not know what will really happen.

Those involved in the industry do not know where their future lies. We should not consider legislation that could have an adverse effect on the employment of people in this industry, but this legislation will affect almost every worker in the State, many of whom enjoy a cigarette and other pleasures. However, they are being taxed to high hell by the Australian Government, and even this State has imposed a tax on cigarettes. The member for Glenelg has said that cigarette sales exceed \$1 000 000 000 a year. The Australian Government receives more than \$560 000 000 in taxes and excise, and the member for Glenelg said that \$3 500 000 was spent on cigarette advertising: that represents .35 per cent of sales, the smallest percentage of advertising in relation to turnover of which I know.

What damage is this industry doing? We hear that smoking is a health hazard, and now we are going to tell the industry that 25 per cent of space on a display advertisement must be used for a warning. As such advertisements will therefore not be used in future, revenue to advertising companies will be lost, and those who make the advertising signs will be adversely affected. This legislation will affect the whole community, and has been introduced because some people have been carried away by an emotional issue and are using it for political purposes. The Government is hammering free enterprise: when someone is successful the Government must tax him out of existence. Let us consider the contributions made by some of these companies, in order to defend them.

These cigarette manufacturing companies (Rothmans of Pall Mall (Australia) Limited, W. D. & H. O. Wills, and Philip Morris) provide great benefits for the community of this State and for Australia in innumerable ways. They have done this for years and the point worth emphasising is that many of their community contributions have been made, and still are being made, far from the public spotlight, unheralded and unsung, and with no strings attached. Over the years they have expended millions of dollars on projects ranging from outright gifts to charities and public appeals to the provision of real community services, and with dollars which the companies have had every right to retain within their business revenues, but which they have chosen unselfishly to use for what can be termed only as good corporate citizenship. They have not sought publicity for these donations.

They have helped sporting groups, the small special interest groups as well as those better known, and cultural groups, small and large, in countless and continuing ways. The Rothman company has contributed consistently and in major ways to the Adelaide Festival of Arts, but I wonder how many people know that this company also provides free insurance for all our State's surf lifesavers, as well as for surf lifesavers throughout Australia. I did not know that, and I have been involved with surf lifesaving for the past five years. That is a fact not generally

known, because it is not publicised. The State Government makes a miserable contribution to surf lifesaving, and its association would not be pleased if the benefits from these companies were lost. Rothmans has provided about \$100 000 in the past 10 years, and this benefit should not be taken away when methods other than those insisting on a 25 per cent slice of advertising for warnings could be used.

The same company endows fellowships each year to Australian universities, fellowships designed to stem the brain drain of scientists from Australia (and goodness knows how much we have suffered over the past 40 or 50 years because of this), and these fellowship grants have been running now for 14 years and are now costing about \$60 000 a year. Rothmans, apart from outright gifts to Olympic and Commonwealth Games funds to which all three companies contribute, is helping our Olympic yachtsmen this year with support of \$18 000, which will rise to \$20 000 next year. Should these companies withdraw their support the State Treasury will not increase its small contribution.

The company of Philip Morris underwrites an arts grant which, over five years and to the tune of about \$150 000, is being used to purchase the works of young Australian artists for display in public galleries at the company's own additional cost. After the five-year programme all the works will be given as gifts to provincial and national art galleries. Philip Morris has a scheme afoot at the moment in South Australia to assist the young poets of this State. The same company is a substantial supporter of the Keep Australia Beautiful campaign, and in this direction it is financing a campaign throughout Victoria aimed at greater awareness at municipal and shire level of the needs to work towards a better environment for us all. We know what the Labor Party thinks of Kesab: it is a big business front! Philip Morris is also involved with the Forestry Commission in a scheme to give away 30 000 native trees in Victoria.

The company of W. D. & H. O. Wills, with its parent company Amatil, has operated in Australia for about 70 years, and in the past 10 years its community contributions in university and educational areas have exceeded \$350 000. These people make annual gifts of money in five other areas of classification which include cultural and miscellaneous and which other sums of hundreds of thousands of dollars are involved. These areas are distinct from those in which a company might be said to be seeking public identification of its name or of a product of the company. Like the other companies, W. D. & H. O. Wills and its parent company have for many years been substantial supporters of sport throughout Australia. They have, as just one example, helped in a major way each Australian yachting challenge for the Americas Cup from the very first Australian challenge in 1962.

This is not a paltry contribution, and Australia has been unlucky in this event. If we could win the cup, thus enabling the event to be conducted in Australia, it would be worth millions of dollars in tourism to this country. I have given these details of what Australian companies have been and are doing for Australia, but they seek no publicity for it. It is all right for the member for Stuart to laugh: he has never had to work for private enterprise and does not appreciate working conditions or the role of initiative in that area. As soon as someone succeeds in this country (as the Minister of Mines and Energy knows) the life is taxed out of him; he is taxed to high hell. That is exactly what the Government is doing to the cigarette industry in this country. No

concrete proof exists that cigarette smoking is a health hazard in this country.

Mr. Wotton: What complete rubbish!

Mr. BECKER: Well, how do people live to be 100 years old if they smoke, drink, and do everything that any other normal person does? Each person is different. Excessive smoking does not have the effect on some people that it may have on other people. The percentage of people affected by smoking is so small that it is not worth referring to.

Mr. Keneally: Would you encourage your children to smoke?

Mr. BECKER: No.

Mr. Keneally: Would you give them cigarettes?

Mr. BECKER: No.

The SPEAKER: Order!

Mr. BECKER: No-one encouraged me to smoke, but I did and still do. It has not stunted my growth or made my hair fall out. I am 40 years old and am still here. For that matter, I could walk down the front steps of Parliament House, fall over and break my neck. Is Stale Parliament a health hazard? Why consider legislation that will not be proclaimed unless three other States pass it? That is what I cannot understand. Why waste the time of Parliament in considering the matter? Why have Health Ministers of various States issued a press statement when the measure has been rejected by the Tasmanian Parliament and we know that other Parliaments are not even going to introduce a similar Bill? This legislation is the sort of airy-fairy nonsense that has been introduced by this Government over the years.

The industry will have no knowledge of what will be contained in the regulations. This Bill has already been debated in another place where the Minister replied to most of the obvious questions about it. What will happen to a person who goes to a West Indian cricket match wearing a camel T-shirt or camel hat? The regulations under this legislation will stipulate a certain period before this type of apparel cannot be worn. I have a camel hat that I like to wear to the beach; I am not going to put a warning on it. Even if I was wearing the hat whilst painting I would not display a warning on it. How can companies be held liable for people's wearing this type of apparel?

The Hon. Hugh Hudson: Would you put on your hat a message that I wrote for you?

The SPEAKER: Order!

Mr. BECKER: The Minister of Mines and Energy must do his own campaigning in his own district. Where should the line be drawn? Certain exemptions will be granted. In fact, there will have to be exemptions, but the only exemptions I can see being granted will probably be granted to the South Australian Railways, which rents advertising space on its hoardings. I know of a couple of signs that could be exempted. One, I think, is in Hindley Street and another is at the intersection of Morphett and Grote Streets, where a huge Peter Stuyvesant advertisement is displayed. About 25 per cent of that advertisement would be destroyed if it must display a warning. The company that displays that sign might as well take it down in that case.

As the member for Glenelg said, the cigarette companies do not know how many advertisements they have displayed around South Australia. When one walks into a delicatessen, one is confronted by all sorts of signs advertising cigarettes, all of which will go. It would not be worth while for the

cigarette industry to continue with that type of advertising. It would take a company much time to alter all its advertising signs, and this would not contribute one iota to the anti-smoking campaign. I do not believe this legislation will stop people smoking. I believe this legislation will pave the way for all sorts of controls. It is far better that we have what we have now rather than creating a situation that could be undesirable. It is high time that the Government took stock of itself and realised that when it bashes free enterprises it is jeopardising the jobs of people who support it. I oppose the Bill.

Mr. ARNOLD (Chaffey): This measure raises the question of just how far Parliament should go to protect people from themselves.

The Hon. Hugh Hudson: What about protecting people from the member for Hanson?

Mr. ARNOLD: No, I would exclude the member for Hanson. It is time that we seriously considered how far Parliament should go in protecting people from themselves. It is necessary for Parliament to legislate to provide necessary laws to stop incidents in which people inflict injury on other people, but smoking is a matter for the individual; a smoker will not affect anyone but himself. It is up to the Government to do something constructive about this matter. This measure is typical of the type of legislation the Government is now introducing. It just plays around with the problem. If the Government were genuine it would start a proper educational programme in primary and secondary schools, because that is where children can be found at an age at which they can be influenced and that is where we should be attacking the problem. This type of legislation only plays lip service to the claim that people should not smoke because it is a health hazard. It does little that will constructively solve the problem.

If the Government were to start a proper campaign using films (and there are some excellent films on this subject) as part of an overall educational programme, it would be a step in the right direction. To go about the problem in the manner in which the Government is tackling it, is just playing around with the subject and is the same sort of action we have seen it take in the past two or three weeks in other measures that the Government has placed before the House. It appears that the Government is trying to do something about the problem but will do nothing constructive to solve the problem.

Dr. Tonkin: You mean the can legislation?

Mr. ARNOLD: That is similar. Regarding litter, the Government has been willing in the past to contribute about \$5 000 to help solve a massive State-wide problem. When the Government in its Budget provides the necessary funds to introduce a proper educational programme, I will believe it is genuine in trying to do something about the problem. Sport is an extremely important part of life not only in South Australia but also throughout the world. As people's leisure time increases, sport is an obvious outlet. Unless we can encourage young people to be involved totally in suitable sporting activities that they like, they will have leisure time in which to roam the streets and be involved in other problems of society. The introduction of this type of legislation will affect sport, because the cigarette and tobacco companies contribute large sums of money to the promotion of sport. The Riverland Football League, a sporting body similar to most other sporting organisations in the State, is assisted by cigarette and tobacco companies, and a letter that I have received from the Secretary of the league states:

This proposed legislation could affect sport in this area quite considerably, and we strongly object to anything that could cause a marked curtailment in the sponsorship which we now enjoy from cigarette companies.

If the Government is genuine, by proper promotion and education it could reduce the level of smoking and reduce the medical costs about which the member for Stuart is so concerned.

Mr. Keneally: Aren't you?

Mr. ARNOLD: Yes. The Government should tackle the matter properly with an educational programme starting with the young people in schools. They are the ones that we must convince. If the saving in medical costs as a result of that programme is channelled to sporting organisations, that will increase the overall benefit, because sport is an important part of society and plays an important part in a healthy outlook, especially for young people.

Mr. Jennings: It's recreation, too.

Mr. ARNOLD: Of course it is, and it is far better that our young people be involved in a recognised sport and recreation rather than hang around the streets and become involved in other trouble. By introducing this Bill, the Government is only playing around with the subject. It should provide the necessary funds through the Budget for an educational programme and do something constructive in that way. The only way to take effective action is to show young people the problems that smoking can create. This can be done effectively through films, and it should be done in the schools.

Under present legislation, advertising on radio and television must carry a health warning, and the warning is placed on packets of cigarettes, but I do not think this has reduced the amount of smoking. This Bill will not improve the position, either. It is only window-dressing by the Government.

Mr. Keneally: But you will support it?

Mr. ARNOLD: No, I do not think I will, because the Act has not been effective. If the Minister can give figures that show clearly that the overall consumption of cigarettes and tobacco has been reduced markedly by the present Act, I will support the Bill. However, I have not seen any such figures and, until the Government gives them, I see little advantage in supporting the measure. It will reduce the amount of money available to sporting bodies, and the value of sporting organisations to South Australia probably far outweighs the small benefits that will be derived from the Bill.

Mr. EVANS (Fisher): The matter before us is one of conscience and of how individuals may view the matter of smoking. I know of the amount of money made available by cigarette and tobacco companies to sporting groups. Those companies have promoted contests in football, cricket, yachting, and other fields. It is a method of advertising by the companies, and one such recent event attracted 27 000 people over two days. The prizemoney was \$25 000, so about \$1 was given as prizemoney for every person who attended. One could argue that the elimination of smoking would eliminate much of the cost of hospitalisation, a large part of which is met by the community. I am not a smoker and have never had the inclination to smoke, but my father did smoke and was advised to give it up when he was elderly. He survived with reasonable health for a long time after that.

Mr. Slater: He may have lived longer if he didn't give it up.

Mr. EVANS: That is true. One member of this Chamber has stated that he felt better after he gave up smoking.

I cannot accept that, under the legislation, I would not be allowed to wear a T-shirt that had a picture of a camel on it. Nothing in the legislation prevents that or prevents people from wearing a T-shirt that has "Winfield" or the name of any other cigarette or tobacco on it. Reference would have to be made to the actual cigarette or tobacco. I do not think the legislation bears any relationship to the word, regardless of whether that word is a trade name, and I think a person would be safe from prosecution if he had a T-shirt with a photograph of a camel on it and the word "Camel" below. I do not believe that it would be unlawful to have the word on a shirt unless there was also reference to the article. The member for Playford, being a lawyer, may see that matter in a different light.

Mr. McRae: How could someone be prosecuted merely because he had the word "Camel" on his shirt?

Mr. EVANS: That is what I have been saying. I would not investigate what a person might have under it. The member for Stuart may be inclined to do that, on a regular basis. Regarding the presentation of trophies at sporting events, I see nothing wrong with the president of an association (and I remember this happening) presenting prizes made available by a certain tobacco company. He said on that occasion, "I wish to warn you all that smoking is a health hazard." In this case, he was in the midst of his statement when he puffed on a cigarette and finished it, and everyone roared with laughter. It was an advertisement for the company, more than demonstrating the hazards of smoking. I do not think that that would harm the tobacco companies, and I do not think that it would be a major obligation for people to have to utter those words after saying that the cup or the main prize had been made available by a certain tobacco company. I take up the important point made by the member for Chaffey, namely, about the promotion of sport. There is little doubt that Governments have in the past spent insufficient money on promoting sport in the development of a healthy body in a healthy mind. The more every human being, whether young or old, is encouraged to participate in a healthy activity, the less likely he is to drift towards an unhealthy activity.

Countries that have total control of their communities, such as communist countries, where the individual is controlled to the last letter, spend considerable sums on promoting only their top people in sport. They do not accept the responsibility of looking after the multitudes of average people engaged in any sport.

Mr. McRae: They don't have a warning on their cigarette packets, either.

Mr. EVANS: I am not sure of that. Perhaps all that those countries sell is Camel.

Mr. McRae: In the case of communist China, "Double Happiness" appears on packets of State-owned cigarette companies.

Mr. EVANS: I thank the honourable member for his help, because I have not been there. If there is a saving in costs to the community by cutting down the incidence of smoking, there is merit in the Government's spending more money in encouraging sport and helping sporting groups educate young people to participate in a healthy activity. I will conclude by saying that, for all poisons, by regulation the manufacturer is compelled to indicate a classification of poison on the poison container. I believe that it is within the field of Parliamentary or Government responsibility to impose that obligation on the tobacco and cigarette manufacturers by compelling them to display on their containers of cigarettes or tobacco that "Smoking is a health hazard" in such a way that it is prominent enough

so that people readily recognise it. Although an honourable member said earlier today that he believed that smoking had not diminished, I believe that it has. I believe that the campaign of warning that "Smoking is a health hazard" has made people aware of the problem and that a lower percentage of young people smokes today than when I was a teenager—and I did not smoke when I was a teenager. I am sure that fewer people smoke today because they are conscious of the hazard. As I believe that the Bill will improve the position, it has my support.

Dr. TONKIN (Leader of the Opposition): One thing that has become clear to me over the years in which the warning "Medical authorities warn that smoking is a health hazard" has been given is that it has achieved little if anything. The warning has now become a matter of fun and, when it appears on the television screen in a little block of small print and that same monotonous voice recites the message, I am sure that people turn off even more than they turn off from the advertising material itself. It is understandable that the volume at which commercials are transmitted is slightly higher than the remainder of the programme. It is a technique which, I understand, is used by the television networks, but I believe that the warning "Medical authorities warn that smoking is a health hazard" comes back in a low-keyed voice.

Members interjecting:

Dr. TONKIN: I am tempted to reply to the interjections and I sincerely hope that neither of the two members is in need of urgent medical attention in the House in the near future.

Members interjecting:

The SPEAKER: Order!

Dr. TONKIN: There is no question in my mind that the evidence which points to the incidence of heart disease, pulmonary cancer, and hardening of the arteries is extremely strong and, although not yet conclusive (because it is almost impossible to prove), due weight must be given to it. I would not smoke. I have never smoked cigarettes, and I would not start now.

Mr. Slater: What's your excuse?

Dr. TONKIN: Mainly because I could never afford it.

Mr. Keneally: What's your excuse for your physical condition?

The SPEAKER: Order!

Dr. TONKIN: Now that the warning is to be extended to all forms of cigarette advertising, one wonders whether the form in which it is to be extended will do any further good as well. I remember some years ago when the Hon. Mr. Justice King was still Attorney-General and when he introduced legislation relating to Sunday sport. During the passage of that Bill (which, incidentally, did not pass), I moved to do something about the banning of the advertising of cigarettes at film screenings that children were likely to attend. I still maintain that there are two major evils (to use the words of which he was so fond), one being advertising in theatres where children's programmes are screened, by means of high quality, glossy, loud and attractive advertisements relating to the consumption of alcohol and cigarettes.

Mr. Keneally: Drink Bacardi and get a blonde.

Dr. TONKIN: That is right. I did not approve of that type of advertising then, and I do not approve of it now. I think we would be doing more good if we were to consider controlling that form of advertising and restricting it to programmes for mature audiences. Nevertheless, we are debating a Bill which, I am pleased to

say, is different from a similar Bill introduced some time ago. As the member for Glenelg so ably described, this requirement to apply a warning on every piece of advertising applied not only to new advertising but also to existing advertising. It would have been an almost impossible task to put the warning up in the necessary size for all the advertisements that appeared. I think the member for Glenelg also pointed out the absurdity of being required to mention the warning whenever a cigarette manufacturer's name was mentioned in connection with a sporting event. I think that is ridiculous.

Now, we are told that certain exemptions will be made, and I think that that is a more reasonable point of view. The exemptions, by regulation, come also with the time of onset, and those two things (the exemptions and the time of onset), depending on uniformity, will help the industry a good deal. I agree to some extent with the member for Hanson: we have to consider the industry, and we should not make it any more difficult for the industry than is necessary, but the industry also has a duty to the community to ensure that the material that it sells is fully understood as far as possible by those people who consume its products. You will probably gather, Sir, that there is no firm opinion on this side. Opinions differ on this subject: indeed, it is to us a matter of conscience. I do not believe that these displayed warnings will have any real effect. I believe that a programme of education (and I commend the anti-cancer foundation, the various professional medical bodies, the Public Health Department and the school health services for the campaigns they have already mounted) does far more good than putting warnings on cigarette advertisements and on cigarette packets.

Mr. Arnold: Why doesn't the Government—

Dr. TONKIN: As the honourable member for Chaffey says, the Government should put some worthwhile sums towards this sort of situation. I cannot see any reason why the warnings should not appear, provided the whole situation is not allowed to become ridiculous, and provided, too, that some measure is taken to make sure that it does not retain its boring similarity so that the whole object of the warning is lost by reason of familiarity. It is up to the regulations as to how this will be done. With some reservations about whether it will make any difference at all, I support the legislation.

Mr. LANGLEY (Unley): I support the Bill, but doubt whether it will ever affect smokers of this country in relation to getting the message that smoking is a health hazard. If people will not heed the warning, I do not know what we can do about it. I am a non-smoker, but I also know people who smoke, and the people who smoke have been as good an athlete as the non-smoker has been. One will never know whether the non-smoker or the smoker would be the better athlete. I have hardly ever known of a sportsman during his career giving up smoking, and I have known of very few who have taken on smoking. I must admit, as Opposition members have mentioned during the debate, that tobacco companies have made excellent profits out of their commodity. There is no doubt about that. They spend about \$3 500 000 a year on advertising, and also help sporting clubs. These people do an excellent job in promoting sport, but they can afford to do it. I admit that, when I was going to school, which was quite a few years ago, many young fellows smoked. Smoking is more rife today than it was then. There has been an increase in smoking among women. It will take time before warnings will have any effect.

Mr. Keneally: Are women more prone to lung cancer than men?

Mr. LANGLEY: I am not a doctor. Members opposite say that the Government has done nothing. Mention has been made of sport, and the member for Hanson said we should have a Minister of Sport. As a matter of fact, we have a Minister of Tourism, Recreation and Sport. When the Opposition was in Government, there was never talk of any such Minister. I can remember asking a question about that. This Minister has been appointed by the Labor Government.

Mr. Arnold: How many Ministers were there then?

Mr. LANGLEY: I do not think that affects the situation. We have new ideas, and those new ideas are going down with the people of this State. We now have a Minister of Tourism, Recreation and Sport. He is not only concerned with sport: he has several other portfolios. There is more work for the Ministers now than there once was. The membership of the House has increased during that time. These things have all happened during the term of office of the Labor Government. No matter who was in Government, the population would increase, and the work load would therefore increase. The Opposition, when in Government, had an opportunity to appoint a Minister of Sport but it did not do so. At present, the Minister of Tourism, Recreation and Sport and the Government are doing much to help people in all types of sport. The department is about to commence showing coaching films and giving lectures, and it will one day have a special place near the city where all this type of activity will be conducted. People will be able to learn, and the children will have an opportunity to be coached. We must start with the youngsters at school age and teach them right through. It was difficult many years ago to make the grade in sport. Now the opportunity is there, as the Government is doing something about the matter, and it will do more in the future. The *Advertiser* was the first body to start sporting lectures. The cigarette people have jumped on the band wagon, and in most cases they have been helpful to sport.

The member for Hanson said that similar legislation had not been introduced in any other State. It was introduced in Tasmania, but it was defeated. That does not mean that this Bill should be defeated. I think it has many good points. Some members have said that the warning will save lives, and others have said the legislation will stop cigarette companies from giving money to sporting bodies. I cannot say whether or not these statements are correct. I can say that smoking is definitely a health hazard. If this Bill is passed, people will be forewarned more than they are now.

The Hon. R. G. PAYNE (Minister of Community Welfare): I thank members for the interest they have displayed in this measure. Considerable research has gone into one or two speeches from the other side. In particular, I cite the member for Glenelg, who has shown a demonstrative interest in the past in this matter. The member for Heyesen did quite a lot of research as far as I could see. I think he read much of his speech, but the authority he gave was quite sound, and I suppose we can accept it as one way of getting something in *Hansard*. The honourable member for Hanson made a curious contribution to the debate, and he almost lost me on more than one occasion. As far as I could see, much of his speech was devoted to whether Rothmans, Benson and Hedges, and similar companies had made a good contribution to sport or the other areas of Australian life. He

mentioned artists, and mentioned the large sums of money that the companies quite freely donated in this area. I do not wish to enter into a debate on that matter during what is supposed to be a debate on whether it is the Government's obligation to warn the citizens about the dangers of a certain type of drug addiction. That is what the Bill is about. I am a little uncertain how the member for Hanson got side-tracked so far. One can make out a good case that sporting bodies throughout the country, and other areas of Australian society, have benefited to a large extent by donations from organisations involved in the sale and production of cigarettes and, for that matter, of various other commodities throughout Australia. That is not the point at issue. The Bill asks us as a Parliament to extend a warning system that is already in operation on radio and television at present. It seems to me that, as a member, one ought to be able to say to oneself, "It is a simple proposition that, wherever an advertisement for cigarettes appears, a similar warning ought to be mandatory." I do not think I heard one member opposite mention that point. Passing reference was made to radio and television advertisements and to the colourful advertisements made by cigarette companies. I believe it is essential that warnings should appear on all forms of cigarette advertising.

Mr. Mathwin: You do not define it, do you?

Mr. PAYNE: The member for Glenelg speaks about definition. He talked about T-shirts and about cigarette advertisements, and at one stage my mind was boggling. What if a two-humped camel was used on the T-shirts? One can imagine designers frantically trying to produce such illustrations in various sizes and to locate them in such a way as to get the best effect, but that is not what we are concerned with. Surely if a small addition to an advertisement were called for on a T-shirt, it would not make any difference to the advertisement. We are trying to keep before the minds of the smoking public (and more importantly those who do not smoke) the dangers of this form of drug addiction. Members have made the point that, in a free society such as ours, adults ought to be able to choose their own destiny, and I would not argue about that point of view. My Party has taken a similar stand on other issues in the past based on this philosophy, but at the moment as a Parliament we have a duty to bring before the public the relative dangers of the various pursuits they follow. We are talking not about some newly thought out statement but about the opinion of medical science throughout the world that smoking is a health hazard.

Some members have made much of the dangers of lung cancer, but other diseases are associated with cigarette smoking, and I am sure the Leader could have expanded on this far better than I can. Diseases of the bronchial track apart from cancer constitute a real hazard for smokers, and I speak from a slight personal contact with this. I smoked for a long period, and at one time I gave up smoking for 12 months to the day. I was so addicted that I gave up smoking as a form of mental exercise (or torture). As I thought I ought to be able to conquer the addiction, I made that promise for one year, but I broke down as soon as the year was up. If anyone doubts it is an addiction, I can say it was—

Mr. Arnold: This Bill really does not explain to the public what the hazards are.

Mr. PAYNE: This Bill explains to the public that there are dangers. "Smoking is a health hazard" is a succinct phrase, and, while someone may make capital out of the

fact that schoolchildren may not understand the word "hazard", people of older years would understand what was implied by that short phrase.

Mr. Arnold: They certainly would understand a series of educational film programmes.

Mr. PAYNE: I have listened with some interest to the member for Chaffey, because, when it suits the Opposition, it exhorts the Government to spend more and more money, but it never suggests where we can get that money. At the same time, we are also told to cut down on our spending, that we are taxing the people of the State too much, yet we are told we must find and spend more money. This is nonsense, and the people of the State are seeing through this attitude of the Opposition whenever it is aired in the press. We must be sensible and logical in these matters. To do what we are required to do in this Bill will involve the State in little expense, but it will bring before the notice of the public the dangers of smoking. There is no gainsaying the fact that, if it is brought before the public often enough, people may take notice of it. One can have theories that it does not work but one is entitled to have the opposite theory that repetition might achieve the success hoped for. It is no good saying, "If so and so can show me that this has cut down smoking, I will agree with it", because that is not a fair proposition.

Mr. Arnold: Why not?

Mr. PAYNE: It is not fair in this context, because it is just as fair for us on this side to say, "We are certain that 10 per cent more people would have been smoking now if the warnings were not being given on radio and television." That is just as fair a proposition to advance and just as incapable of being proved as is the statement put up by the Opposition speakers.

Mr. Arnold: Haven't you got the answer, because you collect tax on what is sold?

Mr. PAYNE: My understanding is that a worthwhile gain has been made, and I notice that members opposite carefully skirted around that point. Members opposite mentioned reports they had read and medical figures that were available, but no member mentioned the recent widely published report that there had been a considerable downturn in smoking by middle-aged people. Medically speaking, that is important. It is well known that dangers to the body and cell damage are aggravated by long periods of smoking. If we are having some success with this age group, surely that is an argument in favour of our continuing our campaign.

Mr. Becker: Do you think the Minister of Mines and Energy could lose his voice?

The SPEAKER: Order! Order!

Mr. PAYNE: The information that the honourable member seeks should be sought during the Committee stage, so I will continue replying to the debate. An absurd statement has been made by the member for Hanson—

Mr. Becker: It would have to be absurd if it came from me!

Mr. PAYNE: —that this is some kind of Government plot, some dark secret type of activity by the Government to get stuck into private enterprise. It is a curious South Australian Labor Government plot that enlists the aid of five Ministers from other States, many of whom are certainly not Labor Ministers, who made their intentions clear as far back as 1974. When he read the news release the member for Hanson failed to take cognizance of the fact that the recommendation began in 1974.

The honourable member read that, but failed to understand what followed: he read the names of Health Ministers from Liberal States, and then said that, because we are doing what the Ministers resolved to do, the South Australian Government was undertaking some sort of plot. That is an absurd statement, and that sort of dissimulation does Opposition members little credit. Other members tried to consider conscientiously this legislation. The member for Unley got to the heart of the matter, because he said that it was our job to put before the public (and if necessary the sporting public) all the facts: there are dangers associated with smoking tobacco. The honourable member said that, from his experience, the effects on one sportsman were not the same as those on another (for example, a runner giving up smoking might improve his wind). The Leader made some good comments and said that, in his experience, medical opinion considered that smoking was a hazard to health and that the warning should be extended because it might help, although it might not be efficacious.

The member for Glenelg suggested that the whole thing was wrapped up by regulations being introduced in the eight months recess of Parliament. I assume the honourable member has not heard the recent Government announcement of its altered plans for the sitting of the House. He must have missed that in the press, where I believe he gets all his information. Should there be regulatory powers? Obviously, any member who considers this matter should answer "Yes". Regulatory powers are necessary because of the breadth and width of advertising, which is a dynamic and fluid medium. Obviously, because advertising is such a medium further amendments will be necessary. The same situation applies to most legislation and, for that reason, regulatory powers are to be used in this legislation. The honourable member need not worry: I assure him that there is no secret preparation of regulations. Similar legislation must be passed in at least three other States before the Bill can be brought into effect in this State. I thank members for their overall interest in the measure, and I shall deal in Committee with any other questions raised by members.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

Mr. BECKER: Can the Minister say what is happening in connection with the passing of corresponding legislation in other States? The Tasmanian Parliament defeated legislation of this nature, and I have been informed that neither Queensland nor Victoria will go ahead with legislation.

The Hon. R. G. PAYNE (Minister of Community Welfare): The Minister of Health states that enabling legislation has not yet been introduced in New South Wales, but there has been discussion on the possibility of introducing regulations by January 1, 1976. In Victoria, enabling legislation is on the programme for the spring session, so I take it that the legislation will be introduced in the ensuing months: there is no D day for the introduction of regulations. I understand that Western Australia is awaiting Crown law opinion as to what mechanism should be used there; it will be either amending legislation or a new Act. There is no target date for the introduction of regulations there. In Queensland, it can be done by regulation at any time that that State so wishes. Of course, Queensland being a tobacco-producing State, it is likely that that State will wait until the other States go ahead or at least make

clear their intentions. I do not have any up-to-date information on Tasmania's current viewpoint on this matter.

Mr. MATHWIN: It seems that, if this Bill is passed, South Australia and Queensland will be involved, but there has to be another of the other four States involved before any legislation comes into operation. The Minister said that three other States would possibly pass legislation, but he was not certain. So, it could well be 1976 or 1977 before the legislation comes into effect. Is my understanding of the situation correct?

The Hon. R. G. PAYNE: I agree with what the member is saying, that it is likely to be some time before the legislation comes into effect. It is not uncommon for there to be a considerable period between the time Parliament passes a Bill and the time the Bill comes into effect. It will be a pity if the legislation is delayed for too long. I gather from the member's support of the measure that he would wish to see the legislation operating sooner.

Mr. BECKER: Did the various Ministers of Health have discussions with the cigarette-manufacturing industry before this legislation was considered?

The Hon. R. G. PAYNE: I cannot give a direct answer to that question, because I am not the Minister of Health. It is likely that approaches would not have been necessary. We already have this form of mandatory requirement on cigarette advertisements on radio and television. The Ministers of Health have been considering the matter since 1974, as the member knows from press releases. Earlier press releases have been made. It is unlikely that the cigarette manufacturers would regard this move as being sudden, because most cigarette companies have oversea connections, and we must bear in mind that similar requirements are in force in other countries.

Mr. BECKER: Will the Minister ask his colleague whether he or his department consulted the cigarette manufacturers? I have been informed that manufacturers have made their own assessment of the impact of the legislation and have agreed that it would commit them to an expenditure of about \$3 000 000 to amend or obliterate existing advertising throughout Australia. Between 3 000 000 and 4 000 000 pieces of existing advertising would be affected by the legislation and the regulations. It has been suggested that a period of years would be needed to comply with the new requirements if manufacturers were to avoid the heavy fines. Was this factor taken into consideration before the Bill was introduced?

The Hon. R. G. PAYNE: The member would know the way in which one is required to handle such a matter. The file refers to manufacturers' fact sheets. Associated information shows the number of retailers, the number of wholesalers, and the overall activity connected with the production and merchandising of cigarettes and tobacco.

Clause passed.

Clause 3—"Amendment of long title of principal Act."

Mr. MATHWIN: This clause provides for the inclusion in the long title of the words "to provide for the prescribed health warning to be presented in conjunction with any advertisement relating to cigarettes". Does the Minister have in mind coasters, T-shirts, ash trays, car bumper stickers, and broadcasting?

The Hon. HUGH HUDSON: I rise on a point of order, Mr. Chairman. The clause that amends the long title of the principal Act is purely a matter of nomenclature and does not relate to what the Government has in mind, so

I fail to see how the remarks of the honourable member are in line with the clause.

The CHAIRMAN: I uphold the point of order.

Dr. TONKIN: I rise on a further point of order, Mr. Chairman, because it seems to me that if there is a change in the title there is reason for the change and there should be a debate about whether or not that change is good or bad.

The CHAIRMAN: There is no point of order.

Mr. MATHWIN: I object to the way the Minister of Mines and Energy has spoken. This clause relates to any advertisement relating to cigarettes. What does the Minister have in mind? It is all right for the Minister of Mines and Energy to stick his nose—

The Hon. HUGH HUDSON: I rise on a point of order, Mr. Chairman. I raised the previous point of order and you gave a ruling. What I said prior to your giving your ruling is now irrelevant. If the honourable member has an objection, it must be to your ruling and he should take up the matter with you.

The CHAIRMAN: The clause relates to the long title of the principal Act: it has no legislative effect in any way. The honourable member will have an opportunity to ask questions on other clauses of the Bill. The honourable member for Glenelg.

Mr. MATHWIN: I will wait for clause 4.

Clause passed.

Clause 4—"Definition."

Mr. MATHWIN: Can the Minister say what type of advertising will be exempted under clause 4 (b)? When the Minister closed the debate he quoted material from the conference of Ministers of Health in which they laid down at some length what they expected should be done. I was scolded for referring to T-shirts, ash trays, car bumper stickers and so on, and also for referring to the matter of broadcasting and people who use microphones at sporting events. The inference I drew about sporting activities and so on is obvious. Does the Government intend to follow the recommendations of State Ministers of Health that, at all these activities, the person who announces a certain trophy or event that relates to cigarettes must issue a warning? Will the Minister therefore say what are the exemptions?

The Hon. R. G. PAYNE: In the case of exemptions the Government would apply common sense. However, the main classes of exemption would centre around the temporary type of display or advertisement at sporting functions. What comes to mind is the type of advertisement displayed on fences at football ovals. I do not know whether members read the record of debate that took place in the other Chamber, but considerable discussion centred around this matter. I thought it was fairly well resolved when it was pointed out that it was not intended to penalise any manufacturer or person involved in the advertising trade and that there would be a commonsense approach to the matter. Regarding ash trays and coasters, the industry is aware that if legislation is passed that is to come into effect later, it will make plans accordingly as far as give-aways and souvenirs are concerned. It seems to me that the honourable member is concerned about a problem that does not really exist. For the purpose of discussion let us assume that all advertisements were to carry the necessary warning. Certain self-adhesive stickers have been available for some time, so perhaps cigarette companies could supply such stickers to people handling their products.

Mr. Mathwin: Would they all be 3 millimetres high?

The Hon. R. G. PAYNE: That matter was disposed of in another place. If one letter of the brand name was larger than the other letters of the brand name the warning would be the same size as the major group of letters of the brand name. I thought that matter had been resolved. I can really only try to assure the honourable member that the difficulty he sees will not really exist. The mere fact that there is a provision in the Bill for exemptions suggests that the approach will be careful and will not be of an intimidatory nature.

Mr. ARNOLD: From what the Minister has said it seems that if a tobacco company presents annually a trophy to a sporting body the trophy can carry the company's name without there being a health warning on the trophy.

The Hon. R. G. PAYNE: It is not intended to prevent this sort of activity from continuing. If it was called the "Rothman's trophy", it would be self-evident that the company was not advertising cigarettes at the time of presenting the trophy.

Mr. MATHWIN: I assume that the matter of spoken advertisements by film or public address system will be covered by regulation. I was scolded by the Minister for saying that Parliament could be in recess for eight months. It will be at least five months (which is still a long time) in which regulations can be lying about. Regulations have to lie on the table for 1.4 days even if Parliament is not sitting. They therefore become law until they go through this Chamber and go before the Subordinate Legislation Committee. With due respect, I ask the question because I want to be clear about what the Government has in mind about spoken advertisements on address systems.

The Hon. R. G. PAYNE: It is intended, as the member has stated, that it should apply to spoken advertisements. If it is said on the microphone that the Minister for the Environment is presenting the Rothman's trophy, that does not come within my definition of a spoken advertisement for Rothman's, although it may be a spoken advertisement for the Minister for the Environment. Surely we can have some common sense here. The phrase "spoken advertisements on films or public address systems" means that there is a design to advertise the product concerned. There is reference to the advertising of cigarettes, not tobacco; cigarette advertising is specified. I am sorry if the honourable member took to heart my scolding but I believed I was correct in reminding him that the Government does not intend to have an eight-month recess. That matter has already been cleared up.

Dr. EASTICK: The Minister made clear that in respect of a proprietary name there would be no difficulty. In at least one racing area there is a major prize, the Craven A Stakes. It would be impossible for that, with the normal flow of verbiage at these events, to be the W. D. and H. O. Wills Stakes. Therefore, the Craven A Stakes has become an event in the racing calendar that could be affected by the determination of this measure. From the way in which the Minister received this query, I think he has considered it. I seek some detail on it.

The Hon. R. G. PAYNE: I understand that this Bill is not aimed at that kind of statement spoken into a microphone or at a function. W. D. and H. O. Wills has an interest in more than tobacco and cigarette selling. This is a little like the regulatory discussion we were having earlier. How much in advance can one spell out, in fairness? The Government does not intend to disrupt the whole show. It is understood there could be difficulties, and that is why exemptions appear in the Bill. It allows for exemption by regulation. Surely, this should

indicate to members that many possible snags have been foreseen, and this is a way of handling them; but no-one can foresee all the possible snags that may arise in connection with the Bill. I have done my best to indicate what the Government intends in this matter; I cannot add to what I have said.

Mr. BECKER: As regards the Government's intention, the Minister has said that he cannot guarantee what the regulations will cover. The Minister of Health hopped from one foot to the other in another place. He indicated to certain people who saw him, representing sporting groups, that events such as the Rothman Stakes, the Marlboro Cup, and so on, would not be affected. It would not have to be slated that this was the Marlboro Cup, to be run over 1 207 metres, and that smoking was a health hazard; it would be exempt. The only advertisement affected by the Bill (as I understand it from the Minister, and we cannot get a guarantee), is that, where a cigarette advertisement states "Smoke Rothmans; they are great cigarettes", it is affected; but, if the name of Rothmans or Benson and Hedges was put up, that would not be affected. I do not think the Minister can give us a guarantee on this, because we do not know what will be contained in the regulations in the three other States, if they pass regulations to either the Health Act or a similar Statute. We do not know what the regulations will be in the other States, and I do not see why we should be the first off the rank.

Mr. MATHWIN: I asked the Minister whether the Government was committed to the other part of the press statement relating to what all the Ministers said. The wording is, "in any case not less than 3 mm in height". Is the Government committed to a minimum height of 3 mm for any warning labels? If we are to put it under exemption so that we can exempt the larger letters, what is the Government's intention? Will the 3 mm limit be adhered to rigidly, as agreed to by the Ministers from the other States?

The Hon. R. G. PAYNE: The honourable member is referring to the words "and in any case not less than 3 mm in height". If we refer that to the earlier statement, that the Bill can be taken to refer to handbills, pamphlets, leaflets, and so on, 3 mm might be an awkward size to choose in relation to type. It may be that 3.5 mm is a suitable size for a readily available type. I suggest that common sense would prevail. Similarly, if the sign was just below 3 mm in height, a suitable type might well be all right; in other cases, it will not be important, because 3 mm will be the smallest height allowed.

Clause passed.

Clause 5 passed.

Clause 6—"Regulations."

The Hon. R. G. PAYNE: I move:

In paragraph (d) to strike out "word and paragraphs" and insert "passage"; before "(e)" to insert "and"; and to strike out "(f) and".

These amendments are purely typographical; they are formal and tidy up the wording of the paragraph. They have no effect on the Bill.

Amendments carried; clause as amended passed.

Title passed.

The Hon. R. G. PAYNE (Minister of Community Welfare) moved:

That this Bill be now read a third time.

Mr. BECKER (Hanson) I oppose the Bill.

The Hon. Hugh Hudson: You won't divide the House on it, though.

Mr. BECKER: The Minister of Mines and Energy has proved to be quite a pain this afternoon. The Minister of Community Welfare stated that the Bill was an extension of the health warning, but nothing in the measure convinces me that it will achieve what certain people claim it will. I believe that it is an over-emotional Bill, hitting particularly the promotion side of the industry by taking 25 per cent of the industry's advertising space for warning that smoking is a health hazard. It is outrageous legislation that no other State has considered, is considering, or seems to intend to consider. I see no reason why we should be the first State to rush into this. There is no guarantee of what will be in the regulations, and we do not know what the regulations in any other State will provide. We are giving the Government an open cheque to belt another free enterprise.

Bill read a third time and passed.

BOATING ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

BEVERAGE CONTAINER BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, line 19 (clause 4)—Leave out "proclamation" and insert "regulation".

No. 2. Page 2, line 23 (clause 4)—Leave out "declared by proclamation" and insert "for the time being declared by proclamation under section 5 of this Act".

No. 3. Page 2, lines 25 to 27 (clause 4)—Leave out all words in these lines and insert "'refund amount' means the amount of two cents or such lesser amount as may be prescribed."

No. 4. Page 2, line 39 (clause 5)—After "5." insert "(1)".

No. 5. Page 2 (clause 5)—After line 40. Insert new subclauses as follow:

"(2) The Governor may by proclamation declare a class or kind of container not to be a glass container.

(3) The Governor may by proclamation amend, vary or revoke a declaration under subsection (2) of this section."

No. 6. Page 3, line 6 (clause 6)—Leave out "applicable to that container".

No. 7. Page 3, line 11 (clause 6)—Leave out "applicable to that container".

No. 8. Page 3, line 24 (clause 7)—Leave out "applicable to that container".

No. 9. Page 5, line 23 (clause 12)—Leave out "applicable to that container".

No. 10. Page 6, lines 23 to 27 (clause 17)—Leave out all words in these lines.

Consideration in Committee.

Amendment No. 1:

The Hon. G. R. ROOMHILL (Minister for the Environment): I move:

That the Legislative Council's amendment No. 1 be agreed to.

Amendments Nos. 1 and 2 are not particularly significant. The view of members in another place was that the provisions regarding the amounts under this measure ought to be dealt with by regulation rather than by proclamation.

Motion carried.

Amendment No. 2:

The Hon. G. R. BROOM HILL: I move:

That the Legislative Council's Amendment No. 2 be agreed to.

This amendment is related to amendments Nos. 4 and 5. It is a rather minor amendment that was moved by the Minister in another place, because it had been found that some minor aspects of the legislation ought to be con-

sidered. Broadly speaking, the amendment changes the proclamation period for glass containers. The Bill, as it left this place, created a situation where, particularly from the point of view of an item like a stubbie, which might be proclaimed as a glass container that required a deposit, there was no means of revoking that deposit requirement. There might well be some change that we at this stage could not contemplate. Using the stubbie as an example, it could be that it would be made of thicker glass and made as a returnable container, instead of one that would be disposed of. Having set a requirement for it, we could not revoke the proclamation. This minor amendment provides this flexibility.

Motion carried.

Amendment No. 3:

The Hon. G. R. BROOMHILL: I move:

That the Legislative Council's amendment No. 3 be disagreed to.

This probably is the alteration of some substance that has been made in another place. Broadly speaking, it does away with the options at present available to the Government to set an amount for a container where it is considered that the container ought to attract a deposit to ensure its return to obtain a refund of the deposit or its collection if it is found that people still discard it. The amendment would provide that every container must have a refund of an amount that could not exceed 2c.

The object of the move, which seems to me to be designed primarily to defeat the legislation, is to ensure that the Government cannot set a refund on a can at more than 2c, with that same deposit applying to a beer bottle. We have indicated in an earlier debate that the legislation is not to operate until mid-1977. At that time, the 2c contemplated as the maximum that the Government could fix for a can or bottle certainly would not be sufficient incentive, in the Government's opinion, for people to return that can and would not be sufficient incentive to achieve what we have claimed all along as the intention of this legislation, namely, to assume that cans, if purchased, would be returned in a proper way. We are limited by this amendment to 2c as a maximum.

In addition, we would be creating the situation to which we referred earlier, namely, that we would be changing the current position regarding the beer bottle. We would be required, under this amendment, to see that every beer bottle carried a 2c deposit. That would relate to the stubbie, which would have had an amount much higher than 2c, as well as every other beer bottle. While it is concerned with the problems of broken glass, the Government believes that the return rate of beer bottles, which currently vastly exceeds the return rate of bottles carrying a 10c deposit, would be destroyed by such a provision. At the moment, people put out their beer bottles for the garbage man or let the Boy Scouts take them away. Many people, including me and perhaps other members, would be willing to pay the 2c on the beer bottle at the time of purchase and still provide it free to the garbage man or to the Boy Scouts, but others might not do that. If any group within the community attempted to get the 2c returned, the existing position would be destroyed.

Mr. ARNOLD: The Opposition supports the amendment.

Mr. MILLHOUSE: I support the amendment. I do not think it goes far enough, but it does what I think is essential if this legislation is to have any meaning or effect at all. However, at least it includes beer bottles, and that is a matter of principle.

The Committee divided on the motion:

Ayes (22)—Messrs. Abbott, Broomhill (teller), and Max Brown, Mrs. Byrne, Messrs. Connelly, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (22)—Messrs. Allen, Allison, Arnold Heller, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Pair—Aye—Mr. Corcoran. No—Mr. Boundy.

The CHAIRMAN: There are 22 Ayes and 22 Noes. There being an equality of votes, I give my casting vote for the Ayes.

Motion thus carried.

[Sitting suspended from 6.2 to 7.30 p.m.]

Amendments Nos. 4 and 5:

The Hon. G. R. BROOMHILL: I move:

That the Legislative Council's amendments Nos. 4 and 5 be agreed to.

These amendments are consequential, the Committee having agreed to the Legislative Council's amendment No. 2.

Motion carried.

Amendments Nos. 6 to 10:

The Hon. G. R. BROOMHILL: I move:

That the Legislative Council's amendments Nos. 6 to 10 be disagreed to.

These amendments are all consequential on the amendment that was defeated in relation to the maximum deposit of 2c.

Motion carried.

The following reason for disagreement to the Legislative Council's amendments Nos. 3 and 6 to 10 was adopted:

Because the amendments adversely affect the objects of the legislation.

MONARTO DEVELOPMENT COMMISSION (ADDITIONAL POWERS) BILL

In Committee.

(Continued from October 9. Page 1249.)

Clause 2—"Interpretation."

Dr. EASTICK: When this matter was discussed earlier, I indicated that I believed a greater advantage was likely to accrue from the secondment of officers to other Government departments. I was referring particularly to those people with an expertise in town planning and other forms of development who are required in various other Government departments at present. As subsequent discussion suggests that there is a variance of opinion on the meaning of "secondment", I would welcome from the Minister an indication of what he believes it means. I had in mind, in putting forward my proposal, that the person concerned would remain an officer of the commission but that, for the period during which his services were not required by the commission (a period longer, of course, than, one or two hours), he could be answerable directly to the head of the department or to the senior officers in the department to which he had been seconded. I had no intention of trying to interfere with that officer's seniority in the commission.

I believe that there would be a more direct representation by the seconded officer if he was dealing directly with the heads of the departments in which he was providing the benefit of his expert knowledge, thus obviating the need for him to report to the commission,

and for the commission then to report to the department concerned. I am convinced this would be more productive and beneficial to the State. Where the period involved is on only a part-time hourly basis, and where this officer worked in a department only during the odd hours when he was not required by the commission, I accept that secondment would not be of any real value. However, I believe (and I should be pleased if the Minister could dispel my belief) that some of the commission's experts are likely to be sitting down twiddling their thumbs for weeks on end, because of the run-down state of the commission's activity. I believe that we have a right to know positively from the Minister whether members of the commission's staff may be ungainfully employed just for the sake of keeping them in the commission, when we should be using their expertise for the benefit of the State.

The Hon. HUGH HUDSON (Special Minister of State for Monarto and Redcliff): There is little excess capacity of staff of the Monarto Development Commission, because a tremendous amount of planning has had to be done. If the original time table had been proceeded with, the commission could well have been faced with considerable difficulties in taking decisions without all the necessary planning studies having been undertaken. The reason for the Bill arises directly as a result of requests made by the Australian Government and the Darwin Reconstruction Commission. Regarding any excess capacity that occurs within the commission, it can be basically of two types, put in the extreme sense. It can be a situation where a certain officer is virtually not being used by the commission for certain periods, or it can be a situation where an officer or officers of the commission are being used by the commission for only part of their time, and they have a few hours spare each day. They are the two extreme situations, and most actual situations will occur somewhere in between.

The principle of secondment, such as that suggested by the honourable member, would apply effectively only where an officer had substantial periods spare, and he could be seconded to work for someone else while remaining an employee of the commission; he could be responsible to someone else for those periods, say, three or four months or whatever it was, when he was not required by the commission. That would be a restrictive and inefficient way of taking up any spare capacity within the commission that might result from any deferment.

It is because of that that the proposition of secondment simply is not the whole answer. It would be difficult for an officer who had daily regular work in the commission to be seconded to some other employer for two or three hours a day. Furthermore, although the commission has specific expertise that may be useful to an organisation such as the Darwin Reconstruction Commission, it is not so much the skills of any individual person that are to be considered but the fact that the commission is capable of putting together a planning team for certain work that must be carried out; that is a collective skill which many bodies find difficult to obtain.

It is that aspect which led the Australian Government and the Darwin Reconstruction Commission to make the request that they made and which leads to the provision in this Bill for the carrying out of social or physical planning in relation to development or redevelopment of any area. It is that total planning aspect which characterises the specific skills of the Monarto Commission. An opportunity may well arise for the secondment of an

officer, even though this Bill may be passed and arrangements may be made under it. Secondment could still occur in the sense I have described, but, where secondment means an employee's becoming responsible to some other department or organisation, it involves the devotion of that employee's full time to that other work, and I suggest that it is appropriate only for such a situation.

Dr. TONKIN (Leader of the Opposition): What exactly are the terms of the arrangement involving the Australian Government and the Darwin Reconstruction Commission? It is becoming increasingly evident that little practical work is being undertaken in Darwin. I have been told that no more than 20 houses will be completed and ready for occupation by the time the wet season commences (at any time now). There has been a plethora of planning proposals in Darwin, but the people are not being housed. The people of Darwin need the autonomy, ability, and the money to spend themselves so that they can get on with the job. They do not need the Monarto commission. What could it do? It would merely provide further duplication. Why do the Minister and the Government maintain that Monarto is still viable? Monarto's viability will not be assisted by any arrangement entered into under this Bill with the Darwin Reconstruction Commission. Even the Commonwealth Government will have second thoughts about this, just as it has had second thoughts about Monarto itself, and then South Australia will once again be out on a limb. It is time the Minister realised that the project cannot be put off any longer. What are the details of the joint offer made between our commission and the Australian Government and the Darwin commission? What is to be done? What will be achieved? How will it help the people of Darwin get through the coming wet season?

The Hon. HUGH HUDSON: I do not want to traverse matters outside this clause, but I would have thought that any idiot would say, in relation to Darwin, that, if South Australia were approached by the body responsible for the reconstruction of Darwin and asked to assist, this State would be only too willing to assist. Whatever criticisms may or may not be made about the body responsible for the reconstruction of Darwin, I should have thought that those criticisms do not provide a valid reason for refusing assistance for that project. It is the Darwin Reconstruction Commission which is responsible for the rebuilding of Darwin and which has approached us for assistance. I have spoken directly to Mr. Powell of the Darwin Reconstruction Commission in relation to this matter. Perhaps the Leader in his great wisdom knows more about how to get on with the business of reconstructing Darwin than does the Darwin Reconstruction Commission, but I hope members will forgive me and the South Australian Government if, in this matter, we listen to the Darwin Reconstruction Commission rather than to the Leader.

Mr. MILLHOUSE: On this occasion I agree with the purport of what the Leader has been saying, and it is noticeable that the Minister in answering the Leader, as in answering the member for Light earlier, completely evaded the nub of the question of this clause, and that is whether there is any firm arrangement at all, what has been asked, whether there is any guarantee that this so-called request will be renewed, and where we stand. The Minister has said only in the broadest terms that there has been an approach by the Darwin Reconstruction Commission (by a man called Powell) and a man called Uren, the Commonwealth Minister. That has been the only approach. We have no idea whether there is anything binding; I do not think there can possibly be.

The Minister would not have been avoiding this if there had been anything binding. He will probably say that, until this Bill goes through, there cannot be, but I do not believe there is any definite arrangement between the South Australian Government and the Commonwealth Government for the employment of these people. The Minister said that he did not approach the Darwin Reconstruction Commission: it approached him, or the Government. If he did not approach it, he damn well ought to have been looking for something for these people to do. Why wasn't he? Of course, the answer is that the Government is anxious to get something for these people to do, rather than have them sitting around twiddling their thumbs in their Greenhill Road offices, or watering the 30 000 trees at Monarto or whatever other trifling jobs can be done in the next 10 to 15 years.

We have nothing at all from the Minister as to what these people are to do, except for the broad statement that there has been a request from the Darwin reconstruction scheme and the Commonwealth Government that these people should be used in connection with reconstructing Darwin. The points made by the Leader of the Opposition are valid. The Darwin people do not want this. I have been told that all that the planners have suggested is that there should be a bicycle track down every street in Darwin. What the people want is the building of many houses; they want action. Our people are to do social and physical planning, whatever that means, according to this clause. I want to know from the Minister how definite is the request from the Commonwealth Government, what guarantee we have, if this Bill is passed, that it will be renewed, and what these people are to be expected to do if this Bill is passed.

The Hon. HUGH HUDSON: It is rather difficult to put up with the stupidity—

Mr. Millhouse: During the second reading debate you invited me to ask questions in Committee.

The Hon. HUGH HUDSON: The honourable member was not really asking a question: he was using this occasion to vent his own political prejudices. He has allowed his political prejudices, his ignorance of the Darwin situation, and a few statements reported to him at second-hand, to persuade him that he is an instant expert as to what should be done in Darwin. The gall of the honourable member!

Dr. Tonkin: Are you an instant expert?

The Hon. HUGH HUDSON: No, but I would have thought, as a matter of fairly simple principle, that if a city devastated by a cyclone, with much of its accommodation destroyed, is built again higgledy-piggledy as it was previously, we are asking for the same kind of event to occur again. Apparently that is the attitude of the Leader of the Opposition and the Leader of the Liberal Movement. Frankly, I find that typical of their complete lack of interest in the proper social planning and development of an area.

Dr. Tonkin: I am in closer touch than you are.

The Hon. HUGH HUDSON: The Leader may be in closer touch with that aspect, but there are plenty of examples in history that illustrate the blind, utter, ignorant stupidity of not planning properly for the redevelopment of a cyclone-prone area like Darwin. If the Leader does not want to see that, there is not much point in continuing with that aspect of the debate. In reply to the question of the member for Mitcham, I point out that discussions have taken place between Mr. Powell and Mr. Richardson in relation to the kind of work that they would like the Monarto Development Commission to be involved in.

The work relates to the social and physical planning of new areas, not those that will be associated with any emergency building or emergency rehabilitation—not the rebuilding of an area in a way similar to what existed before Cyclone Tracy, but town planning (I know that this is a dirty word to the honourable member, and he has not really comprehended what it means).

Mr. Millhouse: I don't think you know what social and physical planning means, either, by the way you are using the term.

The Hon. HUGH HUDSON: It is a useless and arid exercise to indulge in the kind of slanging match that the honourable member wants on this issue, purely because he sees a political advantage in attacking Monarto.

Dr. Tonkin: What about answering the question?

Mr. Millhouse: He cannot.

The ACTING CHAIRMAN (Mr. Keneally): Order! The honourable member for Mitcham is out of order. He knows very well that interjections are out of order. There has been some tolerance from the Chair but it will not continue.

The Hon. HUGH HUDSON: The Monarto budget this year is about \$4 000 000, much of which is involved in the employment of consultants and outside bodies in relation to carrying out planning work for Monarto itself. To suggest that, in an overall expenditure of \$4 000 000, the salary bill of Monarto (one quarter of that) means that the Monarto people will be idle this year is nonsense, and I throw that back in the face of the member for Mitcham. Apparently he thinks that Monarto and other areas should be planned and developed in the kind of way that suburbs were developed in Adelaide after the Second World War. If that is his view, he can have it, but he should not force it on anyone else.

I would have thought that members opposite might consider this question: if the Government is to continue with Monarto (as is its policy), the question arises from the Government's viewpoint, not perhaps the Opposition's viewpoint, of ensuring that the resources in the commission are used as effectively as possible. I again reject the suggestion that the people associated with the Monarto Development Commission are idle and not doing anything but watering 30 000 trees; that is the kind of flippant stupidity that I realise the honourable member is capable of rising above some of the time, but unfortunately not frequently enough. There is a tremendous amount to be done in a new city, if new areas are to be developed, to ensure that the concept planning overall is done properly. It is all very well for someone to get up and say, "Go ahead and build," but in the long run that will not be good enough for Darwin. It may satisfy short-term political needs, but it will not satisfy the long-term requirements. Having said that, it is not this Government's—

Mr. Gunn: When will you say something constructive?

The Hon. HUGH HUDSON: The honourable member would not know: he is out of the Chamber half the time, and he is not listening for the rest of the time.

Mr. Gunn: You have said absolutely nothing.

The ACTING CHAIRMAN: Order! The honourable member for Eyre is out of order.

The Hon. HUGH HUDSON: I do not value the honourable member's opinion. I repeat that it is not this Government's business to—

Mr. Gunn: What would you know?

The ACTING CHAIRMAN: Order! I will not warn the honourable member for Eyre again.

The Hon. HUGH HUDSON: It is not this Government's business to determine what the policy of the Darwin Reconstruction Commission should be. It is not this Government's business to determine how much of the commission's effort should be in emergency housing, or how many contracts it should let to companies such as Atco for transportable housing. It is not this Government's business to tell the Darwin people what they should do one way or the other. I suggest it is reasonable for this Government to respond to a legitimate request made by the legitimate Australian Government and the legitimate authority for the reconstruction of Darwin for assistance with their work. The Darwin Reconstruction Commission asked, "Will you help to respond in a favourable way to such a request?" If the Opposition was in Government, even if the member for Mitcham was in Government, and got such a request, they would assist. Members opposite know they would and know that what they are saying is a charade, that it is completely phoney, dishonest and insincere.

Dr. EASTICK: I did not believe it would be necessary for me to advise the Minister that it is an empty drum that makes the most noise and that, when that noise is laced with much abuse, the noise is even less worth while. This evening the Minister has evaded questions from this side of the Chamber. I want an unequivocal reply, "Yes" or "No", about whether he can agree that the time available for extra-Monarto activity (used in the same sense as extra-curricula activity) will be minimal and whether all officers of the commission will be gainfully employed at all times in the next 12 to 1.5 months.

Mr. MILLHOUSE: I had hoped that the Minister would give that assurance to the member for Light.

The Hon. Hugh Hudson: You didn't give me the opportunity.

Mr. MILLHOUSE: Yes, I did.

The Hon. Hugh Hudson: You're a liar.

The ACTING CHAIRMAN: The honourable Leader of the Opposition.

Dr. TONKIN: On a point of order, Mr. Acting Chairman. The Minister has been particularly abusive and used the term "liar" in relation to the member for Mitcham. He should withdraw that remark and apologise.

The ACTING CHAIRMAN: I did not hear the interjection, but I call on the Minister.

The Hon. HUGH HUDSON: I withdraw that word and substitute "a pedlar of untruths".

The ACTING CHAIRMAN: The honourable member for Mitcham.

Mr. MILLHOUSE: His abuse leaves me unmoved but I appreciate the Leader's protection.

The ACTING CHAIRMAN: Order! Would the member for Mitcham direct his attention to the clause?

Mr. MILLHOUSE: Of course, Sir. I waited for the Minister to reply to the member for Light, who asked a straight-out question. Even the Minister with his lumbering frame does not take as long to get to his feet as I gave him. On one point I stand corrected. I referred to 30 000 trees, but I understand that more than 200 000 trees have to be watered, so to that extent the Minister is correct. Whilst the Minister was replying and telling us what had to be done at Darwin (although that is entirely irrelevant to all the questions put to him) I could not help thinking that a socialist planner always thinks he

knows best; he will tell other people what he thinks is for the good of the people. That is a perfect example of the arrogance of a socialist, but that is beside the point.

I am now satisfied that the Minister is not going to say what is the arrangement (if any arrangement exists) that he has made with the Commonwealth. We do not know whether the request is for one of the 66 or 67 officers of the commission for just an hour a week, or for 12 months of the year, or whether all the officers are to help, or what is to happen. The Minister will not tell us. He has had ample opportunity to do so if he wanted to (and he is not so dense not to know what we are getting at). However, he is deliberately avoiding giving any information to the Chamber about the request. Let me remind the Committee, because I do not need to remind the Minister, that we have spent all our time talking about what work will be done in Monarto; however, this clause is far wider than Darwin. Darwin, of course, is not referred to, so the clause can cover any other work at all. That is what I and other members have complained about during the second reading debate.

Professional people who are employed in this field in South Australia are extremely worried about the power the Government wants to give the Monarto Development Commission. Not one word has been said about that by the Minister. "Prescribed agreement" means:

(a) an agreement providing for the carrying out of social or physical planning—

whatever that means—

in relation to the development or redevelopment of any area whether within or without the State;

Of itself, that is as wide a power as there could be. The commission could go to Timbuktu if it wanted to, because it would have power to do so under this clause. The Government then ties it up by saying:

(b) any agreement of a class or kind prescribed for the purposes of this Act:

So the Government can make any agreement anywhere else in South Australia or anywhere else outside South Australia.

Mr. Evans: The commission could make yo-yos for the Japanese.

Mr. MILLHOUSE: Yes, or golf stick umbrellas, if it wanted to. It is a dangerous power. I do not want the Minister to believe that I have concentrated on Darwin and that he should avoid giving any information about it. I believe he has information, although maybe he has not, that he does not want to make public. This is a dangerously wide clause and has nothing necessarily to do with work in Darwin.

The Hon. HUGH HUDSON: So far as the member for Light is concerned, at varying times there is likely to be some degree of excess capacity in sections of the Monarto Development Commission, but that depends to a tremendous extent on what stage commission work has reached. The environmental section of the commission is now flat out and could do with more staff itself. Perhaps other sections are not at full stretch, but the amount of excess capacity is not great.

Dr. Eastick: They are gainfully employed?

The Hon. HUGH HUDSON: Yes.

Mr. Millhouse: Whatever that means.

The Hon. HUGH HUDSON: Well, what did the question mean? The member for Mitcham seems to want to adopt a silly, clever lawyer's tactic on this matter. It might impress some people, but it does not impress me.

So far as his comments are concerned, I indicated earlier that discussions had taken place between Messrs. Powell and Richardson about the kind of work that would be required by the Darwin Reconstruction Commission.

Mr. Millhouse: Are we—

The Hon. HUGH HUDSON: The honourable member continues to interject because he does not really want a reply.

Dr. Tonkin: Nonsense!

The Hon. HUGH HUDSON: Why does he continue to interject, and why does the Leader keep on interjecting?

Dr. Tonkin: Why don't you reply?

The Hon. HUGH HUDSON: Because as soon as I say anything you make another interjection. That is what happened this time. The discussions took place, and it is my understanding that the Darwin Reconstruction Commission wants the Monarto commission to be associated with the concept planning of new areas of Darwin that are to be built in the years ahead.

Mr. Millhouse: That has nothing to do with reconstruction.

The Hon. HUGH HUDSON: If part of Darwin in existing suburbs is never rebuilt, but is rebuilt somewhere else, even though it is not reconstructed on exactly the same site, I would have thought that that was reconstruction. If the honourable member wishes to play with words, that is his prerogative. However, that is the basis of the approach that has been made to the Monarto Development Commission. Nothing has been finalised, nor can it be finalised until the Monarto Development Commission has the power to finalise it; but the bases of what is required are as I have just explained, which is a repeat of what I explained previously.

Mr. Millhouse: Are you going to be paid anything?

The Hon. HUGH HUDSON: Obviously.

Mr. Millhouse: What?

The Hon. HUGH HUDSON: We would be paid the cost of our services.

Mr. Millhouse: How are you going to charge for them?

The ACTING CHAIRMAN: Order! It would help the work of the Committee if the member for Mitcham was to reduce the quantity of his interjections, and also if the Minister would ignore them.

The Hon. HUGH HUDSON: It is difficult to ignore them; they are very persistent and blaring. The Monarto commission would charge for its services, its direct labour input, and any other direct costs it had to meet, and presumably an additional sum governing a proportion of its overheads which could legitimately be allocated to the work to be carried out for the Darwin Reconstruction Commission. For example, if 1 per cent of its work turned out to be for the Darwin Reconstruction Commission, a legitimate method of charging would be for the direct costs of labour and other things involved and 1 per cent of the Monarto commission's overheads. That would be a reasonable basis of charging. But, no doubt, that basis of charging must be worked out between the Monarto commission and the Darwin Reconstruction Commission. However, if a straight secondment takes place, all the Monarto commission succeeds in doing is getting the salaried officers paid. If the work is carried out on a consultancy basis, there is some contribution to overheads.

I reiterate that the Monarto commission is in existence. It is the Government's duty to ensure that it can operate as efficiently as possible. I do not believe that, while the Monarto commission is in existence, it is the Opposition's

function to ensure that any excess capacity that may exist at various times within the commission cannot be used at all by anyone outside the commission, except by the kind of secondment originally suggested by the member for Light. I reiterate that only a certain type of excess capacity can be taken advantage of by means of that sort of secondment. There are other sorts of excess capacity that cannot be utilised by the process of secondment. I ask honourable members to consider the question: if, as the Government intends, the Monarto commission continues in existence and Monarto is proceeded with, what are those arrangements that ensure that that commission can act as effectively and efficiently as possible?

Mr. EVANS: The Minister will not tell us exactly to what degree he believes the Darwin Reconstruction Commission expects the Monarto commission to help in that area. The Minister's last statement is most significant, because he is virtually saying that, if the Monarto commission suddenly starts to move next year if money is available, there will be no help for Darwin people, because we shall be taking up all the expertise here, if Monarto continues. I do not believe it will, but that virtually is what he is saying—only if there is any excess capacity within the Monarto commission. He is saying to the member for Light that he believes in its being gainfully employed, in total. I want to know the answers to several questions. First, when did the Darwin Reconstruction Commission ask for help: was it before or after the State election? Did it ask for help verbally, by telephone, or has the Minister an application from that group in writing for the style of help it needed? If so, is he prepared to table the letter at some stage during this session of Parliament so that we may know there has been a direct, formal approach?

If money is available and as the Minister is also Minister of Housing, does he not believe that money that may be used in this area can be more gainfully used in this State? I know he will say that it cannot be transferred, but the Housing Trust, too, needs some help at this time. The Minister has not stated, as the member for Mitcham asked him to, whether there has been any commitment, outside of the Monarto commission or the Darwin Reconstruction Commission, for help. Has any Government department or any outside body in private enterprise asked for help, or has the Monarto commission started to look for consulting work outside the fields already mentioned? Has it advertised that it is prepared to move into this field if this Bill passes? Also, the Minister commented that it is for new areas of Darwin for the future. From the figures given to me, I think there is need only for reconstruction in Darwin in terms of numbers of people for accommodation for a considerable time for the number of houses that were destroyed.

The Hon. Hugh Hudson: Are you going to build those houses in exactly the same style?

Mr. EVANS: No, nor on exactly the same sites, but it does not need a 20 per cent or 30 per cent increase in the area of land, because the costs of their services are some of the highest in Australia, because of the conditions they have to put up with, with termites and other problems they have with services through their areas. I hope the Minister was aware of that fact, that spreading a city out in an area with Darwin's climatic conditions is not practicable, from a financial point of view.

The ACTING CHAIRMAN: Order! The honourable member has asked some questions of the Minister that are clearly outside the clause we are discussing, particularly

those questions relating to the Housing Trust. The Minister will not need to answer the question about whether or not the Housing Trust has the capacity to build houses in Darwin. If the honourable member wishes to continue, he should confine himself to the clause under discussion.

Mr. EVANS: Perhaps the Minister and you misunderstood me; I have no doubt it is my English terminology. The Housing Trust has a responsibility for housing in this State—

The ACTING CHAIRMAN: Order! I believe that argument is not relevant to the Bill. That is the point I make.

Mr. EVANS: I believe the Bill states that the commission has the power to be a consultant for any body, the Housing Trust, any Government department or any department in private enterprise: it is covered by this Bill. However, I will leave that matter there. I believe the Minister has studied economics. In terms of spending public money, does he really believe in the proposition of having people working in Adelaide on a Darwin proposition? Surely, if the Commonwealth authorities and the Darwin Reconstruction Commission want to carry out this plan, the right and proper place to do it is Darwin, and they should forget about the Monarto commission. To start using personnel from here will mean many telephone calls and people flying up and down like yo-yos, making representations in Darwin and costing a lot of money. I know the Minister can say that history has illustrated some bad planning, but so has Government administration with the use of public money given some bad illustrations. When the Minister says it is legitimate for the Commonwealth Government, I suggest that many people will suggest it is illegitimate.

The Hon. HUGH HUDSON: It would be wrong to get into a discussion about a likely Fascist act to be undertaken by an illegitimate majority in another place in another Parliament. However, whether that Fascist act will be perpetrated or not remains to be seen. I am also aware of one other institution in this State whose costs are excessively high because of the activities of termites. To elucidate that may be contrary to Standing Orders.

This matter first arose after the election and I think it was early in August that I visited Canberra and had discussions with several people, including Mr. Uren and some of his staff. That was when the question of the possible use of the Monarto Development Commission facilities regarding Darwin first arose. It was followed up by a letter from the Prime Minister to the Premier officially requesting the South Australian Government to assist in this matter, and I am willing to get a copy of that letter if members wish to see it.

That was followed up by a visit from Mr. Powell, who I think is Chairman of the Darwin Reconstruction Commission, to me in my office about the kind of assistance that could be given. I am sure the member for Fisher will forgive me if, on the question of Darwin reconstruction and whether we can help, I pay more attention to Mr. Powell than to him. There have been further discussions between Mr. Powell and Mr. Richardson, of the Monarto Development Commission. The biggest user of consultants in Adelaide at present would be the commission. Much of its experience this year is involved in that, and any particular job that had to be done for the Darwin Reconstruction Commission that involved labour that was beyond the immediate capability of the Monarto Development Commission to provide, a job undertaken by Monarto,

would lead to part of the job being passed on to others to assist, or perhaps it would lead to the temporary employment of other people under contract.

The position regarding excess capacity of various people in the Monarto Development Commission can alter significantly with time, independently of whether construction work on Monarto is started. The heaviest period of work for the environmentalists and urban planners in the commission arises before construction takes place in a particular area. When construction gets fully under way, the commission's requirement for employment of that sort of person may decrease. It may well be that at that time the planning architectural services now used by the commission will not be as big. The matter is variable and it is not possible to lay down hard and fast rules about when or how excess capacity will arise.

I also remind honourable members that the approach by the Australian Government and the Darwin Reconstruction Commission was for the services of the Monarto Development Commission, not for the services of any housing authority throughout Australia. I suspect that part of the reason does not relate to the planning for particular houses or streets but relates to the work involved in planning a particular environment and to the desirability of trying to ensure that on this occasion that is done properly in Darwin. The other approach was made by the State Planning Authority to the commission. The commission has not sought work and has not advertised. It has not gone cap in hand to anyone saying, "Have you got work for us?" Those two approaches have been made, one from Darwin (which was the immediate cause of this proposal) and the other from the State Planning Authority, which has in its own organisation certain specialist services but not the full range associated with urban planning.

Dr. TONKIN: Finally, we seem to be getting a slightly clearer picture of what has happened. I think the Minister gave the game away when he said that the Australian Government made approaches to the Darwin Reconstruction Commission.

The Hon. Hugh Hudson: I didn't say that.

Dr. TONKIN: The Minister may not have meant to, but he let it out. The Minister said that, when he was in Canberra (when I suspect he was looking for work or some sort of pay-off), he met Mr. Uren, who suggested that perhaps work could be found for the Monarto Development Commission. That is the substance of his remarks, and I suspect that the Minister went to Canberra specifically to see Mr. Uren.

The Hon. Hugh Hudson: That's an untruth.

Dr. TONKIN: The Minister will have an opportunity to answer. I am putting to him that, because funds for Monarto were withdrawn or because Monarto no longer could be a viable proposition, the Minister went and said, "What are you going to do for us? Here we have a commission with nothing to do, and the least you can do is find something." It seems to me that Mr. Uren approached the Darwin Reconstruction Commission, saying, "Can you use the Monarto Development Commission?"

Dr. Eastick: If he was true to form, he would have said that.

Dr. TONKIN: I was coming to that.

The ACTING CHAIRMAN: Order! The Leader must address himself to the Chair.

Dr. TONKIN: I am addressing myself to the Chair and to the subject.

The Hon. G. T. Virgo: Those two should behave themselves.

Dr. TONKIN: Whether the Minister of Transport is embarrassed is not my concern.

The ACTING CHAIRMAN: Order! The Minister is out of order.

Dr. TONKIN: A communication was made from the Prime Minister, requesting help. How convenient and nice it was, after the Minister had been there, for the Prime Minister to ask for the assistance of the Monarto Development Commission! The next step was that Mr. Powell, from the Darwin Reconstruction Commission, came down and asked what sort of assistance could be given. I was in direct contact with people in Darwin last Sunday and with Senator Fred Chaney.

The Hon. G. T. Virgo: Planning to destroy the Labor Party.

The ACTING CHAIRMAN: The Minister is out of order, and should not interject.

Dr. TONKIN: At the meeting of the Federal Council of the Liberal Party in Canberra over the weekend—

The Hon. G. T. Virgo: Ah!

The ACTING CHAIRMAN: Order! During the Committee stage, any honourable member who wishes to make a contribution will get the call from the Chair, and he will be welcome to make a contribution if he wishes to do so, but he will not be making a contribution by interjection.

Dr. TONKIN: At the meeting of the Federal Council of the Liberal Party, full details of the situation in Darwin were given and we were told of the fact that the people are in dire straits and do not have roofs over their heads. They do not want any more planning. A so-called cyclone-proof house has been designed and there has been ground planning. All the people want to do is get on and decide their own priorities. They do not want to be told from Canberra or from the Monarto Development Commission in Adelaide what they may or may not do. That is what is involved: the Monarto Development Commission will be working for Canberra. The people of Darwin are sick of all the planning. They are sick of planning, yet that is what they are having foisted on them. I suspect that it is a pay-off because Monarto was not getting the funds originally promised from the Commonwealth Government. Of course, the Minister is embarrassed. It is his department. Sooner or later, however, he must face reality. This sort of exercise cannot be kept going for ever. The Deputy Premier, in opening one of the regional offices of the Motor Registration Division, referred to the same thing about Monarto and the Monarto commission. What relevance it had I do not know, but he spent almost all of his speech saying what a wonderful thing the Monarto commission was and how it would keep on going. It cannot.

The Hon. G. T. Virgo: How do you know?

Dr. TONKIN: It was widely reported, that is why. If the future of the Monarto commission is to depend on work available in Darwin, I simply say it has not a hope, not a snowball's chance. Work in Darwin will be soon, I sincerely trust, the responsibility of the local authorities in Darwin. That is what they want and what they intend to fight for. I do not think that the Commonwealth Government will have much say in the matter. It will try to control the funds as long as it can, but the people in Darwin want to do the best they can for their city. They want

cyclone-proof housing, reasonably planned streets and facilities, and that work has been done. If the Darwin Reconstruction Commission had come to the Monarto Development Commission and said what it wanted, I would have been much more impressed. If that had been the sort of approach, I would have said perhaps there was a future, limited though it was. However, to have the approach come around the long way, directly from the Commonwealth Government, as a pay-off (because I am convinced that that is what it is) will not work. The Commonwealth Government is trying to get its local State colleagues out of a hole at the expense of the taxpayers of Australia, and particularly of South Australia. There has been enough planning. Let us get on with the job, and if there is more planning let it be done bit by bit, but let the local authorities in Darwin do it. That is what they want to do. Let us get on with the practical proposition of putting roofs over the heads of the people living there.

The Hon. HUGH HUDSON: All the statements the Leader has just made about the way in which this matter arose are false.

Dr. Tonkin: Prove it.

The Hon. HUGH HUDSON: His whole speech is a tissue of falsity. He asks me to prove it. I do not have to do that. I have given the account of what happened and of the circumstances that arose. I tell the truth so far as that is concerned, and I will not have my word contested by some Johnny-come-lately charlatan like the Leader.

Dr. EASTICK: What is the likely degree of involvement of the present Monarto commission work force in the development and planning of the green triangle and of the iron triangle? The Minister did not mention these projects when he was stating that the State Planning Authority had made requests for assistance. I pose this question against the background that the Chairman of the Monarto commission was also, I think, Chairman of both the green triangle and the iron triangle investigatory committees.

The ACTING CHAIRMAN: I think the honourable member is getting away from the clause with the line he is now following.

Dr. EASTICK: With due respect—

The ACTING CHAIRMAN: Order! I ask the honourable member to confine himself to the clause under discussion. I believe he is getting away from it with the line of questioning he is taking, and I ask him to return to it.

Dr. EASTICK: With due respect, I refer to paragraph (a), which refers to any agreement providing for the carrying out of social or physical planning in relation to the development or redevelopment of any area, whether within or without the State. The green triangle and the iron triangle are very much a part of the State.

The ACTING CHAIRMAN: We are discussing the prescribed agreement, and I think the honourable member should confine himself to it. It may be argued that the discussion has been broad. If that is the case, the Chair may be at fault for allowing it to be so broad. However, I ask the honourable member now to confine himself to the prescribed agreement. I think he is getting away from that.

Dr. EASTICK: I suggest, Sir, that you are asking me to disagree to your ruling. Although I will not persist with that comment at this juncture, I make the point

that paragraph (a), within the terms of the prescribed agreement, indicates the purposes for which an agreement may be entered into. The agreement allows for the development of members of the commission in other areas of the State or elsewhere. Certainly, the green triangle and the iron triangle are part of the State, being development situations requiring the type of expertise available within the commission.

Earlier, I asked the Minister for an unequivocal reply regarding another matter, and we got very close to such a reply; it was not as clouded as some other answers have been. I now ask for an unequivocal "yes" or "no" answer to this question: has the commission staff been committed already or, while it is in the jurisdiction of the present Minister, will it be committed to work within Malaysia? I fully appreciate the close contact between South Australia and Malaysia, especially Penang. In dealing with the Budget, the Treasurer informed us that it was intended, by secondment, to allow members of departmental staffs (and there was no specific commitment as to which departmental staff it might be) to go to Malaysia on an adjustment or an exchange basis to gain additional experience or to give the benefit of their experience to the Malaysian or the Penang Administration. I can say with some degree of authority that the Penang Government has a most skilled and workable planning authority with a degree of expertise and advancement in the planning undertaken that I believe is in advance of the situation in South Australia. Certainly, the projected activities are far greater than any I have had presented to me by way of evidence in the House or elsewhere in relation to the South Australian State Planning Authority, although I recognise that the authority is working towards the same end point. Can the Minister say unequivocally that it is not or will not be committed, during his tenancy of office, for work associated with projects in Malaysia?

The Hon. HUGH HUDSON: I know nothing about an association of the commission with the iron or green triangles. If there was a reasonable request from the Malaysian Government, the Penang Government or the Indonesian Government, and taking into account the existing commitments of the Monarto Development Commission, I would be proud, as a South Australian, to have it involved and recognised in that way.

Dr. TONKIN: We are getting a little information from the Minister, and I thank him for that.

The Hon. Hugh Hudson: I know of no approach, although there may have been one.

Dr. TONKIN: Can the Minister say whether any firm arrangements have been made with any body other than the Commonwealth Government and the Darwin Reconstruction Commission? Have there been any letters of intent or inquiries? Surely, when any person in a private capacity in commerce generally is preparing to float any company or planning commission of this kind, it becomes necessary that there be some prospects. Surely there must be other plans in view. Can the Minister say whether there are any firm contracts? I presume that there cannot be, because the commission has no power to enter into any such contracts at present. Are there letters of intent, verbal agreements, or prospects for the Monarto commission to act outside in the way contemplated in the Bill? Will the commission be able to function, or will it depend on the nebulous and unreliable support which it seems at present is the only mainstay offered by the Commonwealth Government with regard to the Darwin reconstruction scheme?

Mr. DEAN BROWN: The Minister will not answer the questions because it was obvious during the second reading debate—

The CHAIRMAN: The honourable member must stick to the clause being considered.

Mr. DEAN BROWN: Will the Minister give some answer to the issue raised on this clause during the second reading debate?

The CHAIRMAN: The honourable member cannot refer to the second reading debate, but he can ask the Minister a question on this clause.

Mr. DEAN BROWN: Previously, the point has been made whether we were destroying the whole concept of the Monarto commission as a result of this clause. I raised the point earlier that the commission had been set up on overseas experience as a development commission to develop Monarto, if it proceeded. Under the clause, additional powers are being given and, under those additional powers, the original intention of setting up the Monarto commission will be totally destroyed. The Minister should answer this question, because it is the most important aspect of the debate on this issue. This matter concerns the whole philosophy of development commissions and whether they are to be used as a general planning body for the State and even outside the State, or whether they are for the original purpose. Unfortunately, that original purpose is being totally destroyed.

The Hon. HUGH HUDSON: The original purpose is not being destroyed. The Bill arose in the manner I have described previously.

Mr. DEAN BROWN: Unfortunately, the Minister has not answered the point and, obviously, he does not intend doing so. It seems that he cannot put forward a general case for the clause to be passed. I should appreciate the Minister's telling the Committee what actual contracts or possible contracts will be signed. Apart from Darwin, the Minister has also referred to other possible contracts.

Dr. Tonkin: State planning was one.

Mr. DEAN BROWN: Yes. The Minister should give the Committee the full and precise details of the exact work that will be carried out and the details of how long the work is likely to proceed. The Minister has said that he hopes to get the additional funds for Monarto to proceed in 18 months time, but we have had no assurance that those funds will be available. Therefore, are we looking to obtaining funds for 18 months, or are we looking to obtaining outside work for the next 10 years? The Minister should give some assurance of whether it is short-term work of 18 months, or long-term work to find a totally alternative form of employment for the staff in the development commission.

Mr. COUMBE: I want clarification on one aspect of the prescribed agreement and its terms. The Minister has said that, following the receipt of a letter from the Prime Minister, he had conversations in Canberra with Mr. Uren and certain officials, and they subsequently came here. I take it that, during those conversations, a type of agreement was talked about. Will the Minister explain to whom the funds, from whatever source they may come, will go? Are they made to the State Government or direct to the Monarto commission? For the services that may be rendered by the Monarto commission on a consultative basis, to whom will the funds be paid—to the State Government and seconded back or direct to the commission?

The Hon. Hugh Hudson: Work it out yourself.

Mr. COUMBE: I am speaking on the Committee's behalf, and I want to know.

The Hon. G. T. Virgo: If you had been here, you would have heard it.

The CHAIRMAN: Order!

Mr. DEAN BROWN: I am horrified that the Minister is unwilling to defend this clause. The Minister referred to work being done for a fee, but that is not good enough. We already have many private consultants here, and South Australia is perhaps the best State in Australia as regards the work of engineering consultants. The Premier has often referred to the need to develop service industries in the professional field which can be sold to other States. He has referred to developing the tertiary education and professional field. This was the basis of the original debate on Monarto. This clause creates a monster, which will take work away from private consultants. The commission will not be asked to tender for the work it undertakes. It will simply take over a job and charge a fee for it, and that will be most unfortunate. This will mean the end for some private consulting companies. The commission, with a professional staff of 66, will merely take over the roles performed previously by others, without competing at all. Will the Minister say whether private companies will still have the opportunity to tender for work that will be available to the commission? The Minister should be willing to advance a case to support the position of the commission.

Mr. ARNOLD: Although the commission has well qualified staff with much expertise, how can the Minister compare the commission with the Snowy Mountains Authority? The commission has not yet completed one project, yet the authority, which has had over 25 years experience and has completed engineering projects of a world standard, is a world authority on dam construction and water conservation. As the Monarto project will not proceed, there is now no likelihood that the commission will gain any experience in that area, so how can the commission be considered as an advisory body in comparison with the Snowy Mountains Authority?

The Committee divided on the clause:

Ayes (21)—Messrs. Abbott, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Connelly, Dunstan, Groth, Harrison, Hopgood, Hudson (teller), Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (21)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Millhouse, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Pairs—Ayes—Messrs. Corcoran and Duncan. Noes—Messrs. Boundy and Mathwin.

The CHAIRMAN: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes.

Clause thus passed.

Clause 4—"Regulations."

Dr. TONKIN: I realise that it may not be easy at this stage for the Minister to give details of what regulations are necessary or expedient for the purposes of this legislation, but I would think he must have some idea of what regulations will be necessary. If this was a private consulting company providing services, presumably it would be able to act within the framework of the Companies Act.

What sort of regulations does the Minister think will be necessary under this legislation? Will regulations be introduced that give special privileges to the Monarto Development Commission to enable it to compete on more advantageous terms than can any private body?

The Hon. HUGH HUDSON: No regulations can go beyond the powers provided in the legislation; otherwise, they would be *ultra vires*. Either the Crown Solicitor would not give his certificate or, if he made a mistake in law, the regulations, when challenged in the courts, would be thrown out. The definition of "prescribed agreement" states, in part:

(b) any agreement of a class or kind prescribed for the purposes of this Act.

That means that regulations would have to be promulgated for that purpose. So, if an agreement was of a class or kind that enabled the Monarto Development Commission to enter into an appropriate arrangement, it would have to be by regulation to enable that to take place; that would be the principal matter that could be subject to regulations.

Dr. TONKIN: What class or kind of agreement does the Minister expect will be prescribed under this legislation?

The Hon. HUGH HUDSON: I cannot give an answer that would cover all situations that could conceivably arise. This was the form of words that was recommended as suitable in the circumstances to give the freedom of manoeuvre that was necessary. There may be agreements that are subsidiary to a main agreement. Other classes or kinds of agreement may arise in the future. It is not possible to set this out in precise detail at this stage.

Clause passed.

Title passed.

The Hon. HUGH HUDSON (Minister of Mines and Energy) moved:

That this Bill be now read a third time.

Mr. DEAN BROWN (Davenport): The Liberal Party will vote against the third reading of this Bill. Unfortunately, the Minister has failed to justify adequately the need for the commission. The Government has created a monster in the form of the Monarto Development Commission, but unfortunately that monster now has little or no work to keep it busy.

The Hon. HUGH HUDSON: I rise on a point of order, Mr. Speaker. The third reading debate must be confined to the nature of the Bill as it has come out of Committee. I submit that the honourable member is going beyond the normal scope of the third reading debate.

The SPEAKER: That is correct. Because this is a confined debate, the honourable member must confine his remarks to the Bill as it has come from Committee. The honourable member for Davenport.

Mr. DEAN BROWN: I was doing that. As it comes out of Committee, the Bill allows the Monarto Development Commission to take on any other planning work, whether inside or outside the State. The Government has decided that it still needs extra work for this monster to devour outside Monarto. This Bill is a desperate attempt to find work for people employed in the commission. The Government has still failed to face the fact that there is no firm commitment for 18 months, 10 years or even 20 years in connection with the future of Monarto. In this connection the Government has buried its head in the sand. For those reasons, the Liberal Party will vote against the Bill.

Mr. MILLHOUSE (Mitcham): I like the Bill no more now than I did when I spoke on it at the second reading stage, despite the sluggish stream of words that we had

from the Minister in Committee, after which we were no wiser than we were before. This is an open-ended cheque to try to find work for the Monarto Development Commission to justify its remaining in existence, even though the Monarto project has failed. We do not know on what terms that work will be done, nor do we know how it will affect private consultants, who are very worried about it. The Government should be honest enough to admit what it knows: Monarto is finished; the commission should therefore be wound up; and this Bill is superfluous. The Liberal Movement will vote against the Bill, and I hope that that means that it will be thoroughly defeated and will not pass through Parliament.

The Hon. HUGH HUDSON (Minister of Mines and Energy): I repeat something that the member for Davenport would have known it he had been here earlier. The Bill arose not because the Government was desperately seeking work for the commission: it arose out of legitimate requests made to the Government. This also applies to the same point that the member for Mitcham endeavoured to make. The Monarto project has not failed: it will proceed. All that has failed at this stage is the attitude of Opposition members, who are opposed to decentralisation and to this kind of development and who are using this debate as a means of taking rather cheap political points.

The House divided on the third reading:

Ayes (21)—Messrs. Abbott, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Dunstan, Groth, Harrison, Hopgood, Hudson (teller), Iennings, Keneally, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (21)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Millhouse, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Pairs—Ayes—Messrs. Corcoran and Duncan. Noes—Messrs. Boundy and Mathwin.

The SPEAKER: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes. The question therefore passes in the affirmative.

Third reading thus carried.

Bill passed.

SEX DISCRIMINATION BILL

Adjourned debate on second reading.

(Continued from August 19. Page 350.)

Dr. TONKIN (Leader of the Opposition): I support the Bill, but find it rather symbolic to reflect that, when the Premier introduced it in the House this session, he had neither a copy of the Bill nor a copy of his second reading explanation and that I had to cross the floor of the House and hand copies of both to him. That has been the history of this legislation since it was first introduced in August, 1973. It is rather symbolic (I suspect, it may even represent a degree of unconscious chauvinism) and certainly remarkable that the legislation in principle has called for such continuous, prolonged and sustained apathy. It was introduced on August 19 of this session as the sixth Bill. That was nearly two months ago, and it has gradually slipped down the list.

I am sure the member for Tea Tree Gully would have been just as frustrated as I have been in watching this general progression down the list. I am sure she would also share my pleasure in knowing that it is finally being debated. Legislation of this nature was first introduced in this House on August 28, 1973. On September

19, 1973, it was referred to a Select Committee. With the prorogation of the Forty-first Parliament, the Bill lapsed, and the Select Committee could not report on the date on which it was due to report. On July 24, 1974 (nearly 12 months later), the Select Committee was given leave to continue its sittings and, on August 28, 1974, the Bill was restored to the Notice Paper in this House to enable it to be proceeded with. That was exactly 12 months after it was first introduced.

The Select Committee, whose report was made to the House on October 16, 1974, turned up much evidence that suggested that discrimination indeed existed in this State. I should like to read the conclusions which, although they are on record in this House, should be recollected by members. In part, the conclusions are as follows:

It appears to the committee that many women still see their major roles as wives, mothers and key members of a family. But it believes that those women who choose, or who are obliged through force of circumstances, to enter the work-force, or who seek credit or other services on their own behalf should have equal access to opportunities for education and training, promotion and advancement in employment, and to credit and other services, without fear of discrimination by reason of their sex.

A little further on it continues:

In cases other than those that concern discrimination in employment the Committee considers that, as provided in the Bill, the person concerned should be entitled to damages in a civil court if the discrimination is proved, and if action by the board to remove the cause of discrimination is otherwise unsuccessful, rather than to provide for a court to impose a fine on a person or body guilty of the discriminatory action.

I thoroughly commend that report to members, especially those members who are new to the Chamber. I also commend the speeches made during the second reading stage of the Bill and when debating the motion that the report be noted. I think the introduction of the Bill persuaded everyone that discrimination does exist in South Australia and that action is necessary to overcome it. It was rather surprising (and you, Mr. Speaker, would not be aware of this) that, although the Select Committee found so overwhelmingly in favour of preventing discrimination, the recommendation was rather negative. I well remember my honourable and gallant friend the member for Glenelg supporting me in this matter when it came before the House. The recommendation states:

Although the committee supports the principles embodied in the Bill, its implementation would involve a financial commitment by the Government. Therefore the committee, recognising that a sex discrimination board can only be established by a Government Bill, recommends that the Government should introduce a Bill to give effect to the views expressed in this report, and that the present Bill should not be proceeded with.

In effect, that is why the Bill is now before the House. Of course, no action was going to be taken, as I understood it, until at the last minute Cabinet and the Government decided to support the measure. During the debate the Premier finally gave his assurance that effect would be given to the legislation before the end of the current session. I remind the House that that was in 1974. Unfortunately, the end of the session seemed to come rather too quickly for the Premier, and it was not until we returned just before the recent election that there was talk of the Bill being introduced. Excuses were made that it was too difficult to draft the Bill and that it put too much of a load on the people drafting it. It was also said that it was necessary to examine most carefully the United Kingdom White Paper on the subject, entitled "Equality for Women". That is an excellent paper, and the more

surprising when one reads that it was presented to Parliament by the Secretary of State for the Home Department in September, 1974—a month before our own Select Committee's report was available, and certainly at a time when it was available to honourable members opposite, the Premier and the Government.

As I have said, we finally got around to it and I am pleased, but it seems to me that the history of sex discrimination legislation tends to be that it drags its feet and is proceeded with unwillingly and slowly. If I recall correctly, the Premier went on record at an International Women's Year function at the Festival Centre, promising that this Bill would eventually come (I think that is when he got into his "Ms" trouble). However, it is pleasing to see that it is finally with us.

Strangely enough, the United Kingdom history of the whole matter has also been protracted and has taken a long time to come forward. The major difference between this Bill as introduced by the Government now in response to much prodding and the Bill originally introduced by me in August, 1973, is that my Bill created a new tort and this Bill creates a new court—or a form of court, anyway. The original Bill created a tort, inasmuch as anyone discriminated against had the right to go to a court and seek damages in respect of that act of discrimination. In this Bill, we have a form of court, a *quasi* judicial tribunal set up which has wide although perhaps informal powers. The Government's Bill that we are now considering places much more emphasis on punitive measures, on compulsion. It is much more detailed. It covers almost every possibility. It is almost as though someone sat around at a large meeting and asked every person, "What would you like to see put into the Bill?" It is a detailed and certainly a Committee Bill. Whereas the original Bill dealt with an overriding principle and laid down that principle, this Bill tries to deal with every situation. That may not be a bad thing but, in my experience, the more detailed a Bill becomes the more easily a loophole is found and something is left out. I suspect that we may find that that will be the position with this Bill.

Of course, it follows, as we now find, by examination of the relevant legislation introduced in the House of Commons on March 12, 1975, that it almost word for word follows that legislation. This Bill has been changed in a few minor details: one or two clauses have been left out and one or two put in but, by and large, it is almost exactly the Sex Discrimination Bill introduced in the House of Commons on March 12, 1975.

That Bill and this Bill are based on the White Paper "Equality for Women". That White Paper certainly represented a milestone. It is of great importance in many aspects, and I totally agree with most of the things set out in the White Paper, including, incidentally, the original principle that damages should be awarded for acts of discrimination. This document is so significant that I shall quote from a few paragraphs of it. First, we see in paragraph 22:

The previous Government published a consultative document entitled "Equal Opportunities for Men and Women" containing proposals put forward as an essential complement to the Equal Pay Act, 1970, which will make sex discrimination in contractual conditions of employment unlawful from December 29, 1975. Under these proposals discrimination by employers, employment agencies, trade unions, employers' associations and vocational training organisations—

a feature not covered in the present Bill; vocational guidance is not covered—

was to be prohibited, and it was envisaged that individuals would seek redress in the same way as in cases of unfair dismissal under the Industrial Relations Act, 1971. An

Equal Opportunities Commission was to be set up to investigate and report to the Government upon the relative positions and opportunities of men and women, so as to pave the way for further reforms, and to educate and persuade public opinion. The commission was not, however, to be given any role in the enforcement of the legislation.

That is another way in which this Bill differs, to a slight extent, from the recommendations of the White Paper. Paragraph 23 states:

This Government believes that these proposals were inadequate both in scope and enforcement. They showed insufficient regard for the recommendations of the Street committee, the findings of the two Select Committees which considered private members' Bills introduced into the House of Lords and the House of Commons, the practical experience of the Race Relations Board, and the views of many organisations and individuals.

As was set out in that White Paper, there had been several attempts to introduce private members' anti-discrimination Bills. They all went to Select Committees or were lost somewhere along the way and were never implemented. Once again, a degree of unconscious apathy and unconscious discrimination against women exhibits itself all the way through that history. Although people said they wanted to do something about it, when it came to the point they were in no hurry to get moving and get on with the job. That was an attitude that members of our own Select Committee detected running through Government departments and private organisations, too. No matter how willingly the expressions of concern, when it came to actually doing something, there was that sort of inertia there all the time. Paragraph 21 of the White Paper reads, in part:

It is important to recognise the inevitable restraints on what can be achieved by legislation, so that it is seen in proper perspective, without arousing false expectations or encouraging a sense of complacency. An anti-discrimination law is relevant only to the extent that economic and social conditions enable people to develop their individual potential and to compete for opportunities on more or less equal terms. A woman will obtain little benefit from equal employment opportunity if she is denied adequate education and training because economic necessity or social pressures have induced her to enter the labour market at an early age. Some mothers will derive as little benefit if there is inadequate provision for part-time work or flexible working hours, or for day nurseries. The contents of this White Paper deal only with the legislative measures which the Government proposes to introduce.

Those are the limitations of the legislation. Under the enforcement of the legislation, paragraph 81 states:

Executive enforcement is essential. Legal proceedings are intended only as a last resort. The Government's belief is that most institutions and individuals will respond to a lead and change their practices voluntarily: but it is essential that in cases where this does not occur, the law should be capable of providing adequate redress. As explained in paragraph 29 above, the Government proposes to adopt a new and radical approach, combining the right of individual access to legal remedies with the positive and strategic functions of a powerful Equal Opportunities Commission, responsible for enforcing the law in the public interest on behalf of the community as a whole.

The remedies proposed are covered in paragraph 98, which states:

Where the court is satisfied that unlawful discrimination has occurred in the particular case, it will be able:

- (a) to declare that the defendant has acted unlawfully; and/or
- (b) to award damages (see paragraphs 102 and 103); and/or
- (c) to grant an injunction (or make an order) restraining the defendant from discriminating unlawfully against the plaintiff.

If the court finds unlawful discrimination in the individual case and also considers that this has been part of a general practice of discrimination by the defendant, it will be empowered to make a finding of general discrimination in

the course of giving its decision, with the same meaning and effect as similar findings of general discrimination by industrial tribunals.

Paragraph 102 deals with damages, and states:

As under the Race Relations Act, 1968, both the tribunals and the courts will be entitled to award monetary compensation or damages, including:

- (a) compensation or damages for any expenses reasonably incurred by the complainant for the purpose of the transaction or activity out of which the unlawful discriminatory act arose; and
- (b) such compensation or damages as the tribunal or court thinks just in all the circumstances for loss of opportunity, that is to say, loss of any benefit which the complainant might reasonably be expected to have had but for that act;

subject, however, to the application of the same rule concerning the duty of a person to mitigate his or her loss as applies to damages recoverable under the common law of England and Wales or of Scotland, as the case may be.

The general principle on complaints was a two-way business, and the relevant paragraph states:

All complaints about pressure to discriminate unlawfully will also be made to the commission, which will take the matter up with the person concerned. The aim wherever possible will be to resolve such situations by persuasion and conciliation. Where these cannot be so resolved, however, the commission will as a last resort be able to take legal proceedings.

As I have said, this White Paper is most significant, and it is no wonder that the Premier wanted to wait until he has seen it. I am a little surprised that it took him so long to see it, in all the circumstances. Finally, I will quote paragraph 4 of the document, which states:

In dealing with an issue of this kind there is a role, limited but indispensable, to be played by legislation. There is much that the Government can do by example. Beyond this there are wide areas in which the Government itself can do little. Here it must invite individual men and women to give effect to the spirit of the laws rather than their letter, and to establish as a social reality the equality of opportunity to which women are entitled and which our society as a whole requires.

That paragraph sums up the whole object of legislation in this sphere. Legislation is necessary, but it is not the prime necessity; the prime necessity is in the changing of community attitudes towards women and their status. Certainly, we must prevent discrimination by legislation if we can and we must provide a remedy for it, but basically we must change those conditioning attitudes and factors that have led to society growing up with the attitude to women that it generally holds today. Thank goodness, that attitude is changing. It is changing quietly and steadily. Undoubtedly, progress is being made and the situation now is better than it was when we first examined the matter back in the days of the Select Committee, although that is not all that long ago as legislation goes.

I will not deal with how those conditioned attitudes grew up. That has been covered, and I refer honourable members who were not members of this House at that time to page 574 of volume 1 of *Hansard* for 1973-74 and to the debate 12 months later when the committee reported. Milestones shine through quite clearly. There was the admission of women to universities, which admittedly was not worth much in the early days, because the only universities were religious institutions and the women, having been admitted to the benefits of education in religious institutions, were then segregated and not allowed out into the world.

Then we had the admission of women to proper universities later, and these women had a big battle. For example, I refer to Dr. Helen Mayo, of this town, one

of our finest early medical graduates. She had quite a battle to be accepted as a medical student in this town. The Married Womens Property Act allowed women to have some say in control over their property. They were not able to execute contracts, until an amendment to that Act was introduced. There was the question of women suffrage, and again there was a milestone in this State and women here were allowed to vote long before that was allowed in some other countries.

An equality of rights has been building up gradually, but not long ago the elections of the Hon. Mrs. Cooper and the Hon. Joyce Steele (who was elected as the member for Burnside) were queried. Mrs. Cooper's election was challenged in regard to whether she was entitled to sit in the Upper House. What a ridiculous situation! I am sure the member for Tea Tree Gully would agree with me that it was perhaps one of the last bastions of male chauvinism at that stage. We are pleased to have our colleagues from the other sex in both Houses now. My only complaint is that there are not enough of them, because I believe that women have a big part to play in legislative processes in this State and country, and I would do everything possible to help more women to come into Parliament.

Mr. Keneally: How about resigning?

Dr. TONKIN: If the honourable member considered that a gesture like that would help, I would suggest that he lead the way. I repeat that the Bill originally introduced, which I believe acted as a stimulus of some sort to the present Bill, was a better measure. Its objective was to prevent discrimination and to provide the remedy that was needed. It also emphasised conciliation and education and had much less emphasis on punitive measures. After all, as has been said, what point is there in the Treasury becoming better off for acts of discrimination, when the person being discriminated against is the loser?

Surely the sensible way is to give that person the right to seek damages. As I have said, certain problems show in this legislation. The detailed nature of it makes it almost inevitable that it will. There is this obsession to cover every eventuality. There are three main areas of concern. The first relates to services provided to the public. It is to be noted that discrimination in those services is important, and service to members of an organisation in a private capacity is within the control of the people in that organisation; that is, unless they aim to provide services or facilities to the public. There must still be, in spite of objections raised by various people, some exceptions for genuine occupational requirements. I still do not see how we could have a male foster mother, and it is necessary to have a male play a male role in the theatre, for instance, and a female play a female role. It is not always essential nowadays, but to me it seems necessary that that exception should be included.

The most important factor is the effect that this legislation, as presently drafted, could have on superannuation funds. I have received a number of communications, as I am sure honourable members opposite have, in relation to superannuation funds. One from the Associated Banks in South Australia (and I know the Treasurer has received this letter) makes some very worthwhile points, especially in respect of the discrimination in the provision of services. It states:

Paragraph 26 (2) (b) of the Bill has application to the banking industry and is similar in effect (subject to the additional ground of marital status) to paragraph 10 of the previous Bill. The provision of finance is a matter for negotiation between the applicant and the proposed lender. Although an existing account relationship may exist between

a bank and its individual customers the basis of the contract is not such that the customer has an automatic right to a loan. Banks would be departing unwisely from soundly based principles and by doing so endangering the money entrusted to them by their depositors if they granted loans which were not commercially viable. None of the banks discriminate against loan applications by reason only of the applicant's sex or marital status. A woman's application may be rejected if her prospects of continuing in employment and being able to make repayments are not high. A man's application may be rejected on the same grounds.

The superannuation funds were referred to specifically by the Associated Banks, as follows:

Paragraph 31 of the Bill exempts from the operation of the Act discriminatory rates of salary, wages or other remuneration. The banks have been advised that the exemption in that paragraph does not, however, include payments made or benefits received under superannuation and provident funds. The banks and other employers having such funds in existence will be in breach of the Act if its provisions apply to those funds and in most cases compliance with the Act is not possible without substantial variations to the terms of the funds and with the costs thereby involved.

The point was that those costs, it was found after actuarial consultation, would have been quite prohibitive and would have resulted in most of the private superannuation funds going completely out of business. Firms would not have been able to afford to maintain the superannuation benefits they were offering to their employees, and certainly paying to ex-employees. The banks suggested an amendment to that clause, as did the Chamber of Commerce and Industry of South Australia Incorporated, which wrote in similar terms, explaining a little further, as follows:

If female staff are to be included in superannuation funds on the same basis as males, a radical readjustment in the actuarial considerations of the funds would be necessary. As you are aware, it is a fact that females have a longer life expectancy than males and this in itself creates a problem for managers of any superannuation fund. Additionally, withdrawal provisions for females marrying or leaving employment would require frequent actuarial adjustments to a fund. Female staff join some superannuation funds at a different age from male staff, and generally retire earlier.

That may not always be the case from now on. The letter continues:

In some cases, employers have non-contributory funds for females while for male staff members a contributory provident fund subsidised by the employer has been established. This would appear to be discriminatory against males if such an arrangement is continued. I have enumerated only some of the problems which the Bill would create in respect of provident funds and superannuation funds. The council of the chamber strongly recommends that the Bill should be amended so that provident and superannuation benefits are not affected by the other terms of the Bill.

They did recommend a suitable amendment to clause 31. The Life Offices' Association of Australia has made similar representations, pointing out quite clearly that it supports the statements made. The Association of Superannuation Funds of Australia (South Australian Division) makes similar remarks. I believe that this is one of the anomalies the Government has already looked at and is well aware of, and I hope that some action can be taken and will be taken to correct it.

Apart from that, I can find very little to object to strenuously in the Bill. If we look at the details of it, we find that the similarities, as I have mentioned, are quite strong. The definition of "marital status" is a new one. There is a new and obvious definition of "registrant of the board", and in South Australia the Equal Opportunities Commission is added to by a Commissioner for Equal Opportunity, and a board. The Sex Discrimination

Board is, as is usual, appointed by the Governor, and the usual conditions relating to such boards apply. There will be a Chairman, who shall be a judge or someone holding judicial office, or a legal practitioner of not less than seven years standing, which, as I understand it, is one of the prerequisites for appointment as a judge, and two other members appointed by the Governor.

At the appropriate time I should like to ask what are the criteria for the appointment of such people and who they should be, whether they should be people well skilled in various spheres of industrial relations or social workers, and what exactly their qualifications will be. I note that there is no provision that one or other should be male or female. I suppose this in itself is a good thing, although there are people who would like to see that at least one should be a woman. I have always been in two minds about this, because it seems to me that, in making a specific requirement that at least one should be a woman, one is in a way being discriminatory because, after all, if a woman or a man is sufficiently in sympathy with the objects of the Bill and sufficiently able to serve in that capacity, it does not matter much what the sex of the person is.

I think, however, that on balance I would prefer to see one a man and one a woman, simply because in espousing the objects of the Bill it is probably important that it should be not only non-discriminatory, but that it should be seen to be non-discriminatory. There are people in the community whom we are trying to convince still that such legislation is necessary, who would prefer to see it that way. For that reason, I should like to see some sort of provision along these lines. Let us prove that it is non-discriminatory by having one woman and one man. I turn now to clause 14, which relates to the *quasi* judicial tribunal. It is probably not a bad idea.

It has all the powers of a court and of a Royal Commission, and yet there will be a degree of informality about it, which probably is not a bad idea. Another clause requires that people shall not be obliged to answer questions put to them if the answers would tend to incriminate them. I should like a little help with that in Committee: in what respect is it intended that these things might incriminate? But the general idea of more informal proceedings can only help with the general acceptance of the Bill. Regarding clause 16, the criteria for establishing sex discrimination, I find some difficulty there. Positive discrimination can become a feature, and discrimination in respect of women because they are pregnant or have had babies can, I find under this clause, occur because they are women, not because they are expectant or new mothers. That provision will have to be looked at carefully.

There is one other matter in Part III, where clause 17, which is almost exactly the same as clause 4 of the House of Commons Sex Discrimination Bill, refers to victimisation. A person commits an act of victimisation if he discriminates against another on the ground that he has brought proceedings under the Act. I do not care for the word "victimisation" used in legislation of this kind, because it seems to me that there is a strong and real element of prejudging an issue when one brings a charge of victimisation. It has unpleasant connotations. When one has a charge of victimisation, one is almost saying already to the court that this has occurred. I do not care for it or know what the answer is, but I shall be pleased to hear the Premier's comments on this matter.

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

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Dr. TONKIN: I am sure that members will be most upset to be deprived of their grievance debate again this evening.

Mr. Dean Brown: Having been promised it by the Premier this morning.

The SPEAKER: Order!

Dr. TONKIN: That is true, actually, but I do not think that it is worth going into what the Government has undertaken to do. We are getting used to its breaking of undertakings: it has become a fact of life in this Parliament, and it does the Government no credit.

The SPEAKER: Order! I ask the honourable Leader to continue the debate.

Dr. TONKIN: Yes, Sir. I have seven more minutes up to the time at which we would normally have adjourned. Having made that remark on discrimination which I believe prejudices the issue, I shall be interested to hear what the Premier says later, because it seems there is no way of solving that problem. Once again, I do not like it. Clause 18 is identical with clause 6 of the Westminster Sex Discrimination Bill, but I think that the terms on which the offer of employment is made should be defined more accurately. I do not think that, if we are going to have a *quasi* judicial tribunal, it should be left to the tribunal to decide what should be the unreasonable terms on which a person is offered employment.

One clause, 19, is not in the Westminster Sex Discrimination Bill, and that clause provides for discrimination against agents, about which there has been a considerable volume of correspondence. I know that the Premier has received a volume of correspondence, because copies of the letters that have been sent to him have been received by me also, and the Premier has been told of that. I ask (although I do not intend to move in any direction against it) the Premier to examine that matter carefully, because it seems to me that considerable difficulties could arise in this matter.

In clause 20, provision is made for discrimination against contract workers, and this provision will be applied to principals who employ contract workers. Clause 11 is clause 21 of the House of Commons Sex Discrimination Bill and clause 12 is clause 22 of the Westminster Bill. It is an interesting clause, because it prohibits differential rates of membership dues for men and women in organisations or other bodies.

Career guidance is included in the Westminster Sex Discrimination Bill. Vocational guidance is not included in the Bill; that is probably just as well, although, if we are to change the attitude of people in the community, perhaps it should be included. Much of the conditioning we talk about begins right down at the kindergarten level and comes up through school days through a general conditioning of women to take on tasks, such as sewing, cooking, etc., and for boys to take on woodwork, sheet-metal work, engineering, etc. I am pleased to say that that does not normally apply now. When at Glenunga High School recently, I found that the school had several boys in its home economics class, and that is a good thing, too. Education is covered pretty thoroughly in this Bill. There is the problem I mentioned before in clause 26. I believe it should be unlawful for a person who provides goods or services to the public to discriminate. I do not believe that that should apply elsewhere, or privately in clubs and other organisations.

Generally speaking, although the Bill goes straight through following pretty much the line of the Westminster Bill, it is not bad. I am not too pleased about non-discrimination

orders, where the emphasis seems to be on the person discriminating, and not on the person discriminated against. As I have pointed out previously, I believe that the person discriminated against should have some opportunity to seek damages on his or her own behalf, and I believe that the emphasis should not be on punishment for that.

There are several other matters I will take up in Committee because, as I have said, the Bill is very much a Committee Bill. The ultimate safeguard lies in clause 43, which contains a right of appeal to the appropriate appellate court against any decision or order of the board made in proceedings under this Part and, provided that application is made within one month, it can be heard, and that right of appeal is there.

Finally, in looking at the clauses of the Bill, clause 46 provides that the Commissioner shall undertake a review of the legislation of the State with a view to identifying provisions that improperly discriminate, and he shall also, on or before September 30 in each year, prepare and present to the Minister a report on the administration of the Act during the period of 12 months ended on the preceding June 30, and a report on the research undertaken by him during that period under the previous clause. The Commissioner will make recommendations and the Minister shall cause (and I am more than pleased to see this proviso) copies of the report to be laid before both Houses of Parliament. Would that that provision applied to every report given to a Minister under an Act! Generally, I am pleased to see the Bill now before us, because at least we are getting somewhere. I would have preferred the Bill drawn up previously but, in any case, I am pleased that it acted as a stimulus, and I am pleased to take the credit offered to me in this regard by the Premier when he introduced his own Bill.

I repeat that I am grateful (and I am sure I speak on behalf of the other members of the Select Committee when it first met) to the many people in the community who offered advice, help and information, and who were not afraid to come and talk. These people included members of the Women's Electoral Lobby and other women's organisations, and many other groups, both male and female. They have been a help, and they have played a part in persuading this Government that it is right in principle to introduce legislation of this kind. I repeat that the major need is basically to change community attitudes.

The Bill deals with marital status certainly, but basically it deals with discrimination on the grounds of sex, and this is its major concern. We have come a long way since the days when woman was considered by Aristotle to be an inferior being incapable of thought or anything else. There is still a long way to go, and this legislation is but a small part. I hope it will be the first step in the long run home to final equality not only in legislation but also in actual community attitudes. I support the Bill.

Mrs. BYRNE (Tea Tree Gully): I am pleased to share the pleasure of the Leader that this Bill is at last being debated by the House. As has been stated, the introduction of the Bill has been delayed, but not deliberately, for reasons well known to honourable members. The basic principles embodied in this Bill are to render unlawful certain kinds of discrimination on the grounds of sex or marital status, to provide effective remedies against such discrimination, and to promote equality of opportunity between men and women generally.

Naturally, I welcome the introduction of this Bill, but I regret its necessity. Indeed, one would not have

thought that, in this supposedly enlightened age, such legislation would need to be placed on the Statute Book. However, evidence taken before the Select Committee on Sex Discrimination, which reported to the House on October 16, 1974, showed that it was necessary. The committee met on 19 official occasions, received 27 written submissions from various organisations and individuals in the community (and these submissions were most useful), and 24 witnesses appeared before it. The committee was pleased that these people came forward, because their evidence was most helpful. The committee worked hard, and I pay a tribute to its members. I am assured of the sincerity of the Leader, and I refer to the work undertaken by the new Attorney-General (the member for Elizabeth), the member for Glenelg, and the committee's Chairman, who was the then Minister of Labour and Industry (Hon. D. H. McKee), who has since retired.

It was pleasing to see that, when such an important matter was referred to a Select Committee, politics became of secondary importance. Although some of the examples of discrimination shown to the committee seemed to be based on traditional attitudes, as has been stated by the Leader, I point out that these community attitudes have to be changed. Legislation is not the complete solution to this problem, and it will never be the complete solution. The committee concluded that discrimination in employment existed on the grounds of sex, the provision of credit, education, and training. Many women still saw their major role as being wives and mothers, key members of their families, and the committee respected their attitude.

However, the committee believes that those women who choose or who are obliged through force of circumstances to enter the work force or who seek credit or other services on their own behalf should have equal access to opportunities for education, training, promotion, advancement in employment, and other services without fear of discrimination by reason of their sex. The committee realised that much had been done by the present Government in this matter as well as by the Australian Government in establishing national and State Committees on Discrimination, Employment, and Occupation. After examining all the evidence, the committee considered that further legislative action was necessary, and as a result this Bill is before the House this evening. One of the most important functions of the Bill concerns the enforcement of the provisions of the legislation. Obviously, nothing can be achieved through legislation which has no teeth, and this Bill seeks to fulfil the needs. In supporting the Bill, I commend it to all members, and I look forward to its implementation.

Mr. DEAN BROWN (Davenport): I support the Bill and congratulate the Leader of the Opposition on his efforts in introducing to Parliament the original Bill dealing with sex discrimination. The Leader put much personal thought and effort into the matter. It was the Leader who showed that unfair discrimination against women existed in South Australia. I confess that, before entering Parliament, I was not aware of the great discrimination existing on the basis of sex within the community but, after long discussions with the Leader, I soon came to appreciate its existence. I believe that this House and the women of South Australia owe a great debt to the Leader for his efforts and work in this field.

I support the entire concept of the Bill, and I refer to clause 34 and the effects that the provisions of the Bill will have on superannuation funds, provident funds, and similar retirement schemes. The Leader has put

three amendments on file, the third of which deals with clause 34. I urge all members to support it. If the amendment is not accepted, I believe the entire Bill will create an unfair bias on an actuarial basis against companies offering superannuation schemes. For that reason, it is important that this amendment be supported by honourable members. It would be unfortunate if, in passing this Bill, we unfairly created discrimination rather than removed it. I also support the Leader's two other foreshadowed amendments.

The SPEAKER: I call the honourable member to order. He must not discuss the amendments, which will be considered in the Committee stage.

Mr. DEAN BROWN: I refer to clause 18 and the need for an exemption in relation to employment where sex is an occupational qualification. For example, in the case of a male or female model, it would be ridiculous for a store wanting a model to be forced to employ any person irrespective of sex. I also draw attention to clause 26. In that clause, it is equally important to ensure that the public—

The SPEAKER: Order! I am of the opinion that the honourable member is still discussing an amendment to this clause. This should be done in the Committee stage.

Mr. DEAN BROWN: I am referring to clause 26 and urging the House to see the weaknesses in the clause, which does not state that it refers to members of the public at large, rather than to members of private clubs. I congratulate the Leader on his efforts, and I look forward to these minor amendments being supported by honourable members.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I appreciate the support given to the Bill, but I regret that the Leader was rather less generous to the Government than I was to him in introducing the original Bill. I think that he might have given due credit to the Government in this matter. I point out to the Leader that, as the Bill originally came to the House from the Select Committee, much concern was expressed by Government members and the Parliamentary Counsel about the efficacy of the remedies that were proposed in the original Bill. If the Leader had been more personally involved in the problems facing a member of the community in bringing an action for damages in tort as a remedy, he would realise that, if this legislation is to be effective, we will have to do very much more than that; otherwise, the remedy, frankly, is largely illusory. The average member of the community cannot bring actions in a court and cannot afford them. So, it was necessary for us to look at other means of providing effective remedies. We were happily provided with a good example of a way of providing better remedies by the House of Commons proposals, and, as the Leader has said, these have been largely incorporated in the present measure. They were designed to make it effective. Indeed, the Bill as it now stands has widespread support among South Australian women's groups, which see it as a Bill with much more teeth than the original measure had. That is not to detract from the fact that the Leader was the one who activated the House to act legislatively in this area. I give him due credit for doing that.

The Government agrees that at this stage of proceedings considerable difficulties would occur if we included superannuation funds in the enactment. Not that there is not considerable discrimination in superannuation funds: there is. It is not merely on an actuarial basis: it is real and considerable, and it is discrimination that ought

to be eliminated, but it cannot be eliminated by the provisions as they stand in this Bill. The Government has therefore informed the interested parties that it is immediately forming a working party on the subject of the discrimination contained in superannuation funds and provident funds in order to recommend means that the board may consider, so that it may report to the Government on what course should be taken in the future to eliminate discrimination in this area. That will probably be the subject of a later enactment, but at this stage we would create quite some chaos and some real unfairness to existing members of superannuation funds and provident funds if we proceeded in the present way. Consequently, I think we should now consider the Bill in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"The Commissioner."

Dr. TONKIN (Leader of the Opposition): I am not necessarily being critical, but I am curious about why there should have been a split, as opposed to other legislation that I have seen. In this case there is a Commissioner for Equal Opportunity and a Sex Discrimination Board. I take it that this is in the interest of streamlining the procedure; the Commissioner will look at original complaints and refer them to the board if necessary. The Commissioner will deal with them if that is possible. Is that the reason behind the provision?

The Hon. D. A. DUNSTAN (Premier and Treasurer): The Commissioner is the chief administrative officer, but the board has *quasi* judicial functions.

Clause passed.

Clause 7—"Sex Discrimination Board."

Dr. TONKIN: On what basis will the two other board members be appointed by the Government?

The Hon. D. A. DUNSTAN: I expect that we will be looking for people who are concerned and knowledgeable in this area and who are capable of discharging the function of impartial and objective investigation. We are careful not to lay down sex qualifications for board members, because we think that that, in itself, would be discriminatory.

Mr. COUMBE: We are trying not to discriminate against women, but we must not discriminate against men. Would it be advantageous to have on the board at least one member of each sex?

The Hon. D. A. DUNSTAN: The Government will look at the qualifications of the people involved, without determining the matter from the viewpoint of their sex. It is quite possible that there will be more women than men or more men than women; it will depend on the qualifications of the people involved. Recently, the Government has appointed a majority of women on a number of boards.

Clause passed.

Clauses 8 to 13 passed.

Clause 14—"Powers of the Board."

Dr. TONKIN: How far does the protection in subclause (3) extend in connection with a person's not being obliged to answer questions?

The Hon. D. A. DUNSTAN: This is the normal protection in the law.

Clause passed.

Clauses 15 and 16 passed.

Clause 17—"Victimisation."

Dr. TONKIN: I am not against the provisions of this clause as they stand, but I am just not happy about the term "victimisation". I am sorry that I cannot think of a suitable alternative. I should like to get rid of the term if possible and to substitute something more neutral. With his wide experience, the Premier may be able to come up with something.

The Hon. D. A. DUNSTAN: Frankly, I am not, because I believe it says exactly what we mean. It is a term that is now well known. It refers to an act of discrimination in the circumstances outlined. In other words, if action is taken against someone for asserting his rights under the Act, and you do him dirt because he has asserted his rights, that is well known as victimisation, and that is exactly what it is. I do not know of any other term we could use in the circumstances.

Clause passed.

Clause 18—"Discrimination against applicants and employees."

Mr. RUSSACK: Is a small business with five or fewer employees bound by this clause?

The Hon. D. A. DUNSTAN: No.

Dr. TONKIN: I move to insert the following new subclause:

(5) This section does not apply to discrimination on the ground of sex in relation to employment for which sex is a genuine occupational qualification.

I have already canvassed the matter reasonably well. It is important that there be a specific reference in the legislation to this matter. I realise that the commissioner and the board will undoubtedly use their discretion in matters of this kind. Nevertheless, the legislation should be exact.

The Hon. D. A. DUNSTAN: I am willing to accept the amendment.

Mr. RUSSACK: Does this mean that an employer, in advertising to fill a vacancy, must not in that advertisement refer to male or female? When a satisfactory applicant is chosen, can a dissatisfied applicant appeal to the board if he believes there has been an injustice? What is the procedure in those circumstances?

The Hon. D. A. DUNSTAN: If a dissatisfied applicant felt he or she was being discriminated against on the grounds of sex, he or she could complain.

Mr. Russack: On the grounds of marital status?

The Hon. D. A. DUNSTAN: Yes.

Amendment carried; clause as amended passed.

Clause 19—"Discrimination against agents."

Dr. TONKIN: Is the Premier aware of the reservations that have been expressed about this matter, and does he believe deeper problems could arise out of it?

The Hon. D. A. DUNSTAN: Frankly, I do not see them arising out of this clause. I do not see any reason why agents should be in a different position from other people. It is an area in which considerable discrimination could and, I am sure, does occur.

Clause passed.

Clauses 20 to 25 passed.

Clause 26—"Discrimination in provision of goods, facilities or services."

Dr. TONKIN: I move to strike out subclause (1) and insert the following new subclause:

- (1) It is unlawful for a person who offers or provides—
 - (a) goods;
 - or
 - (b) services to which this section applies, (whether for payment or not) to the public, or a section of the public, to discriminate against a person on the ground of his sex or marital status—
 - (c) by refusing to supply the goods or perform the services;
 - or
 - (d) in the terms on which he supplies the goods or performs the services.

This matter has been canvassed reasonably fully during the debate. Although I understand that the intention of the original wording was that it would apply to services provided to members of the public, the amendment makes clear that the Bill applies purely in respect of services rendered and offered to members of the public.

The Hon. D. A. DUNSTAN: I am willing to accept the amendment.

Amendment carried; clause as amended passed.

Clauses 27 to 33 passed.

Clause 34—"Insurance, etc."

Dr. TONKIN: I move to insert the following new subclause:

(2) This Act does not render unlawful discrimination on the ground of sex or marital status in the terms or conditions appertaining to a superannuation or provident fund or scheme.

This matter has been well ventilated.

The Hon. D. A. DUNSTAN: I am willing to accept the amendment.

Amendment carried; clause as amended passed.

Clauses 35 to 40 passed.

Clause 41—"Proceedings before Board."

Dr. TONKIN: Subclause (4) states:

The damage for which a complainant may be compensated under subsection (2) of this section includes injury to his feelings.

It will be extremely difficult for the board to assess that matter. It will be necessary to include it; indeed, it is a matter I would have expected a court to take into account if I had successfully established a tort under the other legislation. Dismissal or failure to employ may injure feelings regardless of how reasonable are the difficulties of employing. It is very much a matter of opinion. Although I know it is a matter that could be subject to clause 43, I should like it put on record that I am concerned that it may be difficult for a *quasi* judicial tribunal, working informally, to come to the same sort of estimate regarding compensation for injury to feelings than would perhaps a court that would be better qualified to do so.

Clause passed.

Remaining clauses (42 to 49) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 10.33 p.m. the House adjourned until Wednesday, October 15, at 2 p.m.