HOUSE OF ASSEMBLY

Tuesday, October 28, 1975

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

CONSTITUTION ACT AMENDMENT BILL (COMMISSION)

His Excellency the Governor, by message, informed the House that he had reserved the Bill for the signification of Her Majesty the Queen's pleasure thereon.

ASSENT TO BILLS

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

Beverage Container,
Boating Act Amendment,
Police Offences Act Amendment,
Sailors and Soldiers Memorial Hall Act Amendment.

PETITION: SUCCESSION DUTIES

Mrs. BYRNE presented a petition signed by 1 026 residents of South Australia praying that the House support the abolition of succession duties on that part of an estate passing to a surviving spouse.

Mr. MILLHOUSE presented a similar petition signed by 344 residents of South Australia.

Petitions received.

PETITION: RELIGIOUS EDUCATION

Mr. OLSON presented a petition signed by 116 electors of Semaphore praying that the House would not support any alteration in the present Education Act in relation to religious education.

Petition received.

PETITION: DAYLIGHT SAVING

Mr. DEAN BROWN presented a petition signed by 49 residents of South Australia praying that the House urge the Government not to reintroduce daylight saving in South Australia until the Government had a mandate by referendum.

Petition received.

PETITION: "NO BATHING" SIGN

Mr. KENEALLY presented a petition signed by 481 citizens of Port Augusta praying that the House support the removal of the "no bathing" sign on the Port Augusta West jetty.

Petition received.

YORKE PENINSULA WATER SUPPLY

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on upgrading the water supply to Kadina, Wallaroo, Moonta, and Port Hughes area.

Ordered that report be printed.

QUESTIONS

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

BUILDERS LICENSING BOARD

Mr. GOLDSWORTHY (on notice): What are the details of the receipts of $154 000 for the Builders Licensing Board up to June 30, 1975?

The Hon. D. A. DUNSTAN: The receipts of $154 000 are the total licence fees received during the financial year 1974-75.

SADDLEWORTH LAND

Dr. EASTICK (on notice):

1. Did the Government receive a bequest of land involving sections 395, 396, 398, 399, 400, 407 and 409, hundred of Saddleworth and section 221, hundred of Gilbert, from the estate of the late G. G. Winkler?

2. Are there any conditions attached to Government acceptance of the land?

3. What action has the Government taken to utilise this property in the short, medium and long term, if it is now in its possession?

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

1. Yes. However, the land in question has not yet been handed over and is still in the hands of the trustee.

2. In bequeathing this land to the Government, the late Mr. G. G. Winkler expressed "the wish, but without creating or imposing any trust in that regard, that such property be retained in perpetuity for primary production experimentation purposes".

3. The property, buildings and fencing in their present state are unsuitable for occupation and use as a research farm. An agreement has been entered into for the land to be share-farmed for cereal crops for the current season and the following season. Portion of the grain produced under this agreement will be used as slock feed at the Agriculture Department Research Centres at Parafield and Northfield.

The possibilities of using this land for experimental purposes in future years are being explored. As considerable expenditure would be required to provide facilities for the conduct of worthwhile research projects, no specific plans have been made for the long-term development or use of this property.

ABALONE DIVERS

Mr. MILLHOUSE (on notice):

1. What standards of physical fitness do persons proposing to dive for abalone have to attain?

2. Why have such standards been set and by whom and when?

3. Does the Government have a special responsibility for the health of abalone divers and, if so, what is it and how does it arise?

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

1. CZ18 and Z67 medical standards were prepared by the Australian Standards Association and introduced in their booklet *Underwater Air Breathing—Rules for Underwater Air Breathing Operations* published in 1972; because of variations in standards for previous medical examinations, the CZ18 has been set down as a requirement for the 1975-1976 licensing year for abalone divers in South Australia. Hopever, following a recent deputation of abalone divers, the Minister of Fisheries has agreed to set up a committee of inquiry consisting of Government medical officers and private practitioners to determine whether there are any tests within the initial CZ18 examination that are inappropriate for abalone divers and the nature of medical tests for subsequent licence renewals.

2. This requirement was adopted on August 12, 1975, by the then Acting Director of Fisheries. The authority to require a satisfactory medical examination of divers is provided under regulation 31 of the managed fisheries regulations, 1971.

3. The greatest danger to divers is the disease avascular bone necrosis which destroys the blood corpuscle producing bone marrow. The main difference between the CZ18

test and a routine medical examination is an extensive X-ray examination of the long bones to detect the first stages of bone necrosis. Governments have the same responsibility for the health of abalone divers as they have for the rest of the population.

MALLEN COMMITTEE

Dr. EAST1CK (on notice):

1. What action has the Government taken on the recommendations of the most recent Mallen committee report?

2. What recommendations made by this committee since its inception are still outstanding?

3. Has the Government decided against implementation of any of the recommendations?

4. If action is contemplated when can it be expected?

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

1. *(a)* The recommendations of the most recent Mallen committee report (that is, the Fifth Annual Report of the committee appointed to examine and report on abortions notified in South Australia, for the year 1974) relating to special clinics at the teaching hospitals are being implemented when space facilities permit. Tn certain areas, for example The Queen Victoria Hospital, problems of a physical nature are being experienced. Accordingly, a special committee has recently been established to determine the need for additional physical facilities for gynaecological services (including abortions) in metropolitan Adelaide.

(b) Day patients currently being admitted to the Family Advisory Clinic, Queen Elizabeth Hospital.

(c) The notification of abortions by hospitals in addition to notification by the medical practitioners concerned would require additional legislation.

(d) Minimum standards for prescribed hospitals are under investigation by Dr. M. R. Martin (staff obstetrician, Hospitals Department) and are being met in most instances by the hospitals concerned.

(e) Further social worker appointments have been made.

2. See replies to No. 1 above. Apart from previously suggested legislative changes the latest report incorporates all outstanding clinical matters. Support for family planning services has been increased also in recent years.

3. No.

4. See No. 1.

COINS

Mr. DEAN BROWN (on notice):

1. Does the Art Gallery of South Australia possess the dies for the Adelaide five pound piece and, if not, where are these dies?

2. On what occasions to the knowledge of the Director and/or staff of the Art Gallery have these dies been used to strike coins, when were these occasions, how many coins were struck, of what material were they struck, and who struck the coins?

3. Have these dies ever been lent to the Royal Australian Mint, and if so who authorised the dies to be lent, during what period were they absent from the Art Gallery, what coins were struck to the knowledge of the Art Gallery staff while these dies were on loan to the Royal Australian Mint, and in what metals were these coins struck?

4. If the dies were lent to the Royal Australian Mint, who at the mint was responsible for the security of these dies and what were the reasons for making the loan?

5. Is the Government aware that unauthorised coins from these dies, in gold, silver and copper have been available in Australia?

6. Is the Government aware that gold coins struck from these dies are valued at about $10 000?

7. What is the current policy of the board of the Art Gallery on the lending of these dies, and what conditions are attached if the dies are lent?

8. Have any other dies, especially of the Adelaide one pound piece, ever been lent to the Royal Australian Mint or to any other person or organisation?

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

1. Yes.

2. The dies have been used to restrike coins on three occasions: in 1919, 1929 and 1971. According to J. Hunt Deacon in *The Ingots and Assay Office Pieces of South Australia,* published circa 1952, six specimens of the Adelaide five-pound piece were struck in gold in 1919 and two in silver; one (1) specimen was struck in gold in 1929 at the Melbourne Branch of the Royal Mint. In 1971, the Controller of the Royal Australian Mint, Mr. J. M. Henderson, reported that uniface restrikes in gold-plated copper were struck from each of the obverse and reverse dies. It has subsequently been reported to the gallery by the Commonwealth Police that a greater number of uniface specimens were struck than had been authorised and reported by the Mint to the gallery. The Commonwealth Police have a complete record of these and all have been recovered.

3. Yes. The dies were lent to the Royal Australian Mint on the authority of the Art Gallery Board and were in the possession of the Mint from January 20, 1971, until September, 1971.

4. Mr. J. M. Henderson, the Controller of the Mint at the time, was responsible for the dies. The dies were lent at the request of Mr. Henderson to produce two uniface sets for the collection of the Royal Australian Mint. The Art Gallery Board also authorised the Mint to strike two uniface sets for display purposes at the gallery.

5. The gallery has been informed by the Commonwealth Police that firm evidence exists to show that only uniface specimens were struck in copper and none in silver or gold, from the gallery's dies.

6. A non-counterfeit Adelaide £5 piece could be worth $10 000 to certain collectors.

7. The policy of the Art Gallery Board is not to lend these dies, but it made an exception in the light of the special request by the Controller of the Royal Australian Mint. The board laid down strict conditions which it now appears were not observed. This has been the subject of criminal charges in another State which have received national press coverage.

8. The dies of the Adelaide £1 piece were lent to the Royal Australian Mint between January and September, 1971, together with the Adelaide £5 piece dies.

Mr. DEAN BROWN (on notice):

1. What is the most recent valuation placed on the entire coin collection at the Art Gallery of South Australia, who made the valuation, and when was it made?

2. Approximately how many coins are there currently in the coin collection at the Art Gallery?

3. During the past 10 years, how many coins have been sold from this collection, on what dates were these coins sold, what was the total value of each sale made, and what was a general description of the groups of coins sold?

4. Were any of these coins, which were sold, made of gold and if so, what was the description of each gold coin sold, the price and the date of sale?

5. Since the publication of the Bulletin of National Gallery of South Australia, Vol. 24, No. 3, Serial 91, January, 1973, is this collection still the largest and most representative collection in the southern hemisphere, and if not, why not?

6. Has the board of the Art Gallery always reserved the right to sell part or all of bequests to the Gallery and; if not, what conditions apply to the sale of bequests and have these conditions altered during the last 20 years?

7.Is a complete inventory kept of all coins within the collection, and is this inventory adjusted with each sale and purchase?

8. For each coin sold during the past 10 years is there a description of the coin, the date of sale and the value of the sale, and if there are such records will the Minister make this information available and if not, why not?

9. During the past 10 years, how many coins have been purchased for this collection, on what dates were these coins purchased, what was the total value of each purchase made, and what was a general description of the groups of coins purchased?

10. Were two Roman coins purchased and, if so, what was the value of this purchase?

11.Will the Government allow members of the press and coin specialists to visit and examine this collection, and if so, when and if not, why not?

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

1. No valuation of the entire collection of coins has been made recently. In April, 1973, Mr. D. G. Liddell, Director of Spink and Son Ltd., London, valued the contents of the majority of the cabinets of coins, excluding the Australian, Classical Greek and Roman and Asian sections, at a total value of at least $50 000.

2. There are about 23 000 coins in the collection and 9 000 related items such as medals, badges, tokens and paper money.

3. Records of coin sales are only available from 1968-1975 and a list is attached as appendix A.

4. Yes. A list of the gold coins sold during 1973-74 is attached as appendix A2.

5. The question relates to a bulletin published in 1963 not 1973. The collection is described as "the largest and most representative collection . . . probably this side of the equator" and was the opinion of the writer at that time. Details of other collections in the Southern hemisphere are not available and the Board does not make any judgment on the opinion expressed in the bulletin or the current status of its collection.

6. Paragraph 16 section 2 *(b)* of the Art Gallery Act 1939 reads:

"(2) The board may—

(b) sell or exchange any such work of art, exhibit or personal property or any work of art, exhibit or personal property under the care or control of the board."

7. A register is maintained of all coins and medals acquired and all coin acquisitions and sales are recorded in the minutes of the Art Gallery Board and in the annual reports.

8. Refer to answers 2 and 3 above.

9. Appendix B is a list of all coins purchased for the collection during the past ten (10) years.

10. Yes. Refer to the list attached as Appendix C.

11. Members of the public who identify themselves and their interests may examine any of the works in the collection not on display by appointment so that suitable supervision can be arranged.

APPENDIX A

	A$
1969—86 coins sold to Spink & Son Ltd., London Duplicates—Great Britain, New Zealand, Newfoundland, Jamaica, Fiji, British Colonies (list attached as Al) ..	3 223.80
Aug. 1973-July 1974—194 gold coins sold on commission by Spink & Son Ltd., London (list attached as A2) Proceeds approx.	18 70000

Appendix Al

Duplicate Coins Sold to Spink & Son Limited, London

	Date	
Great Britain—		
crown	1658	
crown	1743	
crown	1551	
crown	1692	
half crown	1685	
half crown	1689	
half crown	1746	Lima
half crown	1746	Lima
sixpence	1887	
sixpence	1886	
half crown	1937	Proof
florin	1937	Proof
shilling	1937	Proof
shilling	1937	Proof
sixpence	1937	Proof
threepence	1937	Proof
penny	1937	Proof
half penny	1937	Proof
farthing	1937	Proof
half crown	1947	Proof
florin	1947	Proof
shilling	1947	Proof
shilling	1947	Proof
sixpence	1947	Proof
florin	1949	Proof
shilling	1949	Proof
shilling	1949	Proof
sixpence	1949	Proof
threepence	1949	Proof
penny	1949	Proof
half penny	1949	Proof
farthing	1949	Proof
crown	1953	Proof
half crown	1953	Proof
florin	1953	Proof
shilling	1953	Proof
shilling	1953	Proof
sixpence	1953	Proof
half crown	1954	Proof
florin	1954	Proof
shilling	1954	Proof
shilling	1954	Proof
sixpence	1954	Proof
threepence	1954	Proof
half penny	1954	Proof
farthing	1954	Proof
New Zealand—		
half crown	1947	Proof
florin	1947	Proof
shilling	1947	Proof
sixpence	1947	Proof
threepence	1947	Proof
penny	1949	Proof
half penny	1949	Proof
Great Britain—crown	1960	
Newfoundland—		
ten cents	1938	Proof
five cents	1938	Proof
cent	1938	Proof
British Colonies in General—		
half dollar	1822	
half dollar	1822	
quarter dollar	1822	
eighth dollar	1822	
sixteenth dollar	1822	
Jamaica—		
penny	1937	Proof
half penny	1937	Proof
farthing	1937	Proof
penny	1950	Proof
half penny	1950	Proof
farthing	1950	Proof
penny	1953	Proof
half penny	1955	Proof

	Date	
Fiji—		
florin	1937	Proof
shilling	1937	Proof
sixpence	1937	Proof
penny	1937	Proof
half penny	1940	Proof
threepence	1947	Proof
half penny	1949	Proof
sixpence	1953	Proof
penny	1954	Proof
half penny	1954	Proof
Great Britain—		
threepence	1953	Proof
penny	1953	Proof
farthing	1953	Proof
half penny	1953	Proof

Appendix A2
Gold Coins Sold on Commission by Spink & Sons Limited, London
August, 1973-July, 1974

	Net £ £ Selling price	Credit
James VI Scottish Unite		25.00
George III guinea 1791 mounted		16.00
5000 reis 1869 mounted	12.00	
10 marks 1873 and 1888	12.00	
Jubilee 1897 medal	16.00	
Italy 20 lire and 10 marks 1873	20.00	684.00
Group of misc. gold	24.00	
1887 large medal	280.00	
1897 large medal	168.00	
1902 large medal	152.00	
George VI proof sovereign		140.00
Tonga Koula, half and quarter (Mod. coin)		108.00
Italy 20 lire 1882		11.60
Italy 20 lire 1848 Venice	323.00	
ZAR Pond 1898	38.00	
Germany 10 marks 1898 proof	53.20	
Italy—		
100 lire 1912		
50 lire 1911		
50 lire 1912	1 600.00	
20 lire 1912		
10 lire 1912		
U.S.A.—		
$10 1914	28.80	
$5 1836	72.00	
$1 1856	28.80	
1849	36.00	
James I—		
Unite	82.07	
Half Unite	74.88	
Onepiece Cologun	96.00	
Edward IV Half Noble	96.00	
U.S.A. fractional	16.00	
Anne 5 guineas 1714	264.00	
Portugal 6400 reis 1731	187.20	
Bolivia 1855 half escudo	30.40	
Henry VII Angel	96.00	
France 20 francs 1807	32.00	
Edward III Half noble	40.00	
Henry VI Salut d'or	177.60	
Denmark 20 Kroner 1873	25.60	
Hungary 100 Croner 1908	166.40	
Anne One guinea 1714	33.60	
ZAR Pond 1896	25.60	
Sweden 10 Kroner 1883	28.80	
George III sovereign 1820	17.60	
William IV 1832	25.60	
George III one guinea 1775	25.60	
George III—		
sovereign 1820	22.40	
sovereign 1830	38.40	
half sovereign 1817	19.20	
Germany 10 Marks 1888	16.00	
George IV—		
1821 sovereign	19.20	
1829 sovereign	25.60	
2 fractional	25.60	
Germany 20 marks 1873	16.00	
Hamburg 20 marks 1899	12.80	
Henry VI salut d'or	172.80	
U.S.A. $20 1862	70.40	
France—		
5 francs 1854	36.80	
5 francs 1855	24.00	
Fennig, struck in AR	46.40	
Italy 5 lire 1863	22.40	
G.E.A. 1916 Tabora 15 rupees	96.00	
Germany—		
5 marks 1878	48.00	
5 marks 1877	38.40	
George VI—		
1937 proof 5 pounds	352.00	
1937 proof 2 pounds	144.00	
Germany 10 marks 1888	17.60	
Edward VII—		
1902 5 pounds	275.20	
1902 2 pounds	120.00	
George III one guinea	28.80	
U.S.A. $10 1852	240.00	
William IV proof 2 mohurs restrike	59.20	
George II 2 guineas 1738	208.80	
Victoria 5 pounds 1893	284.00	
George IV 1825 half sovereign	22.80	
U.S.A. $50	560.00	
Prussia quarter ducat	60.80	
Saxony Weimer quarter ducat	19.20	
James I crown	38.00	
George III—		
1 guinea 1798	76.00	
half guinea 1798	21.60	
⅓ guinea 1808	30.40	
¼ guinea 1762	30.40	
George I ¼ guinea 1718	30.40	
Edward IV ½ Ryal	167.20	
Sixteen ducat Transylvania	38.00	
U.S.A. $1 1855	128.00	
George VI 1937 ½ sovereign	56.00	
Edward VII small coronation medal	38.40	
U.S.A. $10 1903	30.40	
George III ½ guinea 1789	19.20	
Henry VII ½ Angel	100.80	
		7,669.15

	£ Credit
Netherlands 10 guilders	20.80
Monaco 100 francs 1904	108.00
Yemen Ryal	
4 Kruger ponds	401.40
Victoria two pounds 1893	
Charles II coronation medal	176.00
Louis XVIII 20 francs 1815	28.00
Germany 20 marks	44.00
Swedish 5 kroners 1899	
Denmark 12 marks 1759	128.00
Liege 1484-1505 St. Lambert John of Hoorn	116.00
Hungary 4 Ducats (peirced) 1856	40.00
Hungary ducat 1848	30.00
Russia platinum 3 roubles	109.00
Chile 8 escudos 1818	48.00
France 40 francs 1806	50.00
Egypt 100 piastres 1916	32.00
Edward IV quarter Ryal	55.00
Henry VIII half sovereign, Charles II guinea, 1676, third guineas 1797, 1810	80.00
James I thistle crown	25.00
Half sovereigns 1837, 1885, 1911	65.00
Third guinea 1804	25.00
Sovereigns 1843, 1893	75.00
Sovereigns 1911, 1962	72.00
Edward VII sovereign and half sovereign 1902	70.00
Belgium Flanders, Philip the Handsome florin	90.00
Belgium 20 francs 1870	25.00
Denmark 10 kroners	25.00
France 20 francs 1828A	30.00
Russia 10 roubles 1901	20.00
Czechoslovakia ducats 1930 (2)	34.00

		£ Credit
France, 20 francs, 1854A, 1857A, 1859BB		45.00
20 francs 1865 BB.....		15.00
20 francs 1889A 1906		32.00
5 francs 1860A, 1862A, 1864BB, 1866A.....		20.00
Germany Prussia 20 Marks 1888 (3).....		50.00
Hamburg 2 ducats 1808, ducats (2.) 1867, 1872		167.87
9 gold coins of the world		
Holy Roman Empire Ferdinand III, medallic klippe 1650		52.00
Netherlands, ducat 1758		42.00
Netherlands East Indies ducat 1832		40.00
Sweden Oscar II 20 kroner 1878		95.00
Turkey Mahmud II 2 sequins, Turkish minor denominations (5)		30.00
Habit bank Ltd., guinea.....		15.00
U.S.A. 5 dollars 1911, 1913, 2½ dollars 1908		62.00
California ¼ dollars (2).....		10.00
Boston Numismatic Society medallion 1950		20.00
ZAR half pond 1892		40.00
Pond 1895		42.00
Pond 1897, half ponds 1894, 1897		50.00
Half pond 1895, 1896		30.00
Blank pond.....		90.00
Approximately, A$18 700.	Total £1	1 623.82

Appendix B

	$
1965-66—	
England—play money 20 pieces.....	40.00
New Zealand—George VI half crown . .	2.50
1968-69—	
1967 unofficial pattern crown, Australian .	12.50
Set 18 Tonga coins (1967, 1968) approx.	20.00
97 Miscellaneous coins:—	
Iceland—	
1 krona 1940, 25 aurar 1940, 10 aurar 1940, 5 aurar 1942, 2 aurar 1942, 1 eyrir 1942, 10 aurar 1925	
Denmark—	
2 ore 1906, 25 ore 1915, 1 ore 1902, 1 ore 1919	
Sweden—	
10 ore 1913, 1 ore 1944, 2 ore 1925	
Belgium—	
25 cents 1921, 5 cents 1913.....	
Portugal—	
50 centavos 1944	
Spain—	
1 peseta 1944, 10 cents 1959	
Isle of Man—	
Penny 1786	
Canada—	
1 cent 1913, 1 cent 1921, 10 cents 1916.....	
Indo-China—	10.00
1 piastre 1947, 1 cent 1920, ½ cent 1935, ½ cent 1938, 20 cents 1939, 10 cents 1940	
U.S.A.—	
10 cent 1917s, 10 cent 1899, 5 cent 1917s, 1 cent 1891, 1 cent 1906, 1 cent 1956	
Netherlands Indies—	
10 cents 1941.....	
Italy—	
10 cents 1921, 5 cents 1923	
Finland—	
1 penni 1963	
Syria—	
50 piastres 1933	
Malaya—	
1 cent 1940	
Australia—	
1 cent 1940	
Austria—	
2 groschen 1929, 2 groschen 1962 . .	
Germany—	
10 pfennig 1924, 5 pfennig 1876, 1 pfennig 1940	
Australia—	
Internment camps penny, 3 medallets	
Mexico—	
50 cents 1957	
Honduras—	
1 cent 1957	
Turkey—	
1 kurus 1966	
Ceylon—	
½ cent 1926	
Brazil—	
20 reis 1869	
India—	
¼ anna 1920, ¼ rupee 1944	
Vietnam—	
50 xu 1953, 20 su 1953, 10 su 1953 .	
South Africa—	10.00
6d 1952, penny 1938, ½d 1944	
France—	
25 cents 1919, 50 cents 1943, 1 cent 1914.....	
New Zealand—	
Shilling 1934, 6d. 1933, 3d. 1946, penny 1944, penny 1950	
England—	
Sixpences 1929 and 1941, threepences 1937 and 1940, halfpennies 1848, 1853, 1857, 1938 and 1952, farthings 1885, 1905, 1907, 1945 and 1947 .	
Palestine—	
50 mils 1935 and 1939, 5 mils 1927, 1934, 1935 and 1939, 2 mils 1927, 1 mil 1935 and 1939	
Egypt—	
10 mils 1917, 5 mils 1917.....	
Lebanon—	
½ piastre 1936	
1969-70—	
Victorian Guinea—gold 1843 English . . .	16.50
Fifteenpsnce silver (N.S.W. Dump—1813)	100.00
1970-71—	
Set 1970 Australian uncirculated coins . .	10.00
Restrikes of Kangaroo assay office gold pieces (2 oz., 1 oz., ½ oz., ¼ oz. and Advertising Medallion)..... approx.	100.00
1972/73—	
Stone money Navela. New Hebrides approx.	20.00
1975—	
2 Drachma of Hadrian.....	145.00
153 coins.....approx.	$476.50

Appendix C

Two Roman coins, both Drachmas of Hadrian, were purchased in June, 1975—

1. Drachma, year 15—
   Obv. Head of Hadrian
   Rev. Emperor receiving tribute from Alexandria
2. Drachma, year 15—
   Obv. Head of Handrian
   Rev. Emperor standing in a quadriga, Alexandria stands in front with right arm raised.

Price—$145.00

TRAMWAYS TRUST BUSES

Mr. RUSSACK (on notice):

1. How many buses have been sold by the Municipal Tramways Trust during the past 10 financial years and for each individual bus sold—
   (a) what was the age of each bus at the date of sale;
   (b) what was the date of sale;
   (c) what was the sale price; and
   (d) for what reasons was each bus sold?

2. What is the total approximate cost of the supply of the 67 A.E.C. Swift buses complete with bodies?

3. Is there currently a shortage of buses within the metropolitan area and, if so, how many additional buses are required to overcome this shortage?

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

1. The number is 255 buses.

(a) the ages of the buses sold were between 14 and 17 years;

(b) the buses were sold in the following financial years:

1965-66	A.E.C.	Regal	Mk III	3
1967-68	A.E.C.	Regal	Mk III	10
1967-68	A.E.C.	Regal	Mk IV	15
1969-70	A.E.C.	Regal	Mk IV	19
1970-73	A.E.C.	Regal	Mk IV	102
	Leyland		Mk II	106
			Total	255

(c) the sale prices ranged from $2 000 to $4 500 with most of the buses being sold for about $4 000; and

(d) the buses sold had reached the end of their economic life and were replaced with modern buses designed for one-man operation.

2. $4 125 000.

3. Yes. There are 380 buses on order. These are required to replace obsolete buses transferred to the trust from private operators and to cater for the expansion of bus services.

PATAWALONGA

Mr. BECKER (on notice):

1. What is the Coast Protection Board contribution towards the cost of groyne construction, rip-rap walling and associated works currently being undertaken at the Patawalonga entrance, North Esplanade, Glenelg North?

2. When will the work be completed?

3. In what direction will the new groyne proceed from the coast?

4. What warning lights will be installed on the new groyne?

5. Have any laboratory tests been undertaken as to the effect the new works will have on ensuring that the entrance to the Patawalonga will be accessible at all times and, if so, by whom have the tests been carried out?

6. Will the new works alleviate the sandbar problem in this area?

The Hon. D. W. SIMMONS: The replies are as follows:

1.

	Total estimated cost $	Percentage Subsidy	Maximum C.P.B. commitment $
a. Rip-rap protection.....	150 000	66.67	100 000
b. Road widening, car parking and beautification etc.	44 000	40	17 600
c. Low profile groyne north of the Patawalonga entrance.....	cost yet to be estimated pending completion of design	66.67	dependent on estimated cost

2. Unless unforeseen circumstances arise the work of building the rip-rap protection will be completed by Christmas. The road widening, car parking and beautification works are to be undertaken by the Glenelg council and I am advised that it will not start work until some time in the early part of the New Year. The completion date for building the groyne is dependent on the supply of materials but indications are that this work will also commence early in the New Year. The actual construction time for the groyne would be about two months.

3. The proposed groyne will consist of a vertical extension of the existing training wall together with a longitudinal extension running approximately parallel to the existing groyne on the southern side of the entrance channel.

4. Any requirements of the Marine and Harbors Department in respect to warning lights on the proposed groyne will be adhered to.

5. No laboratory tests have been carried out to assess the likely performance of the proposed new groyne; it is unlikely the processes occurring in the area could be simulated with the degree of accuracy required for such tests to produce valid findings.

6. Calculations indicate that the new works will have a significant effect in diminishing the sand-bar problem but the groyne will not by itself eliminate the need to maintain the channel. The efficiency of flushing operations will be improved by the new groyne but the major way in which the channel will be kept clear is by preventing the sand south of the existing groyne from building up excessively. The new groyne is intended, primarily, to reduce the backwash of sand southwards into the boat channel so permitting sand replenishment to be carried out on the beach immediately to the north.

FISHING INDUSTRY

Mr. BLACKER (on notice): Which fishing groups are recognised by the Department of Agriculture and Fisheries as being representative groups in each of the following fishing industries, respectively: lobster, prawn, tuna, abalone, shark, scallop, scale, inshore netting and trawling?

The Hon. J. D. CORCORAN: Recognised groups in each of the fisheries are as follows:

1. Lobster:
   (1) Carpenter Rocks Professional Fishermen's Association.
   (2) Port MacDonnell Professional Fishermen's Association.
   (3) Kingston Professional Fishermen's Association.
   (4) West Coast Rock Lobster Fishermen's Association.
   (5) Southern Fishermen's Association.
   (6) Robe Fishermen's Association.
   (7) South East Fishermen's Association.
   (8) Southend Fishermen's Association.
2. Prawn:
   (1) Port Adelaide Professional Fishermen's Association.
   (2) South Australian Prawn Fishermen's Association.
   (3) South Australian Western Walers Prawn Boat Owners' Association.
3. Tuna:
   (1) Tuna Boat Owners' Association of Australia.
   (2) West Coast Professional Fishermen's Association.
4. Abalone:
   (1) Abalone Divers' Association.
5. Shark:
   (1) South Australian Professional Fishermen's League.
   (2) South Eastern Fishermen's Association.
   (3) Port Adelaide Professional Fishermen's Association.
6. Scallop:
   (1) Northern Spencer Gulf Professional Net Fishermen's Association.

7. Scale:
   (1) Central Yorke Peninsula Professional Fishermen's Association.
   (2) Port Pirie Commercial Fishermen's Association.
   (3) Moonta Bay Professional Fishermen's Association.
   (4) Port Augusta Professional Fishermen's Association.
   (5) Port Adelaide Professional Fishermen's Association.
   (6) Kangaroo Island Fishermen's Association.
   (7) Northern Spencer Gulf Professional Net Fishermen's Association.
   (8) Southern Yorke Peninsula Professional Fishermen's Association.
   (9) West Coast Scale Fishermen's Association.
   (10) Southern Fishermen's Association.
   (11) South East Fishermen's Association.
   (12) Eyre Peninsula Fishermen's Association.
8. Inshore netting and trawling:
   (1) Port Pirie Commercial Fishermen's Association.
   (2) Moonta Bay Professional Fishermen's Association.
   (3) Port Augusta Professional Fishermen's Association.
   (4) Port Adelaide Professional Fishermen's Association.
   (5) Northern Spencer Gulf Professional Net Fishermen's Association.
   (6) Southern Yorke Peninsula Professional Fishermen's Association.

The body representing all South Australian fishermen on a federal basis is A.F.I.C. (Australian Fishing Industry Council).

GOVERNMENT PAYMENTS

Dr. EAST1CK (on notice): Has the Government since assuming office in June, 1970, made any *ex gratia* payments for services, goods or other transactions and if so—

(a) what criteria has been used in determining to make such payment and in deciding the amount which will be paid; and

(b) what individual payments have been made, for what amount and for what service or favour have each of the payments been made?

The Hon. D. A. DUNSTAN: The Government has made *ex gratia* payments since assuming office in June, 1970, (a) an *ex gratia* payment is made in those instances where the Government has no legal obligation to make such a payment, but is of the opinion that it has a moral or equitable obligation to pay; and *(b)* these payments can occur over quite a wide area and are appropriated in the Estimates under special lines or under general appropriation. If the honourable member desires information regarding a specific payment I will make further enquiries.

MEDIBANK

Dr. EASTICK (on notice):

1. Have any "recognised hospitals" registered as such for the Medibank scheme, had their registration withdrawn and, if so, which ones?

2. Which of the hospitals in the State have now been refused "recognised hospital'' status?

3. Is the Government still considering the plight of those community hospitals which, through lack of "recognised status", no longer receive State or local government financial assistance?

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

1. No.

2. None.

3. As from July 1, 1975, previously existing subsidy payments to public hospitals ceased and were replaced by an offer to all such hospitals of "deficit financing" as recognised hospitals. All of the existing public hospitals except Keith and Kapunda accepted this offer. Other grants made to some private country community hospitals have all been retained.

MAGILL CROSSING

Mr. DEAN BROWN (on notice): Will the pedestrian crossing on Saint Bernards Road, Magill, be installed during the current financial year, as set out in the Minister's letter to me on September 11, 1974, and if not:

(a) when will it be installed; and

(b) why will it not be installed this year?

The Hon. G. T. VIRGO: Yes.

WATER FLEAS

Mr. DEAN BROWN (on notice):

I. Did the Engineering and Water Supply Department receive a complaint about water fleas in the water supply during May or June, 1975, and if so, why was no action taken when the complaint was initially received?

2. Why was the House not informed of whether or not a report had been received, as promised on September 30, 1975?

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

1. Yes. Action was taken.

2. In due course I would have informed the honourable member that I had not received a report on this.

PROPERTY TRANSFERS

Mr. BECKER (on notice): How many applications have been lodged with the Lands Titles Office transferring house properties into joint names and what is the total value of properties transferred since July 1, 1975 to October 17, 1975?

The Hon. PETER DUNCAN: Thirty-five transfers have been lodged at the Lands Titles Office for registration, the total value of the properties concerned being $784 200.

TRAM CROSSING

Mr. BECKER (on notice): When will the installation of boom gates and signals on the Glenelg tramline crossing on Morphett Road be completed and what has been the reason for the delay?

The Hon. G. T. VIRGO: They will be in operation on Sunday, November 2, 1975. Delays have been due to technical problems and equipment associated with queue detectors required to link tram movements with vehicular queuing between the existing traffic lights at Anzac Highway and the tram crossing on Morphett Road.

TAPLEY HILL ROAD

Mr. BECKER (on notice): Is it proposed to widen Tapley Hill Road between Sturt Creek, Glenelg North, and Burbridge Road, West Beach, this financial year, and if so:

(a) to what width and to how many additional lanes of traffic;

(b) when will the work commence and when will it be completed; and

(c) what is the estimated total cost?

The Hon. G. T. VIRGO: No.

COMMONWEALTH ASSISTANCE

Mr. BECKER (on notice):

1. What amounts have been received this financial year from the Australian Government on account of Medibank and the railway transfer agreement?

2. How much is in arrears and when is it expected the amounts will be brought up to date?

3. On what basis are indications of overspending on the Loan Account calculated and, on that basis, by how much will the Loan Account Budget be exceeded?

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

1. To September 30, 1975, the State had received from the Australian Government and had taken to the credit of

a trust account an aggregate amount of $15 400 000 on account of Medibank. Of the $15 400 000, an amount of $14 700 000 had been transferred to the credit of Revenue Account as an estimate of the recoup due on account of expenditures made to that date. To September 30, 1975, the State had received special temporary additions of $6 000 000 to the Financial Assistance Grant to take account of the fact that the Australian National Railways Commission did not have authority, at that stage, to make the normal payments on account of the running of the non-metropolitan railways.

2. On Medibank, the advances received were estimated to be a little ahead of amounts justified by expenditure and, on railways advances, were estimated to be a little in arrears. On the two accounts taken together there were no significant arrears or forward payments.

3. It is not possible so early in the year to give a reliable forecast about future movements of Loan Account. However, a continuing review of expenditures and recoveries on all loan accounts is conducted, and this is the basis upon which indications of variations from the Budget are calculated. Major relevant factors since the Loan Estimates were debated are:

(a) the Government has decided to allocate $3 000 000 of Loan funds and $1 000 000 of semi-government borrowing authority to the Housing Trust to overcome problems arising from tight limitations on housing agreement funds.

(b) progress on the Education building in Flinders Street has been more rapid than earlier expected, and some payments from Loan Account are likely to be brought forward from 1976-77 into 1975-76.

The indications are that by June 30, 1976, Loan Account could be in deficit to the extent of some $5 000 000. The reason this cannot be taken as a reliable forecast at this early stage is that a number of presently unknown influences could intrude. These may include changes to State Government plans to cater for specific situations, further changes to Australian Government policies or procedures in relation to State programs, and private sector influences, such as faster or slower rates of progress on major contracts. Revenue Account is expected to be in surplus to the extent of more than $25 000 000 (after taking into account the receipt of a completion grant of $2 500 000 in respect of 1973-74).

TEA TREE GULLY TRAFFIC LIGHTS

In reply to Mrs. BYRNE (October 9).

The Hon. G. T. VIRGO: Preliminary investigations reveal that there is insufficient space within the existing properly boundaries for the installation of a roundabout of sufficient size to accommodate the traffic and be effective in reducing accident potential and speeds. Taking into account the time involved and the cost of acquiring the necessary land and constructing a suitable roundabout, it is not expected that an effective roundabout could be installed much earlier than traffic signals.

ROAD SIGN

In reply to Mr. RUSSACK (October 15).

The Hon. G. T. VIRGO: The Australian standard with respect to advance direction signs has been adopted by the Highways Department, and the town indicated shall be the next town of some importance on the route to be followed. Where applicable, national route markers shall also be indicated on the sign. The existing advance direction sign just north of Port Wakefield conforms to the Australian standard, and no additional information is considered to be necessary. It is obviously impracticable to include the names of all prominent towns on the sign. Motorists travelling to or beyond Port Augusta should be aware from road maps that national route marker 1 may be followed, and that Crystal Brook is on this route. Most road maps now indicate national routes, and all towns indicated on advance direction signs are prominently marked on road maps.

COAL TAR

In reply to Mr. ALLISON (October 14).

The Hon. G. T. VIRGO: Coal tar from the South Australian Gas Company at Osborne and the Broken Hill Proprietary steelworks at Whyalla is used as a road primer, except where, for cost or technical reasons, bituminous based primers are preferred. The use of coal tar as a binder has not met with ready acceptance in this State because of its inferior qualities of durability and serviceability when compared with bitumen. The developments referred to by the South African National Institute of Road Research involve the addition of certain polymers to the coal tar in order to improve these qualities. This process requires the installation of extensive plant with high initial capital outlay. The binder produced deteriorates rapidly at high temperature and must be used within a short period after manufacture. Its use in this State would not therefore be practical since cartage of sealing materials over large distances is inevitable. Research into the development of coal tar based binders is being undertaken in other States. No work is being done in this State. However, the Highways Department is aware of the status of the research and is continuing to review its progress.

WEST LAKES TRANSPORT

In reply to Mr. HARRISON (October 2).

The Hon. G. T. VIRGO: No detailed statistics are available in respect of patronage on the regular bus services operated by the trust in the West Lakes area but, generally speaking, patronage is comparable to patronage on other M.T.T. services operated in areas of similar population density. Special bus services operated between the city and West Lakes in connection with football matches held at Football Park are well patronised but direct experimental services to Football Park from suburban centres such as Glenelg and Port Adelaide have not received sufficient support to justify the operation of services of this kind in future.

SHEEP SLAUGHTERING

In reply to Mr. WOTTON (September 11).

The Hon. J. D. CORCORAN: As I indicated previously to the honourable member, it is not the intention of the Government to establish regional abattoirs. However, proposed legislation envisages the establishment of a Meat Industry Authority responsible for the licensing of all abattoirs and slaughterhouses in the State. The final drafts of the new Bills are still being examined, and the ultimate form of that legislation will be decided by Parliament; but the Minister of Agriculture informs me that while the Meat Industry Bill will prescribe the general principles on which abattoirs and slaughterhouses may be set up, standards for both abattoirs and slaughterhouses will be developed and incorporated in regulations under the Act. Under the present proposals, it is expected that the criteria used by the proposed Meat Industry Authority

to decide applications for licences to establish meatworks would include such factors as standards of construction and suitability of plant and equipment, slaughtering capacity in relation to requirement of the particular locality, the adequacy or otherwise of existing facilities, etc.

In reply to Mr. BLACKER (August 27).

The Hon. J. D. CORCORAN: I draw the honourable member's attention to a recent reply to his question on notice in which it was explained that regular Iamb and sheep slaughterings during October and November will reduce the throughput of "potter" sheep at the Port Lincoln abattoirs. Limited resources of the Government Produce Department preclude a rationalisation of the scheme along the lines proposed by him. Although the number of slaughterings of drought affected sheep may reach 45 000 by mid-November, it is hoped that seasonal conditions on Eyre Peninsula will improve sufficiently in the near future to enable stock to be retained on properties.

STATE BANK

In reply to Mr. CHAPMAN (August 14).

The Hon. D. A. DUNSTAN: The State Bank has made and continues to make significant advances to its own customers by way of overdraft for the purchase of livestock and will maintain this policy in cases where it is prudently practicable having regard to available funds and normal banking requirements. It is not the practice of the bank to divert to stock firms applications from its own customers for assistance of this nature, nor is it the bank's practice to charge interest rates exceeding normal overdraft interest rates for that assistance. For the bank to significantly extend its present services in this area or to establish a rural bank would necessitate a diversion of Loan funds from those areas of essential Government works in order that such a project may be financed. The current rural reconstruction programme administered by the Lands Department provides a measure of debt reconstruction assistance to a farmer who, although having sound prospects of long-term commercial viability, has used all his cash and credit resources and cannot meet his financial commitments. The following tests of eligibility apply:

(a) the applicant is unable to obtain finance to carry on from any other normal source and is thus in danger of losing property or other assets if not assisted under the scheme.

(b) there is a reasonable prospect of successful operations with the assistance possible under the scheme, the prime requirements being ability to service commitments and to reach the stage of commercial viability within a reasonable time.

(c) assistance is merited and the applicant's difficulties are not substantially due to circumstances within his control.

Debt reconstruction will usually encompass a rearrangement and/or a composition of debt to allow more time for payment, namely, the maturing capital debt of stock mortgage liability and, where necessary, advances of additional funds for carry-on expenses, livestock and further property development at reasonable interest rates. Interest charges vary from 6¼ per cent (consolidation) to 8 per cent depending on the nature of the advances. The maximum period for repayment is 20 years. The applicant is obliged to submit an annual budget and farm management programme. He is bound by the ordinary terms of stock mortgage legislation, but may trade to his own best interests within the limits of his approved budget. Budgetary operations are initiated following the consolidation or a transfer of the applicant's stock mortgage liability from his existing stock mortgage to the Minister of Lands. Any large scale extension of the foregoing would be beyond the current year's fund allocation of $4 100 000 to rural reconstruction. In addition, my Government and the Australian Government have through the Beef Industry Assistance Act, 1975, provided funds for specialist beef producers (who receive 50 per cent per annum of their income from the production of cattle for slaughter) and are experiencing financial difficulties in carrying on. The maximum loan available from this source is $10 000 repayable over seven years at an interest rate of 4 per cent per annum with the first year's interest being capitalised.

APPROPRIATION BILL No. 2—BUILDERS LICENSING BOARD

In reply to Mr. RUSSACK (September 11).

The Hon. D. A. DUNSTAN: During the Budget debate, three questions were raised regarding the Builders Licensing Board. First, the Secretary of the Builders Licensing Board has informed me that the sum of $119 200 provided for inspectors and clerical staff includes all expected "automatic" incremental increases in salaries known at June 30, 1975, and provision for the salary of an additional clerical officer. One inspector was appointed early in the financial year, 1974-75, and another towards the end of the year. There was no Secretary of the board for approximately six months and, during this period, the Senior Clerk acted as Secretary of the board so that the actual salaries paid for 1974-75 were reduced by the equivalent of one clerical officer. Secondly, the Chairman of the Builders Licensing Board has informed me that it is not the policy of the board to interview an applicant when he seeks to renew his licence. However, when a general builder's licence has expired and has not been renewed, the board requires the applicant, if he wishes to retain his licence, to submit a fresh application. The applicant is asked to attend an interview with a member of the board's inspectorial staff if he has not been previously interviewed. Finally, I am informed that the Salt Damp Research Committee has not, as yet, discovered any technical reports and tests that unequivocally point to any one system of electrolysis installation as being a 100 per cent cure of salt damp over a period of time for all conditions of materials, construction and environment.

BUSINESSMEN'S ADVICE BUREAU

In reply to Mr. COUMBE (October 14).

The Hon. D. A. DUNSTAN: The type of assistance referred to by the honourable member is already provided to a large degree by officers of the Development Division of the Premier's Department. The assistance, however, is given only to small manufacturers and not to traders or shopkeepers. Financial and managerial advice is provided mainly by Mr. R. E. Manuel, Financial Investigation Officer. Mr. Manuel is well qualified in this field, being an accountant with many years' experience in private industry, including at one time the running of his own small business. He has enabled small manufacturers to receive grants and other forms of financial assistance. An additional position of Financial Investigation Officer was created recently in the Development Division and it is hoped to recruit another person with Mr. Manuel's background. Assistance in the other areas of marketing, export and licensing is given also to small manufacturers by the Development Division by officers mainly recruited from outside industry with experience in these fields.

UNEMPLOYMENT

In reply to Dr. TONKIN (September 20).

The Hon. D. A. DUNSTAN: The Public Service Board has commented as follows on the anticipated vacancy situation for the remainder of 1975-76 in respect of employment under the Public Service Act. The predictions set out below have been made in the light of a planned Public Service growth rate of 4 per cent in the current financial year. This planned growth rate is flexible to the extent of changes in Government policy and in the financial budget. School leavers will be recruited to other areas of Government employment not covered by the Public Service Act (e.g. weekly paid employees, police, nurses). For the period January to June, 1976, it is anticipated that new positions, together with vacancies resulting from natural turnover to which school leavers could reasonably be expected to be appointed will total between 300 and 320. This compares with an actual figure of 381 for the same period in 1975. In addition, between 90 and 100 school leavers will be granted scholarships and cadetships during the current financial year. A comparable number of offers was made last year, the actual number always depending very much upon the quality of matriculation applicants and the response from graduates.

MOTOR VEHICLE INSURANCE

In reply to Mr. ALLISON (October 1).

The Hon. G. T. VIRGO: Third party insurance premiums are determined by an independent Premiums Committee appointed under the Motor Vehicles Act. It is not considered practicable to grant remissions of premiums for any particular category of persons on the basis of a means test or driving performance. If this were done, it would be necessary to place a compensating load on others to achieve the required total premium income to meet claims. Pensioners are not subject to annual driving tests up to 69 years of age as they are only annually tested over that age. Although the Government is not in a position to make remissions in respect of third party premiums, it has acted in those areas where it has had the power. Substantial financial relief to pensioners has been given by way of a 30 per cent rebate in vehicle registration, 66⅔ per cent rebate in the driver's licence fee and exemption from stamp duty on insurance.

PRINCES HIGHWAY

In reply to Mr. WARDLE (October 7).

The Hon. J. D. CORCORAN: The current programme for the South Eastern Freeway provides for completion to Callington by October, 1977 and to White Hill by June, 1978. The latter date implies a slight change from the previous programme but allows for completion of the freeway to coincide with the current construction programme for Swanport Bridge. However, there has so far been no indication as to Australian Government allocations after June, 1977, when the present legislation expires. The programme is therefore subject to further modification in the light of finance actually available for the project.

PIRACY

In reply to Mr. BLACKER (September 16).

The Hon. J. D. CORCORAN: The Minister of Fisheries has informed me that reports by Department of Fisheries officers involved in this incident indicate that these officers acted within their powers under the Fisheries Act and that they identified themselves as authorised inspectors under the Act. The senior officer in the party produced to the captain of the vessel both his State and Australian fishing inspector's identity card. Trawl nets were rigged and prawns were found on board and the Minister has stated previously that when illegal fishing is suspected, fisheries officers have authority to direct a boat to port. After some deliberation the senior inspector attempted to take the helm and stop the vessel, but the wheel was wrenched violently from his hands, and bruising to the inspector's abdomen resulted. My colleague is satisfied that if damage occurred to the automatic pilot of the vessel, it could not be attributed to the departmental inspectors.

LOXTON HALL

In reply to Mr. NANKIVELL (October 14).

The Hon. J. D. CORCORAN: At the time of planning, all community groups interested in the hall were invited to inspect the plans and make suggestions concerning them. It was possible to incorporate some of these suggestions in the final plan. It is reported to me that the former Mayor of the Loxton Corporation (now deceased) was Chairman of a Planning Committee for the new hall. Groups invited to comment included the Drama Group, the Music Society and the local arts council. In addition, advertisements were placed in the local press inviting anyone in the district who was interested to inspect and comment on the proposed planning. It is difficult, therefore, to understand the statement made to the honourable member by the present Mayor that she had not been able to have access to the plans of this building. It is further reported that the opinion of the school authorities at that time was that the dressing rooms were generously sized. During the planning stages some consideration was given to the need for areas such as costume storage and it was envisaged that such areas might be provided by way of non-solid additions at some later stage. If an immediate need exists for costume storage, mobile tubular steel costume racks could be quickly provided in each dressing room.

DORSET VALE PROPERTY

In reply to Mr. EVANS (October 9).

The Hon. J. D. CORCORAN: Approval has been given for the purchase of the property from the executors of the estate of the late Mr. T. L. Chapman for a mutually acceptable price.

AGRICULTURE DEPARTMENT

In reply to Mr. GUNN (September 30).

The Hon. J. D. CORCORAN: The Minister of Agriculture has informed me that the current target date of the contractors for the completion of the new quarters for tenancy is December 16. Subject to the contractors meeting this date and the provision of furniture and telephone facilities the Department expects to move during January, 1976.

PARACOMBE PRIMARY SCHOOL

In reply to Mrs. BYRNE (September 30).

The Hon. J. D. CORCORAN: Reseeding is planned to be undertaken before the end of this year.

SHEEP SALES SCHEMES

In reply to Mr. NANKIVELL (September 18).

The Hon. J. D. CORCORAN: The board of Samcor has carried out a detailed study of the practicability (including the economic implications) of introducing at Gepps Cross a scheme, similar to the "potter" scheme operating

at Port Lincoln, for the purchase and slaughter of drought-affected sheep. Investigations show quite clearly that it would not be a practical proposition to extend the scheme to other areas of the State. The Minister of Agriculture reports that seasonal conditions in most areas have improved considerably, and he expects that increasing feed supplies will enable farmers to retain stock on their properties.

SCHOOL BUS

In reply to Mrs. BYRNE (October 2).

The Hon. G. T. VIRGO: The matter has been re-examined, but the position is still the same as that stated in my letter to the honourable member of September 30, 1975.

HIGHWAY 12

Tn reply to Mr. NANKIVELL (October 9).

The Hon. G. T. VIRGO: Under the Road Grants Act, 1974, the Australian Minister for Transport requested details by May 16, 1975, of the Highways Department's proposed programme of works on rural arterial roads for 1975-76. Although the department at that time had not finalised its programmes, it was decided to "play safe" and submit to the Australian Minister all those projects under consideration, and which, if included on the programme would have required his approval if funded from Australian Government grants under the Act. The first stage of reconstruction between Chandos and Pinnaroo, estimated to cost $300 000 in 1975-76 was one of the projects so submitted. However, subsequent refinement of the departmental programme, in the light of priorities and anticipated availability of funds, subsequently necessitated its deletion from the 1975-76 programme. It is unfortunate that the Australian Minister was not aware of the deletion and gave rise to the impression that his approval for the work to be undertaken was in fact advice that the work would actually be carried out.

CHIROPODISTS

In reply to Mr. MATHWIN (October 15).

The Hon. D. J. HOPGOOD: The School Health Branch of the Public Health Department has commenced a comprehensive assessment and advisory health service to those 4-year-olds admitted to Education Department schools in South Australia. At present only one part-time paediatrician and one full-time trained nurse are available for this work because of the financial and manpower restrictions. The Principal Medical Officer is meeting with representatives of the South Australian Branch of the Australian Chiropody Association to discuss the role chiropodists might have within a comprehensive health care system for South Australian school/pre-school children.

HOLDEN HILL NORTH SCHOOL

Tn reply to Mrs. BYRNE (October 14).

The Hon. D. J. HOPGOOD: The Holden Hill North Primary School will open in February, 1976, with an enrolment of about 250 children.

INDUSTRIAL ACCIDENT

In reply to Mr. ABBOTT (October 16).

The Hon. J. D. WRIGHT: When the honourable member asked me the question regarding the death of a workman of Classic Weld Proprietary Limited, I was not aware of the fact that an investigation had already commenced. I find that the Chief Inspector has an arrangement with the Police Department to be advised immediately of any fatal industrial accident, and it is always a practice for an inspector of the Labour and Industry Department to commence an immediate investigation of such an accident. The investigations made so far in this case indicate some breaches of safety requirements at the time of the accident. As legal action may be taken in this case it would be inappropriate for me to make any public statement at this stage. I can assure the honourable member that all aspects of the accident are being investigated, that appropriate action will be taken, and that I will keep him informed of that action.

WORKMEN'S COMPENSATION

In reply to Mr. VENNING (October 9).

The Hon. J. D. WRIGHT: I have found that the State Government Insurance Commission has refused some classes of workmen's compensation insurance because of its inability to obtain excess of loss reinsurance for those particular classes. However, the commission is at present endeavouring to arrange oversea reinsurance facilities for previously non-acceptable risks. I have discussed the matter with the General Manager of the commission, who has undertaken to keep me informed when these arrangements have been completed.

MINISTERIAL STATEMENT: HOMOSEXUALS

The Hon. PETER DUNCAN (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. PETER DUNCAN: Over the past few days there have been press and other media reports concerning remarks I made at the New South Wales Council for Civil Liberties meeting in Sydney on Saturday afternoon. These reports have generally given a misleading impression of my comments on that occasion, and I would like to clarify the position for the benefit of members. I did not refer in my speech to the question of homosexuals going into schools. In fact, the topic of my talk was on another matter altogether. I was questioned, however, concerning this matter by a person who quoted from my second reading explanation from *Hansard,* on the occasion of the introduction of the Bill to remove the proscription against homosexual behaviour in South Australia, and this person asked me, first, whether I had made the quoted remarks and, secondly, a hypothetical question arising out of those remarks.

I replied that I had made the statement as part of my second reading explanation in support of the Bill and that the quoted remarks concerning homosexuals discussing their attitudes in schools constituted an undertaking to which the public was entitled. I then said in answer to the hypothetical question that, provided homosexuals addressed students as part of a course in a school curriculum, such as social studies, I would not be opposed to it. There is a vast difference between allowing homosexuals into schools in an uncontrolled manner to proselytise their views and allowing homosexuals under complete control and merely as part of a human relations course to address senior students. I did not, however, say that I would promote the idea of this happening.

I did not mislead this Parliament as has been suggested. In my second reading explanation on August 27, I was referring to homosexuals proselytising their views in schools. I have said that I would not, and I emphasise "not", promote the idea of homosexuals being admitted to schools to talk to students, and I reaffirm that statement. This is a matter on which the Government has a policy, and I of course, as a Minister of the Government, support that policy wholeheartedly.

MINISTERIAL STATEMENT: COMPANIES INVESTIGATION

The Hon. PETER DUNCAN (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. PETER DUNCAN: The South Australian Government has ordered a full investigation into the affairs of the Co-operative Travel Society Limited, Co-operative Property Development of Australia Limited, four associated co-operatives and six associated corporations. The investigation will be carried out by a Deputy Master of the Supreme Court (Mr. R. L. Lunn) and the Senior Inspector of Companies (Mr. R. B. Arnold). The Tasmanian Government is also co-operating in this matter and has appointed Mr. Lunn and Mr. Arnold as joint inspectors under that Slate's Companies Act to facilitate that part of the investigation which will be undertaken in Tasmania.

The appointment of the inspectors follows complaints from shareholders in the two organisations named above who are now concerned about their investments and the calls upon them to meet instalments on shares when due, and who are dissatisfied with information received about the progress of the ventures concerned. In the light of submissions received by the Government, it considers that the investigation is necessary in the public interest. The initial purpose of the Co-operative Travel Society Limited, as stated in the prospectus, was to provide a system of saving and investment which would eventually enable the participants to engage in world travel. The stated purpose of Co-operative Property Development of Australia Limited was to promote ownership of tourist developments, chiefly in Tasmania and South Australia, including a plan for saving and investment.

The complete list of the organisations to be investigated is as follows:

Co-operative Travel Society Limited;
Australian Co-operative Travel Society Limited;
Co-operative Development Funds of Australia Limited;
Co-operative Property Development of Australia Limited;
Co-operative Constructions Limited;
Co-operative Estates Managers Limited;
Amalgamated Equity Corporation Proprietary Limited;
Amalgamated Builders Proprietary Limited;
Mutual Trustee Corporation Proprietary Limited;
Consolidated Holdings Proprietary Limited;
Associated Transworld Travel Proprietary Limited
Advertising and Marketing League of Australia Pty. Ltd.

ATTORNEY-GENERAL

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

That Standing Orders be so far suspended as to enable me to move the following motion, without notice:

> That this House condemns the member for Elizabeth, now the Attorney-General, for deliberately misleading the House in debate on the Criminal Law (Sexual Offences) Amendment Bill, 1975, and has no confidence in him, and calls on the Premier to demand his resignation as Attorney-General.

and that such suspension remain in force not later than 6 p.m.

The SPEAKER: I have counted the House and there being present an absolute majority of the whole number of members of the House I accept the motion. Is it seconded?

Mr. GOLDSWORTHY: I second the motion.

The SPEAKER: There being present an absolute majority of the whole number of the members of the House the motion for suspension is agreed to.

Dr. TONKIN (Leader of the Opposition): I thank the members of the House for agreeing to suspend Standing Orders so that this most important matter may be discussed. I now move:

That this House condemn the member for Elizabeth, now the Attorney-General, for deliberately misleading the House in the debate on the Criminal Law (Sexual Offences) Amendment Bill, 1975, and has no confidence in him, and calls on the Premier to demand his resignation as Attorney-General.

I do not move this matter lightly; it is a matter of grave concern. The personal explanation or Ministerial statement (I am not sure which) that has just been read in this House by the Attorney-General does nothing whatever to allay the concern and alarm of the people of South Australia, and certainly of members of this Opposition.

Let us get the facts on record. An item was broadcast from the Australian Broadcasting Commission news on the evening of Saturday, October 25, as follows (and I read it in full):

The South Australian Attorney-General (Mr. Duncan) said today that homosexuals should be allowed to address schoolchildren in their classrooms. Mr. Duncan said he would like to see homosexuals speaking to students, provided it was done under supervision and as part of a human relations course. Mr. Duncan was addressing the annual meeting of the New South Wales Council for Civil Liberties in Sydney. He said he had told the South Australian Parliament at the time of debate on the homosexual law reform act that he would abhor homosexuals going into schools. He had said this to ensure passage of the Bill through Parliament. There had been a lot of statements made at that time by members of the Festival of Light and other groups of people claiming that homosexuals would flood schools with their views. Later in an interview with an A.B.C. reporter Mr. Duncan denied he had deliberately misled the Parliament in order to ensure passage of the Bill.

Since then, the A.B.C. has confirmed, after inquiry, that the story had come from an interviewer after the meeting, and a tape recording and a transcript of the questions and answers showed that the report was fair and accurate. These opinions expressed by the Attorney-General at the meeting in New South Wales were totally opposed to the views that he expressed in this House, as the member for Elizabeth, when introducing his private member's Bill. The concern created was echoed by his colleague, the Minister of Education, who was quick to issue a statement dissociating the Government and the department from the views that the Attorney-General espoused. In the debate, (and this is on record in *Hansard* of August 7, at page 503) the member for Elizabeth said:

Further, suggestions have been made that homosexuals should go into schools to discuss their attitudes, and I do not support that in any way.

The qualifying words are "I do not support that in any way." There was a great deal of debate on that Bill. There had been much debate when it was introduced into this place previously, and the member for Elizabeth made clear on this occasion that he would not cover the old ground; I think that was the attitude adopted by many other members in this House, including me. He made specific reference to two matters that had been causing concern in the community: one was the adoption of children by homosexuals living together, and the other was the entry of homosexuals into schools to indicate their views. Referring specifically to these two items, he said that he would not support them in any way. The whole matter was referred to by other members. On that occasion, I said:

Also, I hold no brief for those young people who, allegedly espousing the homosexual cause, go into the schools, distribute pornographic material, and act in a totally and absolutely reprehensible way. I will not support that in any circumstances. These people should be subject to the law that presently applies, and decent citizens should

lay complaints and the law should be followed through in respect of those activities. This change in the law will not change that aspect of our community life and ensure that our family life will therefore be protected.

The Bill was debated also in the Upper House, where it could well have been defeated. Comments were made by members of both sides. One member of the Opposition said (and the following quotations appear at pages 632 and 633 of *Hansard*):

I also endorse the warnings issued by Mr. Peter Duncan when introducing this Bill in another place ... he also opposed the right of homosexuals to go into schools and discuss their attitudes.

There is no doubt that he did. A Government member said:

It does not allow homosexuals into schools to discuss their altitudes, so let us put that to rest for ever.

That was a colleague of the Attorney. Obviously, the assurances of the member for Elizabeth on those specific matters were significant and vital in the consideration of this Bill in both Chambers. This is a contentious subject, and was at the time. I do not wish to ventilate in any way the rights and wrongs of the matter, as that is not the subject before the Chamber today. This matter caused much concern and conscience searching by members on both sides of the House, and the assurances of the member who introduced the Bill were of, I believe, extreme importance in the passage of the Bill. Indeed, any assurance given in Parliament by a member or a Minister in charge of a Bill must be totally and absolutely reliable and dependable; that is a principle of Parliamentary debate. How often in this House does it occur in the course of debate or in the Committee stages of a Bill that members on this side of the House specifically (and it has been done by the Government members) ask a Minister for an assurance on a specific matter, when the position is not entirely clear, or when the attitude of the Government is not entirely clear, or when the policy of the Government is not known completely? This happens frequently, as members well know. I am happy to say that until now we have been able to be entirely satisfied with the assurances that we have been given. Parliamentary assurances given by Ministers or members in charge of Bills are a fundamental principle, and that attitude is supported in another Parliament. I quote from two reports of the one matter which involved a somewhat similar situation. On October 15, 1975, the *Advertiser* stated that the Prime Minister had said last night that he had asked for the resignation of Mr. Connor from the Minerals and Energy portfolio because of a fundamental principle of Parliamentary Government. The report quotes the Prime Minister as follows:

The principle is that the Parliament must be able to accept assurances given to it by a Minister. If those assurances prove to be misleading, the Minister concerned must be held responsible.

A report in the *Australian* of the same day states:

Mr. Whitlam emphasised Mr. Connor was being removed because he misled the Prime Minister and caused him to mislead Parliament. "It is a principle on which the integrity of Parliament itself depends," Mr. Whitlam said last night. "I have made it clear throughout the lifetime of this Government that there is one standard which, if departed from, must carry the heaviest penalty."

The member for Elizabeth gave assurances (and he gave them as member in charge of the Bill) regarding his own attitude. I believe he reassured many members of the public of his own opinion and attitude, and did much to help the passage of the Bill through the House. That is the whole point and crux of this argument. The member for Elizabeth is reported as saying that he did what he did to ensure the passage of the Bill through Parliament.

Despite that, he now says that he no longer supports the statements he made at the time and that he would (indeed, he said it in his Ministerial explanation today) support the idea of homosexuals being admitted to schools to talk to students. He has reaffirmed that statement, despite his having said previously that he would not in any way support such a move. If he is to be believed on one occasion or the other, the Attorney-General has deliberately misled the Parliament. There is nothing in his statement to show that this is not so, and the only conclusion that can be drawn is that on the occasion to which I have referred he deliberately misled the Parliament. This man now holds the high position in this State of Attorney-General, is in charge of the administration of the law, and is Her Majesty's chief legal adviser in this Government. The Attorney has on the Notice Paper, at this very moment, a list of 10 Bills that will come before the House soon. One of them, interestingly enough, deals with the adoption of children.

Just what are the assurances of this man worth? How can the House, the Parliament and the people of South Australia now accept any of his assurances? How can they trust or read his motives? He is either incredibly immature and naive and has, because of that, given a misleading impression (I think he called it), or he treats Parliament and the truth with a cynical disregard, as a political opportunist. In either event, he is totally unsuited to hold the position of Attorney-General. I am surprised that he has not obtained a transcript from the Australian Broadcasting Commission and that he does not table it in the House. I believe he has deliberately misled the Parliament and, repeating the terms of the motion, I believe that this House no longer has confidence in the Minister and that he should resign. If he does not, the Premier should ask for his resignation.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I oppose the motion. If ever there is a case of the Opposition's desperately trying to make something out of nothing, this is it. We have seen the Leader huffing and puffing and carrying on with a pantomime this afternoon. I have rarely heard a more sententious and portentous piece of nonsense than we have heard in the House this afternoon. There is no difference between what the then member for Elizabeth said previously when introducing his Bill and what he said in the House this afternoon. What he said this afternoon is what he said when answering a hypothetical question put to him after a civil liberties lecture in New South Wales. It was a hypothetical question that hedged around a whole series of conditions that did not apply in South Australian schools, as the Attorney-General perfectly well knew. Out of this, the Leader has said that, as a Minister, the Attorney-General has misled the House, but he has not done anything of the kind. There is no discrepancy between what he said this afternoon and what he said on the introduction of his measure to the House. The other thing which the Leader has carefully skirted over is that the statement made by the member for Elizabeth in introducing that measure was not made on the Government's behalf. He was not a Minister; it was a private member's Bill that was supported by Opposition members overwhelmingly.

Mr. Goldsworthy: No.

The Hon. D. A. DUNSTAN: Yes.

Mr. Goldsworthy: Count the numbers.

The Hon. D. A. DUNSTAN: A great many Opposition members voted in favour of the measure.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: There was no Ministerial statement at all on the matter: there was an introduction of the measure and a statement of the personal view of the member for Elizabeth.

Mr. Coumbe: It had a considerable influence.

The Hon. D. A. DUNSTAN: No doubt it had an influence, as to his view of the matter, but it then made and has made no difference whatever to the Government's policy, which has previously been clearly expressed in the House. There is no change in Government policy and there will be no change in its implementation; that is, we will allow no-one into our schools to proselytise on any score, whether he happens to be homosexual and a member of Gay Liberation, or a member of the Festival of Light. Members know that, because there was a debate in the House at the time the Minister of Mines and Energy was Minister of Education, and he made clear what was the position regarding matters discussed in schools in social science courses, what the position was under the regulations, and what the Government's policy was as expressed to principals in schools. Although school principals have the right to decide what is to take place within their own schools, they must obey the general direction of the Government on policy, that is, there is to be no proselytisation at all. That position remains; it has been maintained by the member for Elizabeth, and has been maintained by him since he has become a member of the Ministry. There is no alteration in Government policy, so how has there been any misleading of the House?

The Leader is using a common journalist's trick of trying to suggest that there is some discrepancy between two forms of words, but there has been none, and he cannot show that there has been any. No members of Gay Liberation will be going into our schools trying to persuade people to their view, and there is no chance of that happening. That is clear, that position is supported by the Attorney-General, and he has not deviated from that position. How is the House, the public or the Education Department in any different position? They are not. All I can say to the Leader is that in moving his motion this afternoon he must be fairly desperate to try to think up something to grab a headline, and it is about time he stopped wasting the time of the House, and let us get on with the proper business of the State.

Mr. GOLDSWORTHY (Kavel): I have just heard one of the lamest Ministerial statements ever given to the House.

The Hon. D. A. Dunstan: You say that every time I make a speech.

Mr. GOLDSWORTHY: I was not referring to the Premier's effort as a Ministerial statement, but to the explanation given by the Attorney-General of the remarks he made in Sydney, and the report thereon. In addition, I have heard the Premier make one of his lamest efforts in support of his Attorney-General.

Members interjecting:

The SPEAKER: Order!

Mr. GOLDSWORTHY: The Premier and the Attorney-General say that the Attorney-General was asked a hypothetical question. If ever a clear question was put to a member of Parliament (if any credence is to be given to the report), this was a clear-cut question on a clear-cut issue. The Attorney-General said, in vague terms, that in general the reports were misleading, but I submit that the reports were, in essence, substantially correct. The A.B.C., which has investigated this matter, believes that it was fair reporting of what the Attorney-General said. The A.B.C. report states:

> He said he had told the S.A. Parliament at the time of the debate on the homosexual law reform Act that he would abhor homosexuals going into schools. He had said this to ensure passage of the Bill through Parliament.

That does not sound like a hypothetical question to me, but sounds like a matter of serious import. If the Premier wants to shrug it off and say that we are dealing in trivialities, I think he had better reassess his priorities on what constitutes acceptable Parliamentary behaviour, because the situation here is similar to the difficulties into which his Federal colleagues or ex-colleagues got. No reasonable person would see this as a hypothetical question. The Attorney-General is reported in black and white; there is nothing hypothetical about that. He made a statement to mislead the House, and he has conveniently skirted around that. I will quote a little more fully than the Leader did. In support of his Bill (and I will say a little more about this without canvassing the merits of the Bill as it passed through the House), the member for Elizabeth said that it was effectively the same as a Bill introduced earlier. He then said:

> The matter of law reform in the way in which the criminal law deals with homosexuals has been subject to further and continuing discussion in the community at large, and I want to place on record my opposition to some suggestions that have been made recently, because I think it important that members realise the very strong views that I have on this subject.

He wanted to get his views on record, and he achieved this, as follows:

> The first thing to which I want to refer is the question of homosexuals who are living together adopting children. I find that quite abhorrent, and I oppose it strongly. I believe that every other member would do likewise. Further, suggestions have been made that homosexuals should go into schools to discuss their attitudes, and I do not support that in any way.

The Attorney-General made that statement so that it would go on record, and it is on record. What is hypothetical about a question put to the Attorney-General on that score, when he has said that he made that statement to ensure passage of the Bill through Parliament? If the Premier does not think that that is a disgraceful attitude and a shameful procedure, I do not know what he would consider to be in that category. The Attorney-General (as member for Elizabeth) deliberately misled Parliament so that he could get his Bill through. I, for one, during the debate on the Bill made my attitude clear, and I will not canvass the merits of the Bill now. I said that it was a most unusual procedure for the Bill to be introduced, for the second reading explanation to be incorporated in *Hansard,* and for the member for Elizabeth to expect the Bill to go through Parliament in the one day. Perhaps some arrangement had been made of which I was unaware, but the Bill went through the House in one day. Some of the new members on this side had never seen the Bill or had time to read it. The sitting time of the House was even extended beyond 6 p.m. to enable the Bill to pass. That was the first aspect about the passage of this Bill that disturbed me: that it was rushed through in an afternoon and its passage was facilitated by the weight of numbers. The Attorney-General last week said he made the statement he was alleged to have made to ensure the passage of the Bill. To my mind, that timetable was significant. The Attorney-General's attitude has been reprehensible. I was surprised by the unanimous support for the Bill by Government members. I thought it was a free vote.

The Hon. D. A. Dunstan: It was.

The Hon. R. G. Payne: In every way.

Mr. GOLDSWORTHY: There seemed to be a strange unanimity among members of the Labor Party, although a division of opinion was obvious to everyone in the community. Each time I quote what someone has said I am accused of dealing in personalities.

The Hon. D. A. DUNSTAN: On a point of order, Mr. Speaker. What has this to do with the matter before the House?

The SPEAKER: I call the honourable member back to the matter under discussion.

Mr. GOLDSWORTHY: Well, Mr. Speaker, we are discussing the passage of the Bill. The Attorney has gone on record (and this has been broadcast on the radio and in the newspapers) as saying that he followed a certain course of action to ensure the passage of the Bill through the House. I am canvassing the way in which the Bill went through the House, and it seems to me that that is relevant to the debate.

The SPEAKER: Order! I cannot agree that the passage of the Bill through the House is relevant to the motion.

Mr. GOLDSWORTHY: Well, Mr. Speaker, he said that he said this to ensure the passage of the Bill through Parliament. They are his words. I am discussing the manner in which the Bill was rushed through Parliament and the strange attitude that was adopted by the Attorney-General when he was a back-bencher. I am pointing out the great speed necessary in dealing with the attitude adopted by Government members. In view of the Attorney's statement, it all seems to fall into place and leads me to have less confidence in the Attorney-General and the Government. The member for Tea Tree Gully said:

This seems to me to be discrimination against men, and discrimination on any ground, and on the basis of sex, is wrong. Therefore, for the reason given, I intend to support this Bill, although, if I voted in accordance with my personal beliefs (and this Bill is contrary to those as far as my religious beliefs are concerned)—

The SPEAKER: Order! I must call the honourable member's attention to Standing Orders, which provide that debate in the same session of Parliament cannot be alluded to in any way.

Mr. GOLDSWORTHY: Thank you, Sir. I will not pursue that matter further. I was most disturbed about the way this Bill went through Parliament and Government member's attitude to it. Now we know the sort of lengths to which the Attorney went to get the Bill through and that he misled the House (those are his own words). I am more than disturbed. It is all very well for the Premier to say that the Government's policy on this matter has been clear: it has been far from clear. I remember only too well questions being asked in this House when this matter was first ventilated in the press. Questions were directed to the then Minister of Education (the member for Brighton) by the member for Hanson and me. The Minister of Education said that it was up to headmasters to decide who could enter schools. I remember the Minister was extremely annoyed when I suggested that he was going in for hand-washing, or buck-passing. However, that is beside the point.

The Attorney-General has, with his own words, misled the House. The attitude of the Gay Activists Alliance has been made abundantly clear in its submission regarding the review of primary school curriculum, conducted by the Education Department in 1974. Under the heading "Health Education", the alliance said:

Recently, suggestions have come from all quarters of the community that homosexuality should be included in the health education curriculum. The suggestions have come from the South Australian Institute of Teachers, Festival of Light (South Australian committee), journalists and commentators, politicians and ministers of religion as well as concerned members of the community. These suggestions coincide with the opinions of homosexual groups around Australia.

In part, the concluding paragraph states:

Most important, in terms of reassuring young homosexual girls and boys, is the normality of homosexual behaviour . . . homosexuals are so numerous they cannot all be serious misfits or outstandingly peculiar. Statistically, all surveys of homosexual behaviour contradict the assertion that homosexual behaviour is abnormal. The word "abnormal" has such connotations of evil and wrong, particularly to a young child, that teachers should be cautious in their use of the word. Above all, emotional relationships between people of the same sex should be given the same status as emotional relationships between people of the opposite sex. This will do much to dispel the myth that homosexuality is confined to sexual activity.

In view of recent publicity, I doubt the assertion the alliance makes in its submission that the Festival of Light supports it. Be that as it may, the aim of the alliance is clear, and the Attorney can say what he likes. He has now supported the idea of homosexuals being allowed into schools to lecture children when, previously, he made a statement to the House that he opposed this course of action in any way. I suggest he said that to sway those new members who had not had a chance to study the legislation, because of the time table to which I alluded. Some of the new members came to me for advice, and also saw other members. They had to be influenced by other members' views, because they had no chance to study the Bill.

I suggest the Attorney made that statement to mislead the new members especially because they were the least able to assess what the Bill was about. If the Premier does not believe that that is reprehensible behaviour, I do not know what he would adjudge to be such behaviour. I think the Government's attitude is fairly clear. Certain amendments to the Bill were suggested in another place, but they were defeated by the combined Labor Parly and Liberal Movement vote. I support the motion because I believe all reasonable citizens of this State would be alarmed at the Attorney's admission that, as a back-bencher, he deliberately misled the House to secure the passage of legislation.

The Hon. PETER DUNCAN (Attorney-General): It gives me much pleasure to be able to defend myself against such a weak sort of no-confidence motion, because it will do my confidence much good to speak on a matter where the Opposition is so devoid of argument. The entire Opposition argument on this matter has been based on a report that came from Sydney: it is not based on facts. The Opposition has no proof or evidence to support its claims. The matter has been based on reported statements I made in Sydney. This afternoon I gave the Opposition a chance to change tack. Members opposite have seen my clear statement about what I said in Sydney; they have seen my clear statement about what my position is now; and they have seen my clear statement that I did not mislead the House. However, for the purposes of this debate, the Opposition has chosen to ignore those matters entirely and rely on a press release, which I suppose has come to it fourth or fifth hand and which, by now, even if it had an element of truth in it originally, would have little chance of being true now. That has been the case in this matter.

I will deal first with the statement I made in this House, because that is important. In dealing with it, I want to deal also with the statement that the Leader of the Opposition made. In the debate on August 27 I said:

Suggestions have been made that homosexuals should go into schools to discuss their attitudes, and I do not support that in any way.

It is interesting to compare that statement with the following statement made by the Leader of the Opposition on August 27 (reported on page 510 of *Hansard):*

I hold no brief for those young people who, allegedly espousing the homosexual cause, go into the schools, distribute pornographic material, and act in a totally and absolutely reprehensible way.

The Leader well knows that what led to those sorts of statement being made in debate was that Gay Activists in the community were handing out propaganda proselytising their views at school gates and on school premises. That is the type of conduct we were talking about in that debate, the sort of conduct we were concerned about. I stand by the statement I made on that day, and I say to this House that that is my position. I want to make that very clear. That is an entirely different situation from the one which I spoke about in Sydney and which I referred to in my Ministerial statement earlier today. I was referring in that statement to a hypothetical question that was put to me by a person questioning me following the speech I made in Sydney.

Dr. Tonkin: What was the hypothetical question?

The Hon. PETER DUNCAN: The hypothetical question was whether I would support the right of homosexuals to go into schools to speak to senior students as part of normal courses. I replied (and I was very careful in my reply, as I recall it), in answer to that hypothetical question, that provided that homosexuals addressed students as part of a course in a school curriculum, such as social studies, I would not be opposed to it. I did not say I would promote that position: I merely said I would not personally be opposed to it.

It is well known to members here (and this has been stated by the Premier this afternoon) that this Government has a very firm policy on such matters. That policy is well known, and it has been stated in this House on several occasions. This Government will not allow people to go into schools to proselytise, to try to convert children to their point of view. I stand by that statement as a member of this Government.

Leaving aside the original report, it is very interesting to see the way in which the press, whenever any matter involving what we might call social questions is raised, immediately jumps to the fore. It almost seems to me that some of the people who make decisions about what is reported in newspapers have a completely unwholesome attitude to these matters, because it always seems that, when anything of this nature is mentioned, the press jumps in with great glee. That has certainly been the situation in this case. There has been little or nothing to sustain the press's attack on me in this matter over the past few days. Nevertheless, through twisting the whole situation to suit itself, the press has managed to find a few headlines. I refer to some of the untruths that have been printed in the press over the past couple of days, particularly in the *Advertiser,* because it is very interesting to see how sloppy the reporting of the *Advertiser* has been on this matter. The first article appeared on October 27, under the heading "Talks in schools proposal opposed". The paper contained an article concerning this matter, at the end of which it was stated that "Mr. Duncan could not be reached for comment last night."

No-one tried to contact me. A letter has been sent to all the media in South Australia stating the name of my press secretary, but he was not contacted. That is a particularly shabby episode in the history of the *Advertiser.* Also in that article (and this will be of interest to the Leader of the Opposition) appears the following statement:

The Leader of the Opposition (Dr. Tonkin) said Mr. Duncan had told Parliament during debates on amendments to the criminal law consolidation Act that he would abhor homosexuals going into schools.

I should like him, when he replies in this debate, to point to the *Hansard* report to show where I said that, or deny he made that statement to the press. I think he has to do one or the other. I should like to deal further with the article by Ian Steele that appeared in this morning's *Advertiser.* The first untruth in the article, which is only minor but which nevertheless indicates how sloppy the *Advertiser* reporting has been in this matter, is as follows:

On Friday evening, however, Mr. Duncan was reported by the Australian Broadcasting Commission in Sydney as saying he had said this to ensure the passage of the Bill through Parliament.

Every member of this House knows full well that the matter occurred on Saturday, not Friday. Secondly, in that article is the following strange report:

Mr. Duncan said he would like to see homosexuals speaking to students provided it was done under supervision and as part of a human relations course.

That is untrue and entirely incorrect. The Premier asked to see me but he did not seek an explanation from me, doubtless because he thought this matter was so trivial, and based on untrue press releases, because he did not see the need for that. At no time did he ask me to see him in his office; that press statement is also entirely untrue. It is a very interesting history that I have outlined this afternoon of the role the press has played in this matter. I wish to refer to a few other matters, because I think I should make my position very clear. As the Premier has said, I was not a Minister of the Government when the Bill was put through the House, so how this statement, regardless for the moment of the circumstances, can affect my credibility as a Minister and the confidence this House holds in me is open to grave doubt anyway, because the substance of this is not related to my conducting myself as a Minister of the Crown.

Mr. Dean Brown: When did you stop telling lies in the House?

The SPEAKER: Order!

The Hon. PETER DUNCAN: Mr. Speaker, I seek to have that comment by the honourable member for Davenport withdrawn.

The SPEAKER: I ask the honourable member for Davenport to withdraw the remark.

Mr. Dean Brown: I withdraw that remark, but I still expect an explanation as to when he stopped telling lies in the House.

The SPEAKER: [ask the honourable member for Davenport to withdraw the remark—period!

Mr. Dean Brown: I withdraw the remark, Mr. Speaker.

The Hon. PETER DUNCAN: Thank you, Mr. Speaker. The further matters with which I will deal are the matters of the substance of what was said. I stand by the remarks I made in this House. I cannot see how it is possible for the Opposition to move a motion of no confidence in those circumstances. I have not deviated from the assurance I gave this House, and I do not deviate from it. The comments I made in Sydney were related to, and associated with, a different matter. I support the Government's policy in this matter, because, as I have said, I believe it is the correct one. I do not seek to change that in any way. I believe the Government is following the correct policy, as has been set out by the Premier this afternoon.

I did not mislead this House; I did not lie to the House. This whole shoddy episode on the part of the Opposition has been based completely on inaccurate press reports. All I can do in my defence is ask the Opposition to accept that the Ministerial statement I made this afternoon represents my position. I am telling members opposite that is my position, and I can do no more than that. Whether or not they accept that is up to them, but that is my position, and I stand by that position. The only further thing I can say is that the assurances that I gave the House still stand.

Mr. MILLHOUSE (Mitcham): This is a sad occasion, for several reasons: first, because, whatever the rights and wrongs of the matter may be, the House is discussing the censure of a Minister, and that is never a pleasant process, whatever the outcome may be and whatever the justification may be; and secondly, because the Minister whose conduct is being considered is a young man (he is the most recent Minister to take his place in this Government, which he did only a few weeks ago). The member for Peake was elected at the same time but took his seat as a Minister a bit later but I think even the Minister of Community Welfare would agree that that does not affect the validity of the point I am making.

The Hon. R. G. Payne: But—

The SPEAKER: Order!

Mr. MILLHOUSE: The Minister will not divert me by these interjections. The point I have made is that it is a sad occasion when, within a few weeks of his being sworn in as a Minister, his conduct is under scrutiny in this House. Finally (and to me this is the most important thing of the lot), it is a sad occasion because of the attitude which he has just shown in rebutting the case put by the Leader of the Opposition and his deputy. If I may suggest it, the Attorney-General has been both unrepentent and arrogant in what he has said, and in my view he was very much in error in taking the attitude that he has taken this afternoon.

I voted for the Bill, which he promoted in this House, to take away the legal sanctions against homosexual conduct between consenting males, and I found it, as I said at the time, a difficult decision. It is a very sensitive social area. I must say that I have had a great deal of criticism from a number of people since for doing what I did in supporting the Bill. I do not regret supporting it: I think that I did the right thing. Nevertheless, there has been much criticism of me and of the majority of those who supported the Bill. Speaking for myself, I must say I was not influenced in that vote by what the Attorney-General said, although (and I want to make this absolutely clear) I am completely and utterly opposed to allowing homosexuals to go into the schools in any circumstances as homosexuals. I put this question: for what possible reason could any of them want to go into a school except to proselytise? There is no other reason why they should go into schools, and that is the long and short of it. Anyone can talk about homosexuality, but if homosexuals want to go into schools it can be only so that they can make converts. That is my attitude, and that was, I thought, the attitude of the Attorney-General. The following sentence in his speech has been quoted again and again, but let me analyse it:

> Further, suggestions have been made that homosexuals should go into schools to discuss their attitudes, and I do not support that in any way.

That is an entirely unqualified statement. Those last three words are entirely unqualified: he does not support it in any way. Whether they go in as part of a social relations course, whether they go in to proselytise, or how they go in, he says he does not support it in any way. It is because of that phrase at the end of that sentence that, whatever he may say now (unless he says that was a misreport in *Hansard*), what he said in Sydney and the explanation which he has given of it today just do not coincide with the expression of opinion which he made in this House only a little time ago when he brought in his Bill. That is the position. Whether he said it to get the Bill through and whether it had any influence on members in this place does not matter two hoots. That is entirely irrelevant. The fact is that he said it as an expression of his own opinion, yet last Saturday when he was speaking in Sydney he said something else, or he is reported as saying something else. I will come to that in a minute.

I can say (I think the member for Kavel mentioned this) now, after what has happened, that, if the Government is not prepared to introduce amendments to make sure that its so-called policy is not broken, the Liberal Movement will certainly do so. The situation has now been reached that, because of the doubt which the Attorney-General has cast on the policy of the Government, despite the denials today, we will introduce the amendments, which were opposed in the Upper House by us, to make absolutely certain that the policy—

Mr. Goldsworthy: What did you say then?

Mr. MILLHOUSE: I suggest to the member for Kavel that the situation then was not the same. Now the matter has been highlighted by this controversy, and we will introduce amendments to that effect if the Government is not prepared to show its good faith by doing so to back up what has been said by the Premier and the Attorney-General this afternoon.

I would not have tackled the problem in quite the way in which the Leader of the Opposition has done this afternoon. I had already given you, as you will know, notice of an urgency motion, and the motion which I proposed to move today was in the following terms:

That this House:

(1) condemns the statement of the honourable Attorney-General reported to have been made several days ago to the effect that homosexuals should be allowed to speak to children in schools about homosexuality;

(2) supports the Minister of Education in his reported opposition to this proposal; and

(3) calls on the Government immediately to state clearly and unequivocally its policy on this matter.

I would regard it as fairer to the Attorney-General to have debated a motion like that, or that motion, to have given him an opportunity to make an explanation, then to have examined it and, if it was not satisfactory, to have moved a no-confidence motion in him tomorrow. However, that was not the way which has been followed by the Liberal Party, and I decided, when I heard of this no-confidence motion, that I would wait to see what sort of an explanation was made by the Government, and in particular by the Attorney-General, before I decided whether or not to support it. However, I must say that, having heard the Premier and the Attorney-General, I am now prepared to support the motion of no confidence.

I have already referred to *Hansard.* I now wish to refer to that much maligned journal the *Advertiser* and to the report in this morning's paper, which it claims is an accurate report of what the Attorney-General said. It is notable that the Attorney-General, in what he has said this afternoon, did not deny the accuracy, as far as I could follow, of what was printed in the *Advertiser* this morning. If he does deny that, the proper thing for him to do is get from the A.B.C. a transcript of what he said, and to table it in this House. That would show his good

faith. While it may not be possible for others to get hold of it, I am certain that it would be possible for him to get hold of it and bring it along to this House and table it so we can see that what he now denies is an accurate denial. This is what the *Advertiser* says about it:

The South Australian Attorney-General (Mr. Peter Duncan) said today homosexuals should be allowed to address schoolchildren in classrooms. Mr. Duncan said he would like to see homosexuals speaking to students, provided it was done under supervision and as part of a human relations course.

That is what he has in his explanation and I will come to that in a moment. Then there is a reference to the Bill, as follows:

However, he admitted he said this to ensure the passage of the Bill through Parliament.

He goes on in that vein. The best way for him to show that he is pure is to get hold of the notes and to table them in this House. In his statement, he did not altogether deny what is in the report. We all heard him make his statement a few moments ago, in which he states:

These reports have generally given a misleading impression of my comments on that occasion and I would like to clarify the position . . .

He does not say they are absolutely wrong; he hedges, using such words as, "generally given a misleading impression", and he says (and this is irrelevant anyway) that he did not refer to the matter in his speech. If he did not refer to the matter in his speech, why was he asked a question about it afterwards? What prompted the anonymous questioner to ask what he described as a hypothetical question about this if it did not arise out of what he said in his speech?

The Hon. D. A. Dunstan: That's a *non sequitur,* if ever there was one. Haven't you been asked about something different from what you've talked about?

The SPEAKER: Order!

Mr. MILLHOUSE: I only ask the question. Many members are able to answer me if they like. It occurred immediately to me to wonder why, if he did not say anything about this in his speech (he does not say what was the subject of his speech but simply that it was on another topic), he was asked such a specific question. I will leave that for members on the Government side to answer; there may be an answer to it for all I know. He then went on to say that he was asked a hypothetical question. I do not know what he means by hypothetical. It was certainly a question calculated to elicit his opinion, and it did elicit his opinion. What the difference is between a question and a hypothetical question in these circumstances I do not know, and yet the Attorney-General made a lot of this in his statement. I cannot see that it matters what other sort of question than the one he gave us he could have been asked. He says he was asked the following question:

Would I support the right of homosexuals to go into schools as part of normal courses to address senior students?

What is hypothetical about that I cannot imagine. Anyway, that is the word he has used as part of his defence. Certainly, he was asked a question, and this is what he states that he said:

I then said, in answer to the hypothetical question, that, provided homosexuals addressed students as part of a course in a school curriculum such as social studies, I would not be opposed to it.

We simply cannot square that answer (which he now admits he gave on Saturday) with saying:

Suggestions have been made that homosexuals should go into schools to discuss their attitudes, and I do not support that in any way.

The two statements do not tie up; they are in conflict. Either one is right and the other is wrong, or there is a misleading report in *Hansard,* or what the Attorney-General has said this afternoon is misleading in some way or another. That is the crux of the matter. The two statements cannot be reconciled, and I am not relying on the *Advertiser*; I am relying on what the Minister said this afternoon. He also states:

There is a vast difference between allowing homosexuals into schools in an uncontrolled manner and allowing them in under complete control and merely as part of a human relations course to address senior students.

The words "in any way" (referring to not letting homosexuals into schools) sink him. I am sure it is not necessary for me to remind the Attorney-General or anyone else that the cardinal sin (not the only one) of a member of Parliament is to mislead Parliament. It does not matter whether he is a Minister or a back-bencher, it is unforgivable for a member to mislead Parliament, because if he does it once, his reputation for integrity has gone and his future career is at risk. For examples of this, one does not need to go back in history further than Profumo in the 1960's in Great Britain. We have had almost contemporary examples in Canberra of Dr. Cairns and Mr. Connor, both of whom were dismissed from the Ministry, because, according to their Leader, the Prime Minister, they had misled the House.

Mr. Keneally: What about Mr. Howson?

Mr. MILLHOUSE: I am willing to add his name if the honourable member likes, but I have mentioned the first three names to come to mind. Of course the Attorney-General will be vindicated in this debate on the vote that is taken. Whatever Government members may think privately of his conduct, the Government is standing behind him; he will win the vote, and the motion of no confidence will be defeated.

However, I do suggest to the Attorney-General that the most important aspect of this debate is the impression that he makes on members of this place and, through the eyes of those who report what goes on in this place, the impression he makes on the public. That is what is important for his future career—not the mechanics of the vote, but the impression that people get as to his integrity and his probity in this matter. I knew the Attorney-General for several years before he came into this House. I have always liked him, and for personal reasons I would like to see him prosper. I do not agree with his politics (in fact I think I disagree with them more strongly than I disagree with the politics of several members opposite), but from a personal point of view I wish him no harm. If he goes on like this, he will not have a successful career in politics. From a political point of view I suppose that helps me, and if he becomes the Achilles heel of the Government because he says things like this from time to time that is to my political advantage, but it will give me no joy if that happens. It is with some regret therefore that I support the motion of no confidence. I hope it will be the only occasion on which the words of the Attorney-General will come under scrutiny in this House in this way.

The Hon. D. J. HOPGOOD (Minister of Education): One wonders whether we should extend the school leaving age if an ex-Attorney-General in this House says he does not know the difference between a question, on the one hand, and a hypothetical question on the other hand. A former school teacher displayed the same ignorance in this matter, and I refer to the Deputy Leader of the

Opposition, who pulled a statement out of the air and said, "That is not a hypothetical question, is it?" Everyone knew that that was not a question at all, but was a statement. That was irrelevant to anything that member's Leader had said, the Premier had said, or anything that has been said later in this debate by the Attorney-General or anyone else. I think it is a great pity that the member for Mitcham was not allowed to go ahead with the motion that he intended to move, because, if I heard the honourable member correctly, that motion would have not got us into the business of having to debate whether the Attorney-General is right and correct in his statement or what the A.B.C. reported is right and correct. I accept what my colleague said. I cannot accept that on all occasions the media are correct in their reporting of what happens. I can give specific instances in my own personal experience, although I will have to say that I have been either generously treated or lucky regarding my relationships with the press.

That motion would have asked members to condemn the statement reported to have been made by my colleague. We would have been condemning a form of words that appeared in a newspaper and on the media. I would condemn those words. My colleague has shown in the House this afternoon that he, too, condemns those words. Furthermore, there would have been some debate whether my statement, which was subsequently issued, would have been supported by the House. I have no doubt that it would have been supported and that the Government would have been given a further opportunity to state its position on this matter. I guess that that third aspect of the aborted motion of the member for Mitcham can be examined right now. Certainly, we would not have been in this position of just having to debate the accuracy of certain statements. There could have been a unanimous vote of the House regarding the matter raised by the member for Mitcham.

Mr. Dean Brown: There can't be a vote on the motion.

The SPEAKER: Order! If the honourable member for Davenport continues to interject in this manner, I shall be forced to name him.

The Hon. D. J. HOPGOOD: Thank you, Mr. Speaker. As I said, I am sure all members could have supported the attitude of the member for Mitcham in this respect. However, the media are by no means always accurate in the way they approach these things. Perhaps it might be to the benefit of the House if I told a short story about one occasion on which they were very much awry in relation to their attitude to something that had happened. Early in my term of office as Minister of Mines and Energy, I was delivering a speech on a certain topic. I chose to use a prepared text, although I do not always do this.

Mr. EVANS: I rise on a point of order. Earlier, members were asked to stick to the motion. I do not believe the Minister of Education is now debating the motion at all. Indeed, he is drifting right away from it.

The SPEAKER: I think the Minister of Education was illustrating a point regarding the press. However, I call him back to the motion.

The Hon. D. J. HOPGOOD: Do I take it from that, Sir, that you would prefer that I not proceed in that direction?

The SPEAKER: That is so.

The Hon. D. J. HOPGOOD: Certainly, Sir. If the honourable member who drew your attention to the line of my reasoning would like later to hear that story, I should be only too pleased to accommodate him. I hope he will accept, as a result of that private discussion, that the media are not always correct in the way in which they report things that we say in the course of our duties. That is exactly the point I am making. It really boils down to this basic question: whether this House is to accept what the Attorney-General has told us in the House this afternoon, or whether we are to accept what a certain section of the media claims that my colleague said. I can go only on assurances that I have been given, by my judgment of the integrity of my colleague and, indeed, by my realisation (as I have said earlier) that the press is not always accurate in the way that it approaches these matters. My vote on this matter will be cast accordingly.

This gives me an opportunity again to state the Government's position regarding proselytisation on this and other matters in schools. Basically, the responsibility is that of the headmaster, as the member for Kavel has said, to ensure that what happens in schools is properly controlled. However, it has been stated clearly by my predecessor that the Government would actively discourage this type of activity in schools. Of course, headmasters will take that into account in the way in which they administer the policy.

For some time now, I have struggled with the possibility of bringing down a regulation under the Education Act that would clarify this matter further, without doing violence to the professional integrity of teachers and without, in fact, drawing a regulation that would be so broad as to be impossibly authoritarian in its application. For example, I have had one complaint during my short term as Minister of Education about an alleged talk by a member of the Festival of Light at a high school. I have not been able to ascertain whether, in fact, the talk took place, as no mention was made of the specific institution at which the alleged speech was supposed to have been made. However, the member of the public who raised the matter with me did so in as serious a vein as have those people who have spoken of their fears of homosexuals actually speaking to children. That person, we can say, has a moral and ethical objection to proselytisation for the point of view that is held by the Festival of Light.

In a pluralist society, there will be various points of view regarding moral or ethical questions. As we know, there seems, I would suggest, to be some sort of unhealthy fascination, particularly on the part of the press, for those questions that have some sexual connotation. As a result, these matters tend to be brought up before us frequently. There are divergent points of view in the community on these matters, and the person who objected to a talk by members of the Festival of Light no doubt objected just as strongly and on grounds which to him were as securely based as have those people who have objected to a possibility, at some time in the future (it certainly has not happened yet), of homosexuals addressing students in schools. That is the situation to which we must address ourselves and, indeed, to which the member for Mitcham must address himself, if he is to move the amendment that he has already canvassed in the House.

Mr. Millhouse: I am quite happy for you to work a bit harder.

The SPEAKER: Order!

The Hon. D. J. HOPGOOD: Just how broad is the member for Mitcham willing to draw his amendment? What sort of groups would he have kept away from schools? The member for Mitcham and I have debated political questions in classrooms in Education Department schools and in private schools. Would it not be absolutely consistent, if we are to end all idea of proselytisation in schools, for that sort of exercise to be banned as well? That is

the sort of situation that the honourable member must examine if he is to bring down a regulation to do all the sorts of thing that he apparently thinks such a regulation would be able to achieve.

The content of courses must ultimately be determined by professional teachers operating in the field because, if professionalism in teaching means anything, it means not only the imparting of knowledge but also the determination of what knowledge should be imparted and the way in which it should be imparted. Of course, the teaching profession ignores at its peril, and at the peril of society at large, the claims of society for certain things to be taught in schools. I must say that I, as Minister, will vigorously oppose the concept that society as a whole should impose these things on the professional integrity of teachers.

That is the problem that anyone has in trying in a consistent manner to design some sort of regulation or to amend an Act in some way to do what the member for Mitcham wants us to do. The member for Mitcham said that the statements made by my colleague, as a private member when introducing this Bill, did not influence the way in which he cast his vote. I am sure that that statement did not really influence anyone in the way in which he cast his vote, and I cannot see any inconsistency in the way in which my colleague has operated. I think it is weak to argue that, as a result of that statement, a Bill that might not otherwise have passed into law did pass into law. After all, let us remember that the Attorney-General, as the member for Elizabeth was introducing the Bill as a private member, so it was not for him to assure the House on the way in which courses would be administered in the Education Department or the way in which people would be allowed to participate in the delivery of these courses: the assurance had to come from the Government as a whole.

The assurance was there at the time, and it is still there. The Government has never deviated from that assurance that, although under freedom of authority headmasters have the ability to structure what happens within their schools, nonetheless there is a strong Government policy that proselytisation of this kind should not take place in schools. The House knew that at the time, and that was the assurance that should have meant anything, if anything meant to the House. What my colleague was doing was giving his personal point of view on the way in which things should operate, but he was not administering the Education Department nor was he part of the Government as formally defined.

Mr. Chapman: But he is today, as Attorney-General.

The Hon. D. J. HOPGOOD: The interjection is completely irrelevant to the point I am making. Certain Opposition members have suggested that, because a certain statement was made, somehow or other that magically led to the Bill being passed into law. My point is that the statement was irrelevant to what was happening at the time. It was an assurance by an individual member of this House that what counted was the policy of the Government at that time, and what still counts is the Government's policy now. I believe that all members support the policy of the Government at this time; hence my reference earlier to the aborted motion of the member for Mitcham which, I am sure, would have been supported by all members had it been moved in the House. I agree that this is a somewhat sad occasion. I condemn certain Opposition members for having a go at my colleague on these weak grounds, because it seems to me to be taking advantage, by getting in early, of someone who is settling into a Ministerial portfolio, and on those grounds I believe that the motion should be condemned. I rose largely to put the Government's point of view regarding the activities of groups like this in schools, and I hope I have left no doubts about where the Government stands.

Mr. CHAPMAN (Alexandra): The Minister of Education has outlined again to the House the Government's policy and attitude towards these people entering schools and seeking to convey to schoolchildren their attitudes towards homosexuality. Apart from the press releases and the wide range of remarks that have been made in the House today, I support the motion, more particularly because my confidence in the Attorney-General has been shattered on this occasion. I freely and readily admit that, during the debate on the Bill, his remark about his refusal to support having such discussions in the presence of schoolchildren did not influence me on that occasion: my mind was made up after reading the Bill as presented to the House and after its delivery. I know that several new Opposition members were not present when a Bill on this subject was first introduced by the member for Elizabeth, but one new member (the member for Mount Gambier) took some steps on August 27 to be assured that no such discussions would be held in schools. He expressed his personal concern to the member for Elizabeth at the time about any suggestion that these people should enter schools in order to convey their attitudes.

I understand from the member for Mount Gambier that he gained an assurance, both within and without the House, from the member for Elizabeth, and I will take up the point he made when explaining the Bill for the second time in the House. The member for Elizabeth said:

> Further, suggestions had been made that homosexuals should go into schools to discuss their attitude, and I do not support that in any way.

Quite apart from press releases or the remarks of other members in the House, the member for Elizabeth (now the Attorney-General) has admitted this afternoon (after making his Ministerial statement and in further debate on this subject) that he would not be personally opposed to such practices. It is probably appreciated that there is a fairly thin line between one's personal view and the view that he should or does convey in his capacity as a Minister of the Crown, but my confidence has been shattered by these very remarks and inconsistencies. We have an occasion here where the honourable member, acting as our Attorney-General, has in his own defence this afternoon declared to the House that, while there is a Government policy (and while he supports the Premier and the Minister of Education in the Government's policy not to allow such practices in school), he still maintains that it is his personal view that he would not be opposed to it.

Twice today he referred to that remark: once in his Ministerial statement and when he repeated, "I would not be personally opposed to it," later when he rose in the debate. I do not believe that we can afford to have a Minister in the House who is confusing the House or in any way allowing the House to be misled by expressing a personal view in direct conflict with the view of the Government of which he is part. It is on that note, in particular, that I am concerned that we have a Minister who is still willing, even under fire in the House, to stick to and express his personal attitude, which is in conflict with the policy he claims to represent. I am concerned that we have a Minister in that high office who is willing to carry on like that and, therefore, I have no alternative but to express my lack of confidence and, accordingly, support the motion.

I do not think that I have to go far away from this subject to find that the federal Leader of his own Party has made the same statement that, where a Minister misleads Parliament and deliberately sets out to destroy the integrity of the department, he must take the consequences that follow. I am surprised that the Premier should support the Attorney on this matter, because, whatever the actions of a Minister, and whether they are designed, intended or otherwise, the Premier should rise or fall with them. In this instance it is unfortunate that the Attorney-General has fallen into the pitfall of opening his trap too wide and saying things that conflict with Government policy. We do not have any alternative, whether we like the fellow and whether we appreciate his company, or otherwise, but to support the motion, because he has not done the right thing by the House. He misled the House in his statement of August 27 and he has scrambled to seek and gain protection from the fire of the media both in this State and beyond. This afternoon he has collapsed his own case by his admission in this House.

Mr. WELLS (Florey): I oppose the motion. I draw attention to the Leader's remarks when he said that this motion was not moved lightly. If ever there was a self-righteous, sanctimonious lot of humbug, that statement is it. This motion has been moved because the Opposition is bereft of argument about any of the Government's policies; the Opposition knows it is defeated in all debates, so it has moved this motion for publicity and to justify its existence in this House. Let us analyse the position and see what justification there is for the motion. I believe that there are two reasons for moving it. The first is that the Opposition knows that the press in this State and every other State in Australia is viciously against the Australian Labor Party, and it is therefore trying to jump on the band waggon of hate that has been initiated and maintained by the press in this State and in this country. By moving the motion, the Opposition is trying to share some of the publicity that would be adverse to the Australian Labor Party. The second reason is that the Opposition is trying to emulate the bastardry of its Commonwealth colleagues, especially Mr. Fraser, against convention and the welfare of the people of this country.

The Opposition believes that it must in some way reflect the hate and viciousness being shown in Canberra against the Australian Labor Party Government, a Government that is acting in good faith and for the benefit of the people of this country. They are the only reasons that could be canvassed for moving the motion. What did happen? The Attorney-General made a clear and concise statement about what transpired after the reported statement he made in Sydney. I accept his explanation. All members know that his explanation was precise and correct; however, members opposite, because of the motion that has been moved, are not allowed to accept that viewpoint. The Attorney, even if he so desired, could not initiate Government policy. He carries out Government policy as it affects his department, just as every other Minister does regarding his department. To say that the Attorney, in some mystical way, is going to introduce homosexual discussions among schoolchildren is just so much humbug and tripe, and members opposite know that that is the case.

Mr. Mathwin: Yes, because he told you.

Mr. WELLS: He did not say that. On August 27 (page 503 of *Hansard*) the Attorney said he was opposed to any homosexual going into a school. He stood by that statement, which he made as a private member but which was Government policy. I want to make my own position clear. The Deputy Leader said that it seemed that the Government acted as a body when it supported the Bill. I supported it on the basis that it afforded protection to, and prevented blackmail and persecution of, people of homosexual habits and nature. I would not, in any circumstances, now or at any time, support any homosexual going into our schools. All members on this side would support that viewpoint. The Attorney has that viewpoint, too, and has stated it.

Mr. Mathwin: That's not what he said.

The DEPUTY SPEAKER: Order!

Mr. WELLS: What he has said, as reported in *Hansard,* is Government policy, and he carries out that policy. He and all members on this side stand by that policy. As much as members opposite would like to twist a biased, fifth-hand (as it has been stated) report from an unreliable anti-Labor press, they cannot deny that *Hansard* states that the Attorney would not, in any circumstances, tolerate homosexuals going into our schools. I support that view. The member for Mitcham said this was a sad occasion. I would have substituted the word "disgraceful" for "sad", because it is disgraceful to see an Attorney-General of this Government put in a position where an Opposition, through weakness, believes it could gain something from this motion. The member for Mitcham has proved time and again that he is a shrewd and capable politician; it is amusing to note that his one-upmanship over the Liberal Party concerns members opposite. Today the member for Mitcham said he would move amendments to ensure that what had happened would never happen again and that homosexuals would not be able to go into schools. What a point you missed; what a point the Leader missed. You would—

The DEPUTY SPEAKER: Order! The honourable member for Florey will resume his seat. The honourable member must not, at any stage, address another honourable member as "you". He must refer to them as honourable members.

Mr. WELLS: Members opposite would give their eye teeth if they could have been the ones to stand up and say, "We will move an amendment to make sure."

Mr. Mathwin: We did.

Mr. WELLS: This has not been mentioned at any time during this debate.

Mr. Nankivell: We took the honourable member's assurance.

Mr. WELLS: And you can rely on his assurance, because when he or any member of this Government, whether he be in a Ministerial position or a back-bencher, gives an assurance you can bet on it, because he will never deviate or resile from any situation he has given an assurance on, not in any circumstances. The member for Mitcham said that he was sorry that the Attorney-General showed that he was unrepentant and, that he was arrogant. The Attorney-General had no reason for repentance; he should have been indignant. With regard to arrogance, we do not have to look far around this Chamber away from the Attorney-General to see people who are the epitome of arrogance, and yet, to level a charge of that nature against a newly elected Attorney-General, in my opinion does little credit to the member for Mitcham. I give him credit for his generalship regarding his Party leadership over the members opposite. I believe that this motion should never have been moved. It was introduced from a position of weakness; the Opposition was groping, feeling, and hoping that in some way it could find a

situation it could use to its advantage against this Government. It has never been able to do that, and I am certain it will never be able to do that. This motion does discredit to the Opposition, and it should be defeated soundly. I will not be surprised if some members opposite, because of the sheer shame that should be felt by them in respect of this motion, do not cross the floor and vote against it when the time comes. I oppose the motion.

Mr. DEAN BROWN (Davenport): The Government this afternoon has dragged every smelly red herring across this debate it can possibly think of. Let us come back to the facts. On August 27 this year, the member for Elizabeth said:

Further, suggestions have been made that homosexuals should go into schools to discuss their attitudes, and I do not support that in any way.

That is black and white. We have the following report of a news statement on the A.B.C. of what was said last Saturday:

The South Australian Attorney-General, Mr. Duncan, said today that homosexuals should be allowed to address schoolchildren in their classrooms.

That is completely opposite to what he said on August 27, and he has not denied that statement at all.

The Hon. Peter Duncan: I don't know how many more times I have to.

Mr. DEAN BROWN: I will come to the shabby sort of defence he has tried to put up in his attack on the press.

The Hon. Hugh Hudson: He has denied it, and you know he has.

Mr. DEAN BROWN: He did not deny that statement; he simply attacked the press for inaccuracies.

The Hon. Peter Duncan: Do you want me to deny it now?

Mr. DEAN BROWN: I will come to that.

The Hon. Hugh Hudson: Aren't you going to allow him to deny it?

The Hon. Peter Duncan: I deny it.

Mr. DEAN BROWN: He is denying it now, even though he had not denied it earlier. It is interesting that he has not denied it in the three days he has had up to now. Only at this moment has he come out and denied it. He did not deny it in his Ministerial statement to the House this afternoon. The issues are clear; on August 27 he said that no homosexuals should go into schools to talk to students. On October 25, last Saturday, in Sydney, he said to an A.B.C. reporter that they should be allowed to go into schools. I come now to his Ministerial statement today, because again we see that there are two areas of conflict. First, his statement of October 25 completely conflicted with his previous statement. Not only that, but his statement today (of which we have a copy) also completely conflicted with that statement made on August 27. I reiterate what he said on that day:

Further, suggestions have been made that homosexuals should go into schools to discuss their attitudes, and I do not support that in any way.

It is absolutely in black and white that they should not be allowed into schools. Today, the Attorney-General is prepared to admit them into schools in certain circumstances, and I quote from his Ministerial statement as follows:

I said in answer to the hypothetical question that, provided homosexuals addressed students as part of a course in a school curriculum, such as social studies, I would not be opposed to it.

He would not be opposed to homosexuals now talking to students as part of the course. Does that not absolutely conflict with the statement made on August 27? Has not, in fact, the Attorney-General again misled this House today (or at least he misled the House on August 27)? We have two choices here: either the A.B.C. is guilty of complete fabrication of that interview, or the Attorney-General is completely guilty of misleading this Parliament.

I take the first possibility, that the A.B.C. completely fabricated that news story. Let us look at that news story. Even if it is wrong in minor detail, it is still black and white that homosexuals should be allowed to enter schools and address the schoolchildren. How could anyone completely fabricate a story like that, least of all the A.B.C.? Another reason I can put forward why I have more confidence in the statement of the A.B.C. than I have in the Attorney-General, was a subsequent point made. The A.B.C. statement states (referring to the Attorney-General):

He said this to ensure passage of the Bill through Parliament.

On that occasion he was referring to the remarks he made in this House on August 27. Again, would the A.B.C., that reputable organisation that operates throughout Australia, completely fabricate a remark like that? Of course it would not. The evidence, without doubt, shows that the Attorney-General not only misled this House on August 27, but has again abused privilege and misled the House this afternoon. I challenge the A.B.C. to produce now the exact transcript or tapes of that interview (I understand that it has them). I believe that when that evidence is produced we will find that not only has the Attorney-General misled this Parliament on his views on homosexuals, but he has again deliberately misled this House today by claiming that the A.B.C. completely misrepresented his remarks. I think that by the end of this affair we will see that the Attorney-General has been guilty of misleading this House, not only once but twice and, in consequence, also misrepresenting the A.B.C. That is inexcusable. In such circumstances a Minister of the Crown has no alternative but to resign.

We have seen similar circumstances in Canberra. Dr. Cairns and Mr. Connor were forced to resign by the Prime Minister. If the Premier has any decency and any respect for the honesty of statements made in this House, he will force the Attorney-General to resign. The evidence is clear. It has been most unfortunate to hear from Government members a series of red herrings and false arguments dragged across this case this afternoon. It is when a person has no other means of defence that he attacks the press. We can see here this afternoon on the evidence from *Hansard,* and on the Ministerial statement given by the Attorney-General, that we do not need to rely on those press statements: he is condemned without them. If those press statements are correct (as I believe they are), he is guilty of two other major offences: first, of misleading the House and claiming the A.B.C. misreported him (as I believe it did not) and, secondly, of again making a false statement as to what he said on that occasion.

The word of the Attorney-General of this State is not worth the paper it is written on. The Attorney-General on a talk-back programme, last Tuesday, I think, claimed to this State that he was the chief lawmaker of South Australia, and yet we find this afternoon the sad fact (sad for a democracy, for the honesty of the Government, and sad for its reflection on this Parliament) that his word cannot be taken. He cannot be trusted, not in the degrees of grey but in the black and white issues. We see that the Attorney-General is a man whose word cannot be taken.

He is a man who says one thing one day when it suits him and another thing another day when that suits him as well, and we have seen three different lines from him in the last two months on this issue. We have seen two different lines from him today: first, that the press was wrong, and, secondly, that he did not make the statement.

He claimed in the debate this afternoon that the hypothetical question was as follows:

Would I support the right of homosexuals going into schools to talk as part of a course to senior students?

Now is that really a hypothetical question? Does it, in fact, cast any doubt on the statement that the Minister made? Of course it does not; the issue was black and white. Does the Minister approve of homosexuals going into schools and talking to the students? I do not care whether it is a hypothetical question or a real question, the answer is just the same. Even if it had been a realistic case put to the Minister, he would have still come forward with the same answer. So, therefore, his claim and his explanation that it was, in fact, a hypothetical question is absolutely meaningless and it is in no way a defence of his case.

It is a sad moment when we find that a member of this House, a Minister of the Crown, cannot be trusted. It is a sad day particularly when that member has been a Minister for only such a short time. However, for the sake of the integrity of this Parliament, and to safeguard the long future of democracy, I urge the Attorney-General to resign. If he does not have the courage of his convictions to do that, I believe the Premier has no alternative but to demand his resignation. I support the motion.

The Hon. HUGH HUDSON (Minister of Mines and Energy): A few points ought to be made in this debate. Would it have been possible for the Opposition to accept any explanation that might conceivably have been given by the Attorney-General? Would there have been any circumstances in which it would accept an explanation? The answer to that question is, of course, that it would not have mattered what the actual events were or what the Attorney-General said this afternoon, the Opposition would have persisted in its attitude. Unfortunately, I must include the member for Davenport in that connection.

Mr. Dean Brown: Are you introducing a few more red herrings?

The Hon. HUGH HUDSON: This is not a red herring; I am making a simple point that it would not have mattered to the Opposition what the Attorney-General said this afternoon; his account of the events would not in any circumstances have been accepted by Opposition members. That is just a statement of the position as I see it, and, unfortunately for the standard of the debate in this House, I think it is a true statement.

The second general point I would like to make is this: is it the case that the A.B.C. has never been associated with a story which is an outright fabrication or which has turned out to be an outright fabrication? I have to say that, while in general terms the A.B.C. has high standards, there are circumstances in which it is associated with stories that turn out to be fabrications, I can give members an instance in which that has occurred in my own experience and in which the A.B.C. persisted in its story throughout one day even though the chief of the company concerned rang up the A.B.C. and completely denied the contents of the story. The A.B.C., after all, is an organisation of people, and people make mistakes, so it is perfectly conceivable that in the reporting of the events that took place on Saturday an inaccurate account was given.

The third general point (and I think this is the most important point for members to consider) is the general position that the media takes on matters relating to sex. Now I have some experience of the position that the media takes on this matter because, as Minister of Education over several years, I had to deal with the South Australian media on questions relating to sex education in the schools. The circumstances surrounding that matter were highly instructive because months after sex education had been introduced and accepted by 99 per cent of parents, journalists were still being sent by their newspaper chiefs of staff and television reporters were still being sent by their producers to interview me about sex education. It did not matter what statements had been made, they wanted more information, even though it was old hat and it had been gone into before.

The reason why this occurs is that any matter that contains the word "sex", whether it be sex education or homosexuality, or whatever it be, is a controversial matter in the eyes of the media, and something which helps to sell papers or which helps to give ratings so far as radio or television programmes are concerned. Members might be interested in my ultimate defence against this. I ended up getting so fed up with reporters coming to see me on the matter of sex education (as I have said, 99 per cent of parents were in support of what was being done and what is now being introduced in universities through-out the State) that I eventually said to these reporters, "Look, have you got a hang-up on sex, have you got something wrong with you? Is that why you keep coming along to see me and to ask me these questions?" They would say, "No, we have been sent along to ask you these questions." I would ask, "Well, who sent you?" and the reply would be, "The Chief of Staff." I would then say, "Will you go and ask the Chief of Staff from me whether he has a hang-up on sex. Is there something wrong with him, and is that why he wants the Minister questioned yet again on this same subject when it is so completely old hat?"

I believe that one or two reporters did transmit my question to their chiefs of staff and to the television producers, and then it stopped; I was not asked any more questions about it. Probably the reporters were asked to come down and see me again on the same subject and they said, "I am not going down to see him." That was probably the answer. Nevertheless, the facts of the situation are that, when it comes to selling papers, or when it comes to ratings on the radio or television, the belief of the media and of those associated with it is that if they can get something about sex in it helps; it does not really matter what it is. I venture to suggest that in those circumstances the likelihood that there may be inaccurate reporting is fairly high. I accept the view of the Attorney-General about this matter. He believes that his position as stated this afternoon is completely in line with the statement he made previously in this House and which was printed on page 503 of *Hansard.*

I accept that, but I can see that there will be arguments on that score. However, I will not allow the member for Davenport to misuse the English language and distort it to suit his own purpose of enforcing a certain interpretation of the Attorney-General's remarks. I think this is clear. Every time the member for Davenport gets up to debate, his technique is to fix on certain words, give

them an interpretation that suits his argument, and away he goes. He sets up his own Aunt Sally and proceeds to knock it over with a great deal of vehemence in the process. That is not satisfactory, and I am happy to accept the assurance of the Attorney-General.

Really we are insulting our schools and the people associated with them by making such a huge song and dance over this subject. How many of our schools do honourable members really believe would be assaulted by the proselytising of homosexuals on the authority given by the principal of the school? How many of our principals do honourable members really believe would be a party to that sort of thing?

Mr. Goldsworthy: None.

The Hon. HUGH HUDSON: Quite. The member for Mitcham thinks that it is necessary to amend the law. Frankly, I would be completely satisfied with the ability of the principals of our schools throughout the State to adopt a sensible and rational policy in relation to this sort of thing and not to permit any kind of proselytisation. I do not think the proposal of the member for Mitcham is necessary. I think we have every right to have complete confidence in the principals of our schools and, whether or not we agree with the Attorney-General in his answer to the hypothetical question as to what he would say if there was a completely controlled situation and only senior students were involved—

Dr. Eastick: Are you trying to qualify the situation now?

The Hon. HUGH HUDSON: I am quoting what the Attorney-General said.

Mr. Evans: He didn't say that.

The Hon. HUGH HUDSON: The Attorney-General referred to a hypothetical question that he was asked in Sydney in relation to what his attitude would be in certain circumstances.

Dr. Eastick: I get the distinct impression that you're trying to qualify those statements.

The Hon. HUGH HUDSON: I heard the Attorney-General. I will not have my own abilities to hear what he said questioned by members opposite. A hypothetical question was put. I do not think the Attorney-General gave all the details in his Ministerial statement.

Dr. Eastick: Well, why don't—

The Hon. HUGH HUDSON: The Leader of the Opposition can speak if he wants to, but he might extend to me the courtesy of allowing me to complete my remarks. Whatever view one takes of the answer given to that hypothetical question—

The SPEAKER: Order! Perhaps I had better correct the honourable Minister; he was referring to the honourable member for Light as the honourable Leader of the Opposition.

The Hon. HUGH HUDSON: I am sorry. I keep on thinking of the member for Light in that context. By rights, if there was any justice, he would still be Leader of the Opposition. I think that has to be admitted by everyone. I am glad the present Leader indicates that he also agrees with that. Regarding the hypothetical situation which was put to the Attorney-General and to which he gave his answer, one might have different views about that, but it certainly referred to a situation where something was being discussed as part of the course, and the implication of the Attorney-General's remarks was that it was a situation in which the person involved would not be proselytising his own point of view; he would not be seeking to convert people to his own point of view. That was the clear implication of what the Attorney-General said, and I believe that we should accept his account of that at face value: that is the only fair thing to do.

Much time has been taken up in this debate in dealing with words and deciding who may or may not have been inaccurate in their accounts. Members have stated different views on this matter, but I accept the assurance of the Attorney-General. I believe that it is not even necessary for the Government to have a detailed policy on this matter, although it does; it says it will not allow proselytisation of any description to go on in the schools but I believe that is probably not necessary because I have, from my own experience, complete confidence in the ability of the leadership in our schools to ensure that this sort of thing does not take place, anyway.

To suggest that any member requires to be assured that homosexuals will not be running riot in our schools as a consequence of the legislation on this matter is to suggest that the members who require this assurance are naive, that they simply do not know what is going on within the schools, and that they do not know anything about the kind of people who are involved within the schools. I think we have all had just about enough of this matter. I hope members will forget momentarily about Party politics, if they can, and forget any spleen they might want to vent on any individual and see that this motion is thrown out.

Mr. BLACKER (Flinders): I support the motion for two reasons: first, because I believe there is a discrepancy in the statements made by the Attorney-General, and that he has thus misled members of this House in their judgment on legislation before the House, and secondly I think it would be a reflection on this Chamber to allow these actions to go unnoticed. I commend the Leader of the Opposition, his colleagues, and members of the Liberal Movement for taking the Attorney-General to task because I believe it is a fundamental philosophy of this House that we should challenge any loose remarks emanating from members. We are not arguing the facts of the comments. I do not think that is the real issue. I think the real issue is whether this House has been misled and whether the judgment of this House has been influenced by the statements of the Attorney-General, who presented this argument. I am more concerned about that matter than T am about opening up a debate on the homosexual aspect. After all, that Bill has already been debated and passed. However, I contend that the vote was influenced by the member for Elizabeth, when he said:

> Suggestions have been made that homosexuals should go into schools to discuss their attitudes, and I do not support that in any way.

To me, that is a complete assurance by the then member for Elizabeth (and after all the honourable member was leading the debate, and we must therefore assume that he had the Government's responsibility on the issue) that the Government did not intend—

The Hon. Hugh Hudson: No, that's not right. It was a private member's Bill; it was a free vote.

Mr. BLACKER: I accept the Minister's explanation that it was a free vote. Nevertheless, that does not detract from the assurance given by the member for Elizabeth that he did not support in any way homosexuals going into schools. To me, this was an assurance that this was the Government's attitude. However, if I have misunderstood the matter in this regard, I accept the Minister's explanation. It was on that assurance that we received a vastly different vote on the Bill than we did on the Bill

that was previously before the Parliament. Therefore, it cannot be claimed by Government members that it did not in any way affect the vote on the Bill. It must therefore be accepted that the Attorney's words did in some way influence the vote.

Speaking in defence of the Attorney, the Minister of Education said that the Government would actively discourage homosexuals speaking in schools. I make no secret of the fact that I would outlaw such activities. All Government members have indicated that they are totally opposed to it, although none of them will come out and say that he would outlaw such activities. If it is not going to affect anyone, why should we not support it in real terms? The Minister of Mines and Energy implied that we were casting aspersions on school headmasters. I accept that that connotation could be placed on school headmasters, but why should they be made responsible for setting social standards and similar aspects when a simple decision by the Minister could at least absolve headmasters from any social implications that could occur?

The member for Florey clouded the issue considerably by trying to introduce into the debate a faction fight between the Liberal Party and the Liberal Movement, I thank him for leaving the National Country Party out of it. However, it is clear that he was trying to introduce into the debate aspects that were not related to it. He said that the press was anti-Labor. Sitting on this side of the House, I have heard it stated that it is anti-Opposition. So, there are two sides to all arguments. I make no secret of the fact that I voted against the Bill when it was before the House. However, I contend (and I implied this previously) that the vote on the Bill was affected by the Attorney's statement. When the Bill was before the House, it passed on a vote of 32 members to 12 members.

It has been stated that many new members were not members of the House when the matter was debated previously and were therefore forced to make a decision, having had only two hours or three hours notice. Undoubtedly, they would have been influenced by the assurance given by the member for Elizabeth that homosexuals would not be allowed in the schools. Consequently, I cannot accept that the vote taken on that occasion was not influenced by the statement made by the member for Elizabeth. That the result of the Bill was vastly different when it was before the House previously emphasises the effectiveness of the honourable member's statement. There is certainly a difference in what has been reported and, indeed, in the Ministerial statement that was made to the House this afternoon. We have differences of emphasis, and consequently different meanings, and in no way has there been a complete retraction of the press statement to substantiate the original statement made when the Bill was being debated.

I am concerned about this matter, not only because of the points raised regarding the rights and wrongs of homosexuals entering into schools but also because the credibility of the House has been questioned by the Attorney's making statements in public places contrary to those that he has made in the House. That is an abuse of the facilities of this House, and it is misleading to its members. It is a reflection not only on the Attorney-General but also on the Government and all members. I have much pleasure in supporting the motion.

Dr. TONKIN (Leader of the Opposition): I thank members for the way in which they have regarded this motion. As I pointed out initially, it is a most serious matter. The seriousness with which it is regarded by Government members may be seen from the attitude of senior Ministers, who have made a vain attempt to defend the Attorney-General's impossible situation.

Mr. Becker: Do you think they voted for him in Caucus?

Dr. TONKIN: I do not know, but I am sure that those who did would be sorry now that they did so. So many red herrings have been dragged across the trail this afternoon by Government members that it is extremely difficult to sort out one from the other. However, I must deal first with remarks made by the Minister of Mines and Energy about the heads of schools. I, too, have the greatest confidence in headmasters; they will exercise their discretion regarding anything that happens in their schools. I point out to the Minister that, when he was Minister of Education, his job (as is the present Minister's job) was to back up his headmasters, and he has a sorry record in that respect. Indeed, his portfolio has been changed largely because of his failure to back up school headmasters. I make the point that the Attorney-General's prevarication and action in misleading this House may well have the same effect on the remainder of the community as did the mishandling by the previous Minister of Education of another matter.

The subject of the motion has nothing whatsoever to do with the Government's policy. It is not quite so much to do with a conflict between the Attorney-General's statements. The major factor being considered is whether or not the Attorney misled the House. That is what it comes to. If he has misled the House, he is guilty of the grossest impropriety, and he should resign. If he does not do so, he should be forced by the Premier to resign. In contributing very briefly indeed to the debate, the Premier obviously did not have his heart in the matter. He found it difficult to support his own Minister; he did not fight for him. The Premier, too, brought up one red herring after another, emphasising that it was not the Government's policy to allow homosexuals into schools. I accept that it may well be the Government's policy, but that has nothing to do with the motion: the present issue is whether or not we can in future respect and trust the Attorney-General, as a result of a statement he made last week (a statement which has been confirmed today) that he now supports, under certain conditions, he says, the entry of homosexuals into schools to put their point of view, a statement which totally conflicts with the statement he made in the House when he introduced the private member's Bill that he sponsored. If, as is reported, he said that he did this purely to ensure the passage of the Bill (in other words, if he said in the House something which he says he now does not believe), he is guilty of misleading the House and of reprehensible conduct. The question to be answered is whether he is a fit and proper person to hold the office of Attorney-General. The Premier did nothing to reassure the Opposition or the community as a whole that the Attorney is a fit and proper person. The Attorney-General gave one of the weakest explanations I have heard any honourable member give in the House. He quoted my statements and indulged in what I think has come to be termed "media bashing" (certainly "press bashing"), and he tried to put all the blame for his present situation on the media, particularly the press. He canvassed the differences between hypothetical questions and what the answers should be, but we did not hear word for word what those hypothetical questions were.

I repeat that there is one way in which this whole problem could be solved; let us have the transcript, let us

look at it, and have it tabled in the House. One person who can get it is the Attorney-General, who should obtain it and table it in the House. However, there is a significant silence. We cannot get away from the fact that he said that he would not support in any way the entry of homosexuals into schools, whereas now he has said in the House that he would support such a move, and I see no reason to suppose that he did not say the same thing on Saturday. I was interested to hear the member for Mitcham say that he would support the amendment moved and debated strongly by the Hon. Mr. Burdett in the Upper House that provided a protection against this kind of happening. I am pleased at this, because I imagine that the Hon. Mr. Burdett will persuade his colleagues there to change their minds and support the amendment.

Mr. KENEALLY: On a point of order, Mr. Speaker. It is the responsibility of members when addressing the House not to stand with their back to the Speaker, but the Leader has been standing with his back to the Speaker during the past four or five minutes.

The SPEAKER: That is up to the judgment of the Speaker. I remind the Leader, though, that, according to Standing Orders, honourable members are not to allude to debates in another House during the same session.

Dr. TONKIN: Thank you, Sir; I had for the moment forgotten that. I am pleased to hear that, in future, matters which might be introduced in the House relating to the protection which might be necessary for schools will be supported by the member for Florey. Speaking vigorously, as is his wont, he made clear that he would support that kind of move should it be introduced in the future. "There have been untruths," the Attorney says, "in the press, errors of detail". He has gone into them at great length, but I point out that he is making an obvious attempt to discredit journalists in general in the hope that that may in some way get him off the hook. This practice is becoming habitual with this Government; I refer to the Premier's attacks recently on the distinguished member of the journalism profession, Mr. Franklin. This would be untenable in any circumstances, because reporters and journalists would not hold their positions unless they were responsible. To drag them in as the scapegoats for the Attorney-General's misconduct in misleading the House is deplorable in the extreme. I understand that, on Sunday, an item appeared on the A.B.C. news in which Mr. Duncan was quoted as saying that he had been misrepresented, or words to that effect; presumably, he had been in touch with the A.B.C. and, in that case, he had every opportunity to put his case most forcibly and to ask for the transcript of which he complained. I presume that he has not done that.

It has been said that the honourable member was not a Minister at the time he misled the House, but that does not matter. The point is that he is a Miniser now and, if he misled the House then, he is the same person now. One wonders whether he is qualified and a fit person to hold the position of Attorney-General. I repeat it is the man who is on trial here, not the office. The Minister of Mines and Energy also brought the media under attack, but in a somewhat jovial fashion. Indeed, he gave us an interesting exposition on sex and the media, but what on earth that bore to the subject under discussion I do not know. I suspect that he was trying to take off a little of the pressure and bring levity into the gravest possible matter. I have the greatest admiration for the A.B.C. and its services. The commission is reliable. Indeed, it has the nickname of "Aunty", which signifies that, among other things, it is reliable, by and large. It may make mistakes, but we all do. It would do the Attorney-General credit if he got up and said that he had made a mistake, instead of trying to brazen it out. He could get the situation sorted out once and for all, but how can he possibly reconcile the words "He would not support in any way" with what he said in the House today and, presumably, because I have no reason to doubt it, on Saturday?

He now says that he would support their entry into schools, but the most important matter is that he is reported as saying that he made his original statement only to ensure the passage of his Bill through the House: that is the reprehensible and the misleading part of this whole matter. It makes a mockery of this Parliament, and that is why I say that I do not believe that this man is a fit and proper person to be the State's Attorney-General and that his resignation, however achieved, should be submitted immediately.

The House divided on the motion:

Ayes (23)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Noes (23)—Messrs. Abbott, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

The SPEAKER: There are 23 Ayes and 23 Noes. There being an equality of votes, I give my casting vote in favour of the Noes. The question therefore passes in the negative.

Motion thus negatived.

COOPER BASIN (RATIFICATION) BILL

The Hon. HUGH HUDSON (Minister of Mines and Energy) obtained leave and introduced a Bill to ratify and approve a certain indenture between the State of South Australia and other parties; and for other purposes. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

Introduction: It provides a necessary basis for the rational exploitation of the Cooper Basin natural gas resource. The significance of the provisions and the Bill together with the Producers Indenture can only be fully appreciated in the context of the history of exploration and discovery in the Cooper Basin and the associated arrangements and agreements up to the present time. Accordingly, I have divided my remarks into two parts; comprising, first, a brief review of the exploration, initial development, and agreements leading up to and associated with the Bill, and secondly a summary of the provisions of the Indenture and the Bill.

Part I. The Bill in Context. Discovery: In 1959, Delhi International Oil Corporation and Santos Limited were issued with licences to explore for petroleum in a large area of north eastern South Australia and south western Queensland. Within their licence area in South Australia, now known as petroleum exploration licences 5 and 6, the partners were successful in finding natural

gas in that part of the exploration licence area known as the Cooper Basin and, in particular, in the Gidgealpa field in 1963 and the Moomba field soon afterwards. The Walsh Government, at the time the pipeline authority was established by Statute, formalised an energy policy whereby the Electricity Trust of South Australia would use natural gas for new power stations. Thus the combined E.T.S.A. and South Australian Gas Company demands would define a market sufficient for the development of Gidgealpa and Moomba fields. A processing plant was built at Moomba by the producers, and a pipeline was constructed by the State from there to Adelaide. Natural gas commenced flowing to Adelaide in 1969.

Farmouts: Santos and Delhi recognised further potential of the Cooper Basin area and opportunities provided by the Sydney market and, therefore, to provide funds for further exploration and to spread the exploration risk, entered into farmout and other agreements with a number of companies commonly referred to as the Cooper Basin producers. The exploration resulting from those farmout agreements brought sufficient new discoveries for the companies concerned to negotiate successfully an agreement (dated May 26, 1971) for the supply of the Sydney gas market through the Australian Gaslight Company (AGL), in the face of competition from the Bass Strait Producers. The Cooper Basin producers presently comprise eight companies: Santos Limited, Delhi International Oil Corporation, Alliance Petroleum Australia N.L., Basin Oil N.L., Bridge Oil N.L., Pursuit Oil N.L., Reef Oil N.L. and Vamgas N.L. In addition, Total Exploration Australia Proprietary Limited has interests in the Queensland portion of the Cooper Basin, along with the other parties and the Commonwealth has purchased an interest in 50 per cent of Delhi's South Australian share of reserves and 25 per cent of Delhi's exploration interests in this State.

AGL Letter of Agreement: The Cooper Basin producers, including at that time Total, entered into a "letter of agreement" with the Australian Gaslight Company on May 26, 1971. That agreement provided for the supply of 2.8 trillion cubic feet of gas for the Sydney market over a 30-year period (referred to as schedule "A" volumes), provided that, if the producers were able to establish proven and probable reserves of at least 2 trillion cubic feet of deliverable gas (referred to as schedule "B" volumes) within a specified time, then, with certain other conditions, those reserves would become dedicated to AGL and the agreement would become binding on the parties. The ensuing exploration found sufficient gas for the schedule "B" volumes, and the fields concerned were dedicated to AGL in August, 1973. In consenting to that dedication, the State placed a rider on the terms set out in the "letter of agreement" to ensure 170 BCF of gas was withheld from the dedication which, together with 230 BCF of undedicated gas from portion of one of the fields, was set aside to meet the requirements of the then proposed Redcliff petrochemical project.

The Unit Agreement: Farmout and similar sharing agreements between licence holders provide an excellent basis for exploration but, because of the scattered and varied nature of the several fields and the varying interests of the parties in these fields, are in many respects inadequate for the efficient production of reserves from the Cooper Basin. A company would receive no income from fields in its farmout areas until such time as those fields came on stream. Responsibility for capital investments for trunkline gathering systems and processing plant become ill-defined, resulting in wasteful design and duplication. To overcome these deficiencies the producers with the assistance of the State have negotiated a composite agreement between themselves known as the "unit agreement". The unit agreement also provides the basis for the integrated development, which will be required for the supply of liquids and which are associated in varying amounts with the natural gas in certain fields, to any proposed petrochemical plant. Having in mind the provisions of section 80 of the Petroleum Act (1940-71) regarding matters of conservation and wasteful practice, the Government supported the concept of the unit agreement. A draft agreement has been settled among the producers and will be able to be executed following the passage of the Cooper Basin (Ratification) Bill.

Producers Indenture: The complex arrangements required under the unit agreement cannot operate under existing legislation. It is necessary for the Government to introduce a new system of petroleum production licences for the Cooper Basin area and to provide certain benefits and assurances to the producers. The State has therefore entered into an agreement with the producers; the producers indenture to which the Minister of Mines and Energy is a party. The indenture provides for a new production licensing system required by the unit agreement, together with necessary benefits and assurances given to the producers. The producers indenture was executed by all parties on October 16, 1975, but is of no effect until the enabling legislation is passed.

Related Agreements: Five other agreements relate to and are essential for the implementation of the unitised development of the Cooper Basin. The need for and the effects of these are briefly described. (1) Deed of Covenant and Release: As the need for additional gas supplies for the future Adelaide market was identified it became apparent that, under the constraints imposed by dedication under the A.G.L. letter of agreement and because of the low deliverability characteristics of the Moomba and Gidgealpa fields, there was not sufficient gas to ensure satisfaction of the needs of the expanded Adelaide market. The importance of the expanded Adelaide market and its significance in the proposed petrochemical scheme required the South Australian Government to support the producers in requesting A.G.L. to undedicate the fields specified for its supply and to pool all gas reserves in the Cooper Basin into one unit.

Engineering studies by the producers determined that under such an arrangement the petrochemical plant could be supplied at the rates required, the A.G.L. schedule "B" met, and the expanded Adelaide market satisfied until the end of 1987. In seeking the agreement of A.G.L. to undedication (the deed of covenant and release) the State agreed to recognise the prior right of A.G.L. to all future discoveries in the Cooper Basin until sufficient gas have been identified to satisfy the full A.G.L. schedule "A" requirements, that is, an additional 800 BCF of deliverable gas; this deed of covenant and release appropriately modifies the "AGL letter of agreement".

(2) Interim Gas Sales Contract: In 1974, the Government agreed that the Pipelines Authority of South Australia would purchase all gas for the South Australian market from the treatment plant at Moomba and take over the sales contracts then existing between the three principal producers (Santos, Delhi and Vamgas) and South Australian customers. The interim gas sales contract is in substitution for those arrangements which have been in effect since May, 1974, and is necessary to ensure continuity of gas supplies to Adelaide in the event of the unit agreement not coming into effect. This contract provides

for the delivery of gas to the expanded Adelaide market to the end of 1987 from existing reserves in the Cooper Basin. The contract includes provision for annual price reviews (under arrangements which allow for equitable price determination through negotiation) with provision for arbitration if necessary.

(3) Gas Sales Contract: The gas sales contract is in substitution for the interim gas sales contract, and is to be executed contemporaneously with the unit agreement. PASA and all the producers of the unit agreement will be parties to that contract.

(4) PASA Future Requirements Agreement: This agreement is designed to safeguard, to the greatest degree possible, gas supplies to South Australia beyond 1987. It is between the unit group producer companies and PASA, and therefore relates to discoveries which may be made in the unitised area of the Cooper Basin and which become available once AGL's prior right to schedule "A" volumes is catered for. Under this agreement PASA is entitled to write contracts for up to 100 BCF a year up till 2005—a total of 1800 BCF of deliverable gas. Additionally, PASA has the first option to purchase all additional reserves which may be discovered in the Cooper Basin on terms as provided in the agreement.

(5) Exploration Indenture: When the Government arranged for the pipelines authority to purchase natural gas from the Moomba treatment plant in May, 1974, it also agreed to an increase in the field gate price from 16c to 24c. In return, it sought certain assurances from the producers, including arrangements for reasonable exploration commitments on the exploration licence areas, amounting to $15 000 000 at specified minimum rates on approved programmes over a five-year period. The exploration indenture formalises these arrangements.

Part II. Brief Summary of Provisions of Indenture and Act: The Minister for the Bill is the Minister for the time being administering the Petroleum Act (1940-71) and is normally the Minister of Mines and Energy. The purpose of the Act is to ratify the indenture signed on October 16, 1975, to which the State and the Cooper Basin producers are parties, and to provide the legal basis for the implementation of the provisions of the indenture which is a schedule to the Act.

A summary with comments of the various provisions of the indenture is set out as follows:

(1) Defined Terms.

(2) Ratification: The provisions of the indenture do not come into operation unless a ratifying Act is passed.

(3) Initial obligations provide the conditions to be met before obligations of the parties commence.

(4) Land at Moomba: At the request of the producers, the State shall grant freehold title to an area of land of about 394 hectares surrounding the processing plant and airfield at Moomba. The plant at Moomba will be a capital investment of $41 000 000 for the dry gas scheme and up to $100 000 000 for a liquids scheme for which the producers and their financiers require the protection of freehold title. All buildings, plant, etc., on the Moomba land are to be regarded as chattels. This is necessary for the operation of the unit agreement. Ownership of the plant, etc., will fluctuate as new gas discoveries and other circumstances dictate. Frequent transfer of ownership of chattels is a simply accomplished process; whereas transfer of real property to achieve the fluctuating participations of ownership would be an impossibly complicated process.

(5) Infrastructure at Moomba and Roads: The State undertakes that, within 24 months of the ratifying Act, the State will remake or upgrade the Strzelecki Track between Lyndhurst and Moomba to enable normal vehicles to use the road. The State will try to ensure that the road is reinstated within eight weeks after the passage of the peak of a flood which cuts the road. If the Strzelecki Track were to be impassable for an extended period so that the producers were unable to transport plant equipment and supplies, gas supplies to Sydney and Adelaide could be placed in jeopardy.

(6) Petroleum Licences: Of the producers, only Delhi and Santos hold petroleum exploration licences. The other producers derive an interest in the exploration licences and are therefore entitled to an interest in petroleum production licences in respect to areas within their particular farm-in areas. By by unit agreement, all of the producers derive an indirect interest in all production licences in the unit area of the Cooper Basin. Because the percentage of ownership (participation factors) of each of the producers in the petroleum production licences in the unit area will fluctuate as new gas fields are added to the unit and because not all the producers derive a direct interest in petroleum production licences outside their respective farmout areas, all the producers cannot be co-holders of every production licence. Therefore the device of sub-licences is introduced. The State will grant each production licence to those producers who are entitled to it through their equity in a given farmout area. Those companies in turn will grant, with the approval of the Minister, sub-licences to all the producers including themselves. The participation factors in the sub-licences will vary from time to time as new gas discoveries and arrangements dictate. The formulae for the variation of participation factors are set out in the unit agreement. The rights of the Minister, under (87a) of the Petroleum Act, to control licences are preserved.

(7) Rates and Taxes: Rates and taxes, etc., shall be in respect of the assessed unimproved value and shall not discriminate against the producers. (8) Supervisory Control Systems: The State will permit the producers to operate wells, field facilities, gathering systems and trunklines by remote supervisory control systems. (9) Stamp Duty: Certain exemptions are provided. (10) Exemption from Provisions of the Commonwealth Trade Practices Act: This is necessary because of the restricted nature of the resource and the limited purchasers, that is, AGL and PASA.

(11) Prohibition Upon Partition: A device to enable the producers to arrange more easily their affairs between themselves. (12) Royalty Payment: The royalty rate shall be 10 per cent of the value at the wellhead or less until January 1, 1988. The method of calculating "the value at the wellhead" is set out and the initial value of facilities already installed in the Cooper Basin is agreed. The holding of the royalty rate at a constant value is necessary for the producers to be able to obtain finance for the Cooper Basin development. The method of obtaining the wellhead value follows the provisions of the Petroleum Act. The procedures for the calculation of and submission of royalties are defined specifically to make such matters clear and unequivocal.

(13) Pipelines: Provision is made for a future petrochemical complex. (14) Assignment: The producers may assign any rights, etc., conferred by this indenture subject to the provisions of the unit agreement and the Petroleum Act. (15) Variations: Any variations, etc., to this indenture must be ratified by the Parliament. (16) *Force*

Majeure: This is the normal type of *force majeure* clause. (17) Notices: This deals with provisions as to the service of notices. (18) Governing Law: The law of the State of South Australia is to apply.

(19) Arbitration: The unit agreement, sales contracts, exploration indenture, and PASA future requirements agreement are exempt from section 24a of the Arbitration Act, and may therefore be subject to arbitration. (20) Relationship of Producers: This clause provides that rights, duties and obligations of the producers are joint and/or several in varying circumstances. (21) Environmental Protection: Provides appropriate provisions.

This Bill ratifies and approves an indenture between the producers of natural gas in the Cooper Basin natural gas field and the Government of this State. The approval of the indenture by this House, and the entry by the parties into certain other agreements, notably the unit agreement and the Pipelines Authority of South Australia future requirement agreement, will go a long way to ensuring the future supplies of natural gas for this State, as well as enabling those supplies to be extracted from the field in a rational and orderly manner.

Clauses 1 and 2 are formal. Clause 3 in effect picks up the definitions used in clause I of the indenture (a copy of which appears as the schedule to this Bill) and applies those definitions to matters contained in the Bill. A study of the indenture will disclose that the matters covered therein fall into two classes, those matters which represent contractual obligations between the parties and those which require modification of the Statute law of the State. In broad terms, the Bill is only concerned with matters of the latter class, although this concern by no means diminishes the importance of the matters of the former class.

Clause 4 is a legislative recognition of the fact that the Commonwealth Government intends to become directly or indirectly a party to the indenture. This clause provides at subclause (1) for a general statement of legislative policy and, at subclauses (2), (3) and (4), for an appropriate modification of the Petroleum Act of this State. Clause 5 provides the machinery for Parliamentary approval of subsequent amendments, if any, to the indenture. Subclause (2) provides for such amendments to be approved in retrospect, as it were. Clause 6 provides for the formal approval and ratification of the indenture. Clause 7 gives statutory effect to portion of clause 4 of the indenture.

Clause 8 proposes the modification of the law of the State relating to real and personal property to the extent necessary to give effect to the agreement set out in subclause (2) of clause 4 of the indenture. In substance, if clause 8 is agreed to, certain real property described in clause 4 (2) of the indenture will be able to be dealt with as if it were personal property to the extent necessary to give effect to that subclause. Clause 9 effects considerable modification to the Petroleum Act by substituting for petroleum production licences available under that Act, licences in the form set out in appendix B of the indenture. In this regard, the attention of members is particularly drawn to clause 6 (1) of the indenture. Clause 10 makes two referential amendments to the Petroleum Act to give effect to clause 6 (5) of the indenture. Clause 11 gives effect to matters contained in the specified paragraphs of subclause (1) of clause 6 of the indenture. Clause 12 somewhat extends the "relevant right" granted to licensees under the Petroleum Act and defined in subclause (2) of this clause. The area of extension is set out in this clause.

Clause 13 is intended to afford the producers certain protection from rates and taxes levied on other than the unimproved value of property and also from imposts of a discriminating nature. The agreement giving rise to this clause is set out in clause 7 of the indenture. Clause 14 provides for an appropriate exemption from stamp duty as agreed between the parties and expressed in clause 9 of the indenture. Clause 15 deals with the right of the producers to operate certain remote control supervisory systems referred to in clause 8 of the indenture. Clause 16 approves for the purposes of the Trade Practices Act, 1974-1975, of the Commonwealth certain matters, and is related to clause 10 of the indenture. Clause 17 modifies the Statute and other law of the State so as to enable clause 11 of the indenture to take effect.

Clause 18 gives legal and statutory effect to clause 12 of the indenture by providing an alternative method of royalty payment. Clause 19 prevents section 24a of the Arbitration Act, which voids certain agreements to submit matters to arbitration, from applying to submissions contained in the indenture and other documents. Clause 20 is a formal provision. Clause 21 is intended to make it clear except where it is expressly excluded or modified that the general law of the State applies to matters arising under the indenture. Clause 22 at subclause (1) provides for a regulating power in the usual form. At subclause (2), however, a wide dispensing power is included. It is suggested that a power in this form is necessary to ensure that in appropriate circumstances the general law of the State can be adapted to ensure that the carrying out of the indenture is not impeded.

Regulations made under this provision are, of course, subject to the scrutiny of this House and will result in the modifications made being quite explicit. The schedule sets out the indenture as executed. This Bill is a hybrid Bill within the meaning of the relevant joint Standing Orders and will, upon being read a second time, be referred to a Select Committee.

Mr. DEAN BROWN secured the adjournment of the debate.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Road Maintenance (Contribution) Act, 1975. Read a first time.

The Hon. G. T. VIRGO: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It amends the Road Maintenance (Contribution) Act. The principal Act was amended by an Act which was passed by Parliament earlier this year and which has not yet come into operation. Unfortunately the formula for calculating the amount of road maintenance charges payable by owners of commercial goods vehicles is stated incorrectly in the amending Act. This Bill will correct the mistake. The rate is intended to be 17 cents a tonne-kilometre, which is the rate agreed upon by the Australian Transport Advisory Council, but the formula set out in the amending Act would give a figure of .017c a tonne-kilometre. Clause 1 is formal. Clause 2 provides that the Act shall come into operation immediately after the earlier amending Act. Clause 3 effects the correction to the formula in the third schedule.

Mr. RUSSACK secured the adjournment of the debate.

FAMILY RELATIONSHIPS BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to abolish the legal consequences of illegitimacy under the law of this State; to invest courts of this State with power to make judgments declaratory of certain relationships; and for other purposes. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill he now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It is the first in a series of 10 Bills designed to give effect to the recommendations contained in two reports of the Law Reform Committee of South Australia. These reports are the eighteenth, relating to illegitimate children, and the twenty-eighth, relating to the reform of the law on intestacy and wills. The Law Reform Committee in its eighteenth report made recommendations designed "to destroy in so far as this is socially and legally possible the distinctive legal consequences of illegitimacy so as to assimilate the rights and the position of an illegitimate child to that of a legitimate one." It is of course impossible to legislate to remove the social stigma which attaches to an illegitimate child. The provisions of these Bills aim to remove some of the legal disabilities to which an illegitimate child, and in some cases the father of such a child have hitherto been subjected.

Many modern Statutes have placed illegitimate children in the same position as those born legitimate; the law has come a long way since an illegitimate child was regarded as a mere thing, whose existence was unrecognised until it became a pauper, and whose only legitimate home was the poor house. However, the concept of illegitimacy remains, and whenever the Legislature decides to place an illegitimate child in the same position as a legitimate child it must spell this out. The important disabilities which still attach to an illegitimate person are in connection with the succession to property. Unless a will is carefully drawn an illegitimate child will be excluded for the word "child" when used in a will refers *prima facie* to a legitimate child.

The father of an illegitimate child receives scant recognition by the law; he must maintain it but has no say in its upbringing, has no inheritance rights from it, even though he may have maintained it lavishly for many years. An illegitimate child can be adopted without his consent, he has no rights to the custody of the child. The basic premise of this Bill is that the relationship of parent and child exists between a person and his father or mother irrespective of whether he was born within or outside marriage. The Bill recognises that a mere assertion that a person is the father of a child is not sufficient to prove that he is the father. It sets out the manner by which a person may be recognised as the father of a child, and also provides that certain persons may apply to a court for a declaration as to the paternity of a child.

Other provisions of the Bill reflect the policy of the Government, that where two people are living together in an established *de facto* relationship the parties in that relationship should, for certain purposes, be entitled to the same rights and benefits as lawful spouses. The Bill provides for the methods by which one person will be recognised as the putative spouse of another person. Where the Government considers it proper that a putative spouse should be in the same position as a legal spouse, a provision to that effect will be included in the appropriate legislation. Clauses 1, 2 and 3 are formal.

Clause 4 provides that the new Act will bind the Crown. This provision is inserted to ensure that where, for example, the Crown is competing with an illegitimate child for an interest in a deceased person's estate, the Crown will be bound by any declaration of paternity by virtue of which that interest is traced to the child. Clause 5 inserts two definitions required for the purposes of the new Act. It should be observed that the jurisdiction to make declaratory judgments under the Act will be exercisable by the Supreme Court or by a local court of full jurisdiction. Clause 6 is designed to abolish the disabilities of illegitimacy of the law of the State. It provides in effect that relationships of consanguinity or affinity are to be traced and recognised whether a child is born within or outside marriage. However, the interpretation of instruments executed before the commencement of the new Act will not be affected by the new provision.

Clause 7 sets out a comprehensive list of criteria for recognition of paternity of a child born outside marriage. Paternity will be recognised in the case of legitimation of the child; where paternity has been acknowledged in proceedings for registration of the birth; where paternity has been established by judgment of a court of competent jurisdiction otherwise than under the new Act; and finally where an adjudication of paternity has been made under the new Act. Clause 8 preserves the presumption that a child born to a woman during her marriage, or within 10 months after the marriage has been dissolved, is, in the absence of proof to the contrary, a child of its mother and her husband or former husband (as the case may be).

Clause 9 establishes the right to apply for a declaration of paternity. An application may be made to the court by any of the following persons:

(a) a female person who alleges that a person named in the application is the father of her child;

(b) a person who alleges that the relationship of father and child exists between himself and some other person; or

(c) a person (for example an administrator or trustee) whose rights or obligations at law or in equity are affected according to whether the relationship of father and child exists between two particular persons.

Where one of the persons in respect of whom the declaration is sought is dead, the court should not make a declaration unless the claim is supported by credible corroborative evidence.

Clause 10 provides that the new Act will not affect rules under which the domicile of a child is determined; the consequences of adoption of a child; or any proceedings under the Community Welfare Act in which paternity of a child is in issue. Clause 11 sets out the criteria by which a person is to be regarded as the putative spouse of another. The relationship will be established where cohabitation has persisted for five years, or where cohabitation has persisted for a total of five years within the previous period of six years. The relationship may be established on the basis of a lesser period of cohabitation where the birth of a child has resulted from that relationship. It is important to observe that, where the relationship is terminated by either party, they each thereupon lose the character of putative spouse. A person may apply for a declaration under the new section where his pecuniary interests, or his obligations at law or in equity, are affected according to whether the relationship existed on a certain date. The relationship will not be recognised in the absence of a declaration under this new section.

Clause 12 protects an administrator or trustee of property in relation to claims that may arise against that property by virtue of the new Act. First, it provides that, where a person has an interest in property by reason of a relationship recognised under the Act, no action shall lie against an administrator or trustee of property by virtue of any distribution of, or dealing with, the property made without actual notice of the relationship, and any distribution actually made will be undisturbed unless the beneficiary himself had notice of the relationship. Where a person claims to have an interest in property by virtue of the new Act, the administrator may require him to seek the appropriate declaration of that relationship under the new Act and, if he fails to commence proceedings with a view to obtaining that declaration, no action will lie against the administrator because a distribution of property made on the assumption that the relationship does not exist, and beneficial interests taken as a result of the distribution will be undisturbed.

Clause 13 provides that proceedings under the new Act are to be held in private. A person who publishes the names of people involved in such proceedings is to be guilty of an offence and liable to a penalty not exceeding $1 000. Clause 14 is a procedural provision enabling a person to seek a declaration under the next Act in the course of other proceedings. In any such case there is to be a separate trial of issues arising under the new Act.

Mr. EVANS secured the adjournment of the debate.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Administration and Probate Act, 1919-1975. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It is designed to give effect to recommendations of the twenty-eighth report of the South Australian Law Reform Committee relating to the reform of the law on intestacy and wills. The present law governing the distribution of an intestate's estate is a mixture of common law, United Kingdom Statutes enacted prior to 1836, and sections 53, 54, 55 and 55a of the Administration and Probate Act, 1919-1972, which to some extent amend the earlier United Kingdom Statutes. This Bill is designed to remove certain anomalies in the present law of intestate succession and, at the same time, provides a complete statement of the law of intestate succession.

Clauses 1, 2 and 3 are formal. Clause 4 inserts definitions of "lawful spouse", "putative spouse" and "spouse". These definitions relate principally to the new Part dealing with intestacy. A person who was the putative spouse (as defined in the Family Relationships Act) on the date of death of an intestate will have rights to participate in the distribution of his property. Clause 5 repeals section 23 of the principal Act. This section is now redundant in view of the provisions for recognition of foreign wills enacted as amendments to the Wills Act in 1966. Clause 6 extends the right of certain beneficiaries or creditors of a deceased person to obtain a special grant of administration over his estate to a person who was a *de facto* spouse of the deceased on the date of his death.

Clause 7 repeals the existing provisions of the principal Act relating to intestacy. These will be replaced by new Part IIIA. Clauses 8 and 9 increase the amount that may be paid out to the spouse of a deceased person by the Treasurer or by a bank, without production of probate, from $1 200 to $2 000. Clause 10 enacts new Part IIIA of the principal Act. This new Part is intended to constitute a new code dealing with intestate succession. Section 72a is a transitional provision. The new Part will apply only in respect of the estates of persons dying after the commencement of the amending Act. New section 72b sets out a number of definitions necessary for the purposes of the new Part. New section 72c provides that the administrator of an intestate estate holds the estate on trust for the benefit of the beneficiaries. Subject to the provisions of the new Part dealing with personal chattels left by the deceased, and a dwellinghouse that constituted the matrimonial home of the deceased and his spouse, the administrator is empowered to sell, or convert into money, property that forms part of the intestate estate.

New section 72d deals with a case in which a minor is entitled to participate in the distribution of an intestate estate. The property is to be held in trust for him until he attains the age of 18 years, or marries before attaining that age. New section 72e deals with the case where an intestate and his spouse die within a short time of each other. The Bill provides that, in such a case, the spouse will not be treated as having survived the intestate, and thus having acquired an interest in the estate. This provision reduces the incidence of succession duties and makes for fairer distribution between next-of-kin where there are no issue of the marriage, or *de facto* relationship.

New section 72f provides for ascertaining the value of an intestate estate. New section 72g sets out the rules governing distribution of an intestate estate. These rules are as follows:

(a) where the intestate is survived by a spouse and by no issue—the spouse takes the whole estate;

(b) where the intestate is survived by a spouse and by issue, the spouse takes the first $10 000 and half the balance of the estate while the issue take the remainder;

(c) where the intestate is not survived by a spouse, but is survived by issue, the issue take the whole of the estate;

(d) where the intestate is not survived by a spouse or by issue, his relatives take the whole estate; and

(e) if the intestate is not survived by a spouse, issue or relatives, the estate vests in the Crown.

New section 72h expands the provision establishing the entitlement of a spouse to share in the distribution of an intestate estate. Where the deceased is survived by a spouse, the spouse is entitled to those personal chattels, and this entitlement does not reduce her share in the balance of the estate. Where a deceased person is survived by a lawful spouse and by a putative spouse, they are entitled, in equal shares, to the property that would have devolved on the spouse if the intestate had been survived by a single spouse. New section 72i sets out the rules for distribution of property to issue of the intestate.

New section 72j deals with distribution amongst relatives. (These provisions are applicable only where the deceased leaves no spouse or issue.) Relatives are entitled to the estate in the following order of priority:

(a) parents of the intestate;
(b) brothers and sisters of the intestate (and, where a brother or sister has died leaving issue, the issue takes the share of the deceased brother or sister);
(c) grandparents of the intestate; and
(d) uncles and aunts of the intestate (and where an uncle or aunt has died leaving issue, the issue takes the share of the deceased uncle or aunt).

New section 72k modifies the rules of hotchpot. Under these rules certain gifts made by a deceased person are to be regarded as having been given in full or partial satisfaction of the share to which a beneficiary is entitled on an intestacy. These gifts are as follows:

(a) any gift exceeding $1 000 in value given within five years before the intestate's death (except a gift to a spouse); and
(b) any gift given by a will which is not effective to dispose of the whole estate of the deceased person (who therefore dies intestate as to the residue of his estate).

However, the presumption that these gifts are to be taken into account in this manner may be rebutted by evidence that the deceased did not intend the gift to reduce the beneficiary's share in his estate. New section 721 provides that the spouse of an intestate is to have the option of acquiring the home that constituted their matrimonial home on the date of death of the intestate. New section 72m enables the spouse to continue to reside in the matrimonial home until the time for exercising the option expires. New section 72n provides that the new provisions do not affect the discretion of the Supreme Court in making provision out of an intestate estate for the benefit of any claimant under the Inheritance (Family Provision) Act. New section 72o provides that the Imperial Acts which formerly regulated distribution of intestate estates shall cease to operate in this State.

Mr. VANDEPEER secured the adjournment of the debate.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Adoption of Children Act, 1966-1971. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

The amendments contained in this Bill follow from the recommendations of the eighteenth report of the Law Reform Committee relating to illegitimacy and the provisions of the Family Relationships Bill. The Bill removes references to illegitimacy and provides for the ascertainment of relationships in accordance with the provisions of the Family Relationships Bill. Hitherto, the consent of the father of an illegitimate to the adoption of that child has not been required; indeed, the father's consent was not only not required but there was no provision for him to even be notified that the mother was about to place the child for adoption. Thus situations could arise where the mother and father had been living together for a considerable period and had several children which the mother could consent to being adopted. The father, even if he wished to keep the children himself, could not prevent adoption.

This Bill remedies this situation by requiring the consent of the mother and the father to the adoption of a child, where the father is recognised as the father of the child under the provisions of the Family Relationships Bill. This is in accordance with the Law Reform Committee's recommendation that not only should an illegitimate child have rights as against its father, but that the father should have rights in relation to the child.

Clauses 1 and 2 are formal. Clause 3 makes amendments to the definition section of the principal Act consequential upon the enactment of the Family Relationships Bill. Clause 4 extends the classes of person whose consent is required for an adoption to cover the father of a child born outside marriage. However, in order to prevent undue delay in adoption procedures arising from this amendment, a provision is included to the effect that the father must have taken the appropriate steps for obtaining recognition of his paternity before the consent of the mother becomes irrevocable, that is, within 30 days after she signs the instrument of consent. Clause 5 makes consequential amendments.

Mr. EVANS secured the adjournment of the debate.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Births, Deaths and Marriages Registration Act, 1966-1972. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

The amendments in this Bill follow from the principles established by the Family Relationships Bill. At present where a child is born outside marriage the mother of the child is obliged to furnish a certificate acknowledging her parenthood. No information regarding paternity of the child is to be stated unless the father chooses to sign the certificate jointly with the mother. This is plainly discriminatory. Parenthood entails substantial obligations and it is wrong in principle that the law should require the mother to acknowledge her relationship, thus exposing herself to these obligations, while it sanctions an avenue of evasion for the father. The present Bill ameliorates the position slightly by providing that the mother may specify the father's name and, if she does so, the alleged father will be invited to acknowledge paternity of the child.

The Bill removes present provisions of State law dealing with legitimation. The subject is covered fairly comprehensively by the Commonwealth Marriage Act and it is inconsistent with the policy of the recommendations of the Law Reform Committee to retain provisions in the State law providing for legitimation. However, a provision is retained under which the Registrar-General will make a note of the legitimation of a child in the register.

Clauses 1, 2 and 3 are formal. Clause 4 provides for the procedure to be followed in registering the birth of a child born outside marriage. The mother is not obliged to state the paternity of the child but, if she does, the alleged father will be invited to acknowledge paternity. The amendment also deals with re-registration of birth upon legitimation of a child. Clause 5 makes consequential amendments. Clause 6 repeals Part IX, which covers legitimation. Clauses 7 and 8 make consequential amendments to the schedules.

Mr. MATHWIN secured the adjournment of the debate.

COMMUNITY WELFARE ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Community Welfare Act, 1972-1975. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

This Bill contains amendments which are necessary as a result of the provisions of the Family Relationships Bill. The Bill removes references to illegitimacy and brings the position of a child born outside marriage into conformity with the position of a legitimate child. However, a person will not be recognised as the father of a child unless he is recognised as such under the Family Relationships Bill or has had an affiliation order made against him. These provisions do not make any substantive alteration to the principal Act: the father of an illegitimate child is already obliged to pay for, or contribute towards, the maintenance of the child.

Clauses 1 and 2 are formal. Clause 3 amends certain definitions in the principal Act. The definitions are amended to remove references to illegitimacy. At the same time a reference to "child of the family" is removed from subsection (3). This concept is somewhat confusing, especially in view of the new amendments, and references to step-father and step-mother are included to cover the field formerly dealt with under the concept "child of the family".

Clause 4 amends section 39 of the principal Act. This is the section under which a parent may apply to the Minister for an order placing his child under the care and control of the Minister. At present where the child is illegitimate only the consent of the mother is required. The new subsection will have the effect of requiring the consent of both parents before an order can be made under this section but, if the father has not taken the appropriate steps to obtain recognition of his paternity before the date of the order, then his consent will not be required.

Clause 5 amends section 98 of the principal Act. This section deals with the order in which near relatives of a child are to be liable for its maintenance. The distinction between liability for maintenance of a legitimate child, on the one hand, and an illegitimate child on the other, is removed. Classes 6 to 10 make drafting amendments consequential upon the removal of the status of illegitimacy under the law of the Stale.

Clause 11 re-enacts portion of section 114 of the principal Act. This section deals with an order for payment of funeral expenses of a deceased child. The re-enactment arises from the removal of the concept of illegitimacy. Clauses 12 to 15 make consequential amendments. Clauses 16 and 17 deal with evidentiary matters. In view of the fact that legitimacy will no longer be a salient consideration for a court exercising jurisdiction under the new Act, an evidentiary provision relating to this matter is removed. Clauses 18 to 22 make consequential amendments.

Mr. WOTTON secured the adjournment of the debate.

GUARDIANSHIP OF INFANTS ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Guardianship of Infants Act, 1940. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

This Bill contains amendments which are necessary as a result of the Family Relationships Bill. The Bill also makes certain other miscellaneous amendments to the principal Act. Hitherto, the provisions of the Guardianship of Infants Act applied only to legitimate children. The father of an illegitimate child was not the guardian of the child and was unable to apply under the Act for the custody of the child. This has caused great hardship in the past to fathers who were willing and anxious to look after their illegitimate children. Situations have arisen where the mother of the children has died and her parents step in and take the children, and the father has been unable to obtain custody, or even access to the children, under the Act as it now stands.

The Bill amends the Act to cover infants born outside marriage so that fathers of such children have the same rights as the mothers. However, a person will not be recognised as the father of such a child unless he is recognised as such under the Family Relationships Bill. Other amendments extend the powers of the court to enable it to grant custody of an infant to a person who is not a parent. While the Supreme Court has inherent powers to do this, the Family Court has not, and it is desirable that the Act should specifically provide that the court has power to grant custody to a person other than a parent.

Clauses 1 and 2 are formal. Clause 3 expands the definition of "infant" which is at present limited so that it relates only to a legitimate infant. Clause 4 repeals and consolidates sections 4 and 5 of the principal Act. It should be observed that this new section which, like its predecessor, gave equal rights to the father and mother of a child in respect of its upbringing will now apply in respect of the father of a child born outside marriage where he has taken steps to obtain recognition of his paternity under the Family Relationships Bill.

Clause 5 repeals and re-enacts section 6 of the principal Act. The amendment expands the existing section to enable the court to give custody of an infant to a person other than its parent. This amendment was originally suggested by Judge Marshall following a case in which he found that custody of a child should have been granted to a grandparent but that he had no power to give effect to that finding. The amendment will enable the court to grant custody of a child to a suitable person who is not a parent of the child where the paramount interest of the child demands that that course be taken. Clause 6 is a consequential amendment dealing with the case where a child is given into the custody of a person who is not its parent. In such a case an order for maintenance may be made against either or both parents. Clause 7 is a consequential amendment.

Clause 8 repeals section 14 of the principal Act. The provisions of this section are now to be covered by the new section 6 proposed by the Bill. Clauses 9 and 10 make consequential amendments. Clause 11 is a machinery provision. It provides that orders for maintenance under the principal Act may be enforced in the same manner as orders for maintenance under the Community Welfare Act. Clause 12 makes consequential amendments to section

21 of the principal Act. The new section makes it clear that the amendments do not affect the equitable jurisdiction of the Supreme Court to appoint and remove guardians.

Mr. EVANS secured the adjournment of the debate.

INHERITANCE (FAMILY PROVISION) ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Inheritance (Family Provision) Act, 1972. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill he now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

The Bill contains amendments which are consequential on the provisions of the Family Relationships Bill. The rights of parents and children under the principal Act are extended to persons who enjoy that relationship by virtue of the Family Relationships Bill. The Bill changes only slightly the rights which an illegitimate child enjoys under the principal Act, but hitherto a *de facto* spouse had no rights under the principal Act. The rights of a spouse under the principal Act are extended to any person who is adjudged under the Family Relationships Bill to have been a spouse of the deceased either on the date of his death, or at some earlier date. It should be observed that the extension of the principle to a putative spouse who did not enjoy that status at the date of the deceased's death brings the position of the repudiated *de facto* spouse into parity with that of a former lawful spouse of the deceased who was divorced prior to the date of his death.

Clauses 1 and 2 are formal. Clause 3 strikes out the definitions that are now no longer required by virtue of the provisions of the Family Relationships Bill. New definitions of "child" and "spouse" are inserted to make it clear that the Act will apply to relationships recognised under the new Act.

Clause 4 amends section 6 of the principal Act. Some of the paragraphs of this section have now been rendered redundant by the provisions of the Family Relationships Bill. These provisions will be removed. The position of a repudiated *de facto* spouse is brought into correspondence with that of a divorced wife. The right of an illegitimate child to claim against the estate of his father will henceforth not be subject to any qualification. However a parent seeking provision out of the estate of a deceased child will still have to satisfy the court that he cared for, or contributed to the maintenance of, the deceased child during his lifetime.

Mr. BECKER secured the adjournment of the debate.

LAW OF PROPERTY ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Law of Property Act, 1936-1972. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

The provisions of the Bill clarify the provisions of the principal Act relating to a married woman's property rights. The principal Act is amended to make it clear that a married woman has, and has had since the provisions relating to the status of married women were first introduced in the 1870's, the same power to dispose of property by will, or to make any other form of testamentary provision, as is possessed by a man. The Bill also provides that a husband and wife are to be treated as separate persons both for the purposes of the law of intestate succession and for the purpose of acquiring an interest under an instrument by which a settlement or disposition of property is made.

Clauses 1 and 2 are formal. Clause 3 amends section 92 of the principal Act. The effect of this provision is to make it quite clear that a married woman has the same capacity to dispose of property by will as is possessed by a man. Clause 4 amends section 95a of the principal Act. This section at present provides that, in interpreting any instrument, husband and wife are to be treated as two separate persons. The effect of this amendment is to extend that principle to the law of intestate succession. Clause 5 repeals section 113 of the principal Act. This section deals with the law of escheat under which property of an intestate may vest in the Crown. As the law of intestate succession is now to be codified in the Administration and Probate Act, section 113 is removed.

Mr. VENNING secured the adjournment of the debate.

WILLS ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Wills Act, 1936-1975. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

The provisions of this Bill follow from the recommendations of the twenty-eighth report of the Law Reform Committee of South Australia, relating to the reform of the law on intestacy and wills. These amendments provide that, in cases where a document clearly is intended to be a will but fails to comply with some legal technicality, it may be treated as a will and admitted to probate. Various other amendments are made to modernise, and remove anomalies from, the principal Act.

Clauses 1, 2 and 3 are formal. Clause 4 removes an antiquated restriction upon the right of a married woman to dispose of her property by will. A corresponding amendment is to be made to the Law of Property Act making it quite clear that the testamentary capacity of a married woman is exactly the same as the testamentary capacity of a man. Clauses 5 and 6 make drafting amendments to the principal Act.

Clause 7 repeals and re-enacts section 10 of the principal Act. The amendment is made purely for drafting reasons. The effect of section 10 is to provide that, where a power of appointment is exercisable by will, the will is to be executed in accordance with the Wills Act rather than in accordance with any special procedures prescribed in the instrument by which the power is created. Clause 8 repeals and re-enacts section 11 of the principal Act. This section at present enables a soldier on active service to dispose of his property by nuncupative will. The new provision is extended to any member of a military, naval or air force of the Commonwealth who is on active service.

Clause 9 repeals and re-enacts section 12 of the principal Act. The main purpose of this re-enactment lies in the inclusion of new subsection (2). This new subsection will allow the Supreme Court to admit to probate a

document that has not been duly executed in accordance with the formalities prescribed by the Wills Act, if it is satisfied that there can be no reasonable doubt that the deceased intended the document to constitute his will. Clause 10 makes a drafting amendment to section 25 of the principal Act. Clause 11 repeals subsection (2) of section 25c of the principal Act. This section is not necessary in view of the provisions of the new section 10 of the principal Act. Clause 12 repeals section 25d of the principal Act. This amendment is consequential upon the proposed repeal of section 23 of the Administration and Probate Act.

Mr. COUMBE secured the adjournment of the debate.

WRONGS ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Wrongs Act, 1936-1974. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

The provisions of this Bill follow upon the provisions of the Family Relationships Bill which give recognition to an established *de facto* relationship. The Bill provides that, where a person dies as a result of a wrongful act, a person who was his putative spouse at the date of his death will have an action to recover damages from the wrongdoer, compensating financial loss flowing from the death in the same manner as a lawful spouse. A putative spouse will have an action for solatium; the solatium to be divided between the putative spouse and lawful spouse it one exists. A putative spouse will have an action for loss of consortium and a person will be able to claim damages where a business enterprise conducted jointly by himself and his putative spouse is prejudiced through injury to his putative spouse.

Clauses 1, 2 and 3 are formal. Clause 4 enacts a definition section in the principal Act. The main purpose of this amendment is to gather together certain definitions that are at present spread throughout the principal Act. In addition, new definitions of "putative spouse" and "spouse" are included with the intention that the benefits conferred by the principal Act on a lawful spouse should be available in appropriate cases to a *de facto* spouse.

Clauses 5 and 6 are consequential upon clause 4. Clause 7 enacts a number of procedural provisions consequential upon the inclusion of "putative spouses" amongst the categories of person who may bring an action against a *tort feasor* whose wrongful act has caused the death of a person upon whom the claimant was financially dependent. Clause 8 makes drafting amendments to section 23a of the principal Act and amendments consequential upon the enactment of the Family Relationships Bill.

Clause 9 makes similar amendments to section 23b, which provides for payment of solatium where a *tort feasor* has caused the death of a spouse. Where the deceased is survived by a lawful and a putative spouse, the solatium is to be divided between them. Clause 10 makes a consequential amendment.

Dr. EASTICK secured the adjournment of the debate.

PEST PLANTS BILL

Adjourned debate on second reading.

(Continued from September 30. Page 931.)

Mr. GUNN (Eyre): I support the second reading of this Bill on condition that the Minister will give certain assurances when he replies to this debate. This Bill results from much work by a dedicated group of people since 1972. The Bill has attracted much discussion, particularly in relation to local government in the country areas of South Australia. It is a prime example of a degree of acceptance being achieved where a Government is willing to set up a responsible committee to examine a problem and then allow that committee to negotiate with the people who will be affected and who have to implement the provisions of legislation.

Every honourable member would be aware of the great need to control noxious weeds in South Australia. The majority of local government bodies in South Australia have accepted their responsibilities under the old Act. A small number have not carried out their responsibilities in the manner in which they should have done. All members are aware of the necessity to protect our agricultural industries from noxious weeds. This responsibility must be accepted by the whole community, and I am pleased that this legislation provides that taxpayers in general will make a great contribution towards controlling noxious weeds. Local government bodies or landholders should not have to meet the full responsibility because often they are not responsible for the spreading of noxious weeds. In many cases the travelling public spreads noxious weeds across South Australia.

One or two provisions in the Bill need clarification, and I hope that, when the Minister replies, he will give the necessary assurances. I hope the Minister will indicate that this Bill will be implemented in a spirit of co-operation and that the commission, which the Bill establishes, will consider the views and opinions of local government in this State. I do not believe that anything will be achieved unless the commission is reasonable in implementing this legislation. If it is not, much ill-feeling will build up, and nothing will be achieved.

The aim of this Bill is to allow local government to be the basic group having the responsibility for controlling noxious weeds. It is important that the Crown accepts its responsibility in relation to land it occupies and holds. There seem to be two or three debates taking place at the same time, but I will continue. One of the problems that many people face in South Australia (and this concerns landholders and local government) is that the Crown has not accepted its responsibility.

The SPEAKER: Order! I must call to attention honourable members on my left. Apparently they are causing some inconvenience to the speaker on his feet.

Mr. GUNN: Thank you, Mr. Speaker. It is difficult to try to make a contribution when two or three conversations are taking place around me. I believe that the Crown, and the State as a whole, must accept its responsibility. In the areas with which I am familiar several areas are under the control of various Government departments, and the departments have not accepted their responsibility. I refer especially to the Environment and Conservation Department and the National Parks and Wildlife Division. These bodies have virtually done nothing to attempt to control noxious weeds in their areas.

I understand that, when the Agriculture Department was responsible for Cleland National Park, it spent about $70 000 in a sincere attempt to control noxious weeds and

the problems existing there. However, I understand that this year the Environment and Conservation Department has allocated only $1 200 for this job, and this will do nothing whatever to alleviate the problem. If it is good enough for landholders to have to control noxious weeds on their properties, it is good enough for the State Government to accept its responsibility. Otherwise, landholders and local government will be engaged in a completely futile exercise.

I am pleased to see for the first time that the commission will accept some responsibility in pastoral areas in South Australia. The member for Frome and I represent most of the pastoral areas in South Australia, and in the past the Government has not accepted its proper responsibility in those areas. I sincerely hope that, when the commission looks at the problems of pastoral areas, it will, first, co-operate with pastoralists and, secondly, co-operate with the Pastoral Board, which is one group which is in a position to carry out work and give guidance in relation to what form of control should be implemented.

I believe it is essential that local government and primary producers have the majority of votes on the commission. The Minister has said that he will move certain amendments to clarify the position. Clause 8, which is not as clear as it should be, provides:

(1) The Commission shall be comprised of six members appointed by the Governor of whom—

(a) one (the Chairman) . . .

I understand that he will be an officer of the Agriculture Department. I have no argument about that selection. Clause 8(1) further provides:

(b) two shall be persons who are officers in the Public Service of the State and who, in the opinion of the Minister, have knowledge of and experience in matters relating to pest plants and their control;

It is obvious that these people will be from the Local Government Department or the Agriculture Department, but I understand that the Environment and Conservation Department seeks representation on the commission. I do not know whether its representation will be of any great advantage to the commission, because in the past we have seen that officers from this department, though well meaning, have not had any practical experience in many of the areas in which they try to engage.

If these people have any real influence over the commission's role, they may do more harm than good. I say that charitably because I do not wish to be labelled as always being a knocker of the Environment and Conservation Department, but as a result of experiences I have had in the past in relation to the activities of its officers, I have to make that comment, as they are well meaning (I would be charitable enough to say that), but they have not had any practical experience, especially in the control of noxious weeds, and it would be advisable if they had nothing to do with the commission.

It can be argued that, in certain cases, natural vegetation could be adversely affected by spraying on roadsides, but I suggest that little harm is really done in view of the great need to control infestations of dangerous weeds, which would otherwise spread unabated across the State. Clause 8 (1) *(c)* provides:

Two shall be persons who, in the opinion of the Minister, have extensive experience in local government and in pest plant control;

The Minister has agreed to amend that clause, because it is important that the members of the commission be elected representatives of local government and not officers of local government. I believe that opinion is widely shared by local government and landholders. Clause 8 (1) *(d)* provides:

One shall be a person who, in the opinion of the Minister, is a proper person to represent the interests of primary industry.

I am interested to know how the Minister intends to make that selection. Will that representative come from the United Farmers and Graziers or the Stockowners Association? It is important that this House be told how that selection will be made. Probably the main cause of concern in the Bill is clause 17, which deals with the setting up of pest plant control boards. Clause 17 (1) provides:

The Governor, upon the recommendation of the commission, may by proclamation establish a pest plant control board and define its area.

Many local government bodies throughout South Australia are concerned about this clause. Several weeds boards are in existence, some comprising groups of councils, and others comprised of individual councils. Most of the boards want to remain as they are, and they are concerned that the commission could decide in its wisdom to alter the existing structure. I do not believe that would be wise. If local government believes it should retain the responsibility of its own board, I can see no reason why its wishes should not only be considered but should also be accepted. I hope the Minister will be able to give an assurance that, where a local government body believes it is better left to its own devices, the commission will agree.

Some councils have approached me, expressing concern that they may be forcibly amalgamated with adjoining councils. There may be, for example, an area in which one council has accepted its obligations under the former legislation but the adjoining council has not. Some councils are concerned that they will have to lay out their own funds to help look after areas for which adjoining councils have not accepted responsibility in the past. If the Minister is able to give such an assurance, I think some of the problems confronting us will be solved. Clause 24 provides that the commission shall appoint two auditors. While I cannot understand why it would be necessary to have two auditors. I believe that matter has been taken into account. Clause 32 (7) is rather curious. It provides:

If a member council fails to pay its contribution into the board fund in accordance with subsection (6) of this section, the Minister may deduct the whole, or part, of the sum due by the council from any moneys payable to the council by way of subsidy or Government grant, and may pay the amount so deducted into the board fund in full . . .

Obviously, on my interpretation of that, if a council fails to make its contribution to the board, and if the Local Government Office or the Highways Department is about to make a contribution for other purposes, the Minister of Agriculture has power to step in and claim some of the funds. I wonder what the Auditor-General would have to say about that or how the Minister of Local Government would react if the Minister of Agriculture tried to take some of the money due to the council from the Local Government Office. Perhaps the Minister could inform us on this point at a later stage.

I should like the Minister to clarify other matters. Last night I discussed this Bill with officers of United Farmers and Graziers of South Australia Incorporated, which organisation, as a matter of policy, supports the legislation, as does the Stockowners Association. However, many members of that organisation have properties through which run railway lines, and they are concerned that the South Australian Railways should accept its responsibility for weed control. In the past, the Railways

Department has not always accepted what is considered its proper responsibility. I hope that the commission can direct the South Australian Railways to destroy all noxious weeds on land under the control of the Railways Commissioner. Other minor matters would be better raised in Committee.

A great deal of the opposition to this matter has been, I believe, through lack of proper understanding of the legislation. The amendments foreshadowed by the Minister, as well as those of the member for Kavel and the member for Fisher, will rectify the problems raised. I hope that this measure will be effective in controlling noxious weeds in South Australia, in the interests of the public, as well as of agriculture.

Mr. ALLEN (Frome): Although I believe it contains one or two anomalies, I support the Bill. Some attempts will be made later to introduce amendments. This legislation is necessary and, it is hoped, will be of great assistance in solving weed problems in South Australia. My district covers the area of 11 councils or part councils, and, as I have received no opposition to this Bill from any of those local government bodies, I believe the measure has been accepted. As the member for Eyre mentioned, the matter has been canvassed widely over a period of time, and local government bodies have had ample opportunity to approach their Parliamentary representatives if they so wished. I take it that they are happy with the Bill.

Four members at present in this Chamber were here in 1956, when the existing legislation was passed. They are the Premier, the member for Ross Smith, the member for Mitcham, and the member for Torrens. Of those four members, I think the member for Torrens was the only one with local government experience, but whether he had had such experience at that time, or whether it came later, I do not know. The Bill at that time was well accepted in the House. Councils had been asking for it for some time, because the 1931 Act had not given councils power to carry out weeds programmes, providing only that weeds on roadsides were the responsibility of owners of adjoining land, but not giving sufficient authority to councils to compel landowners to destroy weeds. I recall vividly that councils were happy with the 1956 legislation, because I was Chairman of my local council when that Act was passed. We claimed that ours was the first council in South Australia to act under the then new legislation. Several landowners in our district had been objectionable and we could make no impression on them to get rid of weeds. We had to wait until the new legislation was gazetted and, on a certain morning, we rang the then Government Printing Office and were informed that the *Government Gazette* had just come off the press. Our council men went to work within a short time of the printing of the *Government Gazette.*

That was 19 years ago, and since then our local council has carried out an extensive weeds programme. Certainly, we have still a long way to go, but a marked difference has been apparent in the area. Other councils in the North of the State have taken similar action, but a few have been reluctant to take the plunge because they consider the cost of getting rid of so many weeds too great for the landowners. Some councils have been rather lax, and that is a pity. However, the new legislation will give the board much more power to implement the necessary provisions.

The member for Eyre raised the interesting point of how many councils should be covered by a board. It is to be hoped that the commission will not make the boards too small; on the other hand, however, they should not be too large. It has been suggested to me that three council areas of average size, or possibly four, would be sufficient to be covered by one board. I. know of one group of three councils, one of which is a large council, and the weeds officer in this area claims to have a full-time job. I shall be interested to see how many councils are to be covered by a board. Councils cannot in a short time rectify this situations, which it has taken 139 years to create. Weeds were introduced into this country when it was settled. They were allowed to spread, and it is only 19 years since the matter was taken seriously. We cannot expect to solve the problem in such a short time.

The Clare district suffers from the incidence of cape tulip. Members who have had experience of this weed will know that it is most difficult and extremely costly to eradicate. It would cost about $75 a hectare at present to eradicate cape tulip. The drafting of the Bill is wise, in that specific plants will be classed as agricultural pest plants that should be controlled. In my own local council district, we have the incidence of cape tulip and it has been the council's policy over the last 19 years to control and not eradicate the plant and, when there is a new infestation of cape tulip outside the bounds of the existing infestation, the council eradicates the new outbreak. This is one way of controlling the plants. I sincerely hope that the board does not make an effort totally to eradicate this plant, because it would be most costly; in fact, it would put the landowners out of business.

Clause 16 of the Bill empowers the commission to act as a control board with respect to pest plant control in those areas of the State that are not under the jurisdiction of any council. This is putting a colossal responsibility on the commission, because in my electoral district alone there would be at least 259 000 square kilometres of country outside the local government area, and the member for Eyre would have at least that area, and possibly more. The member for Chaffey may have a significant area, too, outside local government. For a commission to cover an area of this size would be a colossal task, and it should be given the power to co-opt residents of certain areas and seek advice on this matter. We have certain areas outside local government that are badly infested with Bathurst burr. It would be an impossible task to eradicate that, so I am pleased that the word "control" is in this clause in respect of weeds outside a local government area.

There are three different types of pest plant included in the Bill. One is the primary pest plant, which should be destroyed. This replaces in the first schedule of the old Act what was previously referred to as a dangerous weed. Dangerous weeds must be destroyed, in whatever part of the State they are found. The second is the agricultural pest plant, which should be controlled. This replaces the noxious weed previously mentioned in the second schedule. We now have a community pest plant, not previously considered harmful in the nature of a noxious weed. The old Act had a third schedule of plants previously not considered harmful but which were declared weeds for certain areas. To illustrate that, I cite the weed commonly referred to as salvation jane, which is declared a dangerous weed in the South-East but not in the North of the State. Clause 32 (2) provides:

> The commission shall, upon the basis of an estimate received from a board under subsection (1) of this section, determine in respect of each member council of that board the sum of money to be contributed by the council to the board fund in respect of the board year next ensuing.

Subclause (4) provides:

The contribution to be paid by a member council under this section shall be—

(a) in respect of such portion of the council area as lies within the control area and is comprised of rural land, such percentage, not exceeding three per cent, of the general rate revenue to be derived by the council during the current financial year in respect of that rural land, as the commission determines;

The Bill has set down an amount of 3 per cent of the total rate revenue, but this will not be sufficient. Maybe for the first year it will be but as time goes on this percentage will have to be increased because, in the case of most councils I have been speaking to on this matter, I have asked them how much they are spending at present on weed control, and the amount varies from 3 per cent to 7 per cent, and they are not paying any weeds officers or inspectors: it is being done by the staff. If the board is set up and money for its administration has to be found and weeds inspectors have to be paid, we shall need much more than 3 per cent, over the years. Admittedly, the Government will contribute up to 50 per cent. Even so, that will not be enough to cover the expense as the years go by. The Government should give a subsidy on the total amount. At present, it is giving a subsidy on only 3 per cent of the general rate. Paragraph *(b)* of subclause (4) provides:

in respect of such portion of the council area as lies within the control area and is comprised of urban land, such sum of money as the commission determines.

That means that the commission can decide on any percentage for an urban area. I agree with this, because most townships do not have many problems with noxious weeds. They do have weeds on vacant blocks, but that is a charge against the landowner. We seldom see noxious weeds growing on footpaths and in the streets, so it could be argued that it would be unfair to charge a 3 per cent rate on people living in an urban area. On the other hand, people living in an urban area enjoy the advantage of street lights, good sealed footpaths to walk on and good sealed streets, which would probably more than outweigh the disadvantage of paying a small percentage for the eradication of noxious weeds throughout the whole area. Clause 32 (6) provides:

A member council shall pay the contribution determined by the commission under this section into the board fund not later than the twenty-eighth day of February next following the making of the determination and shall, upon payment of the contribution, notify the commission in writing thereof.

A point that has been raised with me is that the council must pay in to the board by February 28. The question arises: will this Bill be implemented in time for councils to pay in on February 28 next? Most councils have already declared their rate for the current financial year and have already spent up to 3 per cent on the eradication of weeds in this financial year because, as most members know, it is in the spring that most of the weed problems exist in various local government areas, and councils are perturbed that, if this Bill is implemented and they are called upon for 3 per cent of the rate by February next, they will be financially embarrassed. I refer now to a booklet that has been put out in regard to this measure, and it asks "How will boards be formed?" It states:

What voice has local government? There will be no undue haste. Until a particular board is proclaimed, member councils will remain under the current Act even though it has been repealed.

So it appears from that that there will be no undue haste in setting up the boards, and I sincerely hope that local government will not be called upon for its 3 per cent contribution until the next financial year.

Clause 40 provides that the shoulders of the road 5m from the edge of the carriageway will be the responsibility of the Highways Department. That is an excellent move. In the past, there have been many problems where the adjoining landowner has been responsible for weeds on roads, and the adjoining landowner often goes out and sprays all weeds, only to find a few days later that the Highways Department comes along with a patrol grader, grades the shoulders, and cuts the tops off the weeds, and all the spraying is ineffective: the plant immediately regrows. That has caused many problems over the years in local government. The Highways Department's taking over all weeds 5m from the edge of the road will put the responsibility on the department. It is interesting, particularly in a year like this, with so much vegetation on the roads, to see the department, with a slasher, cutting the shoulders of the roads. In a year like this, that may have to be repeated two or three times during the spring and sometimes during the summer, and it must be expensive. It is often said that, if some spray could be used on the 5 m area from the edge of the road, it would eliminate much additional work involved in slashing the grass and weeds. It would also result in better drainage.

Last weekend, with the excessive rain which fell in the North of the State, the grass on the roadside was obviously holding back floodwaters. In many cases, therefore, the floodwater ran over the crown of the road. If the road was kept free of vegetation for a distance of 5m it would result in belter drainage. Also, there would be no seepage under the foundation of the roads; the roads would be far better off, and it would be much less expensive for the Highways Department.

Clause 44 empowers officers of the board to enter private land. Although this provision was included in the old Act, councils found it difficult to implement. In all council areas, 95 per cent of landowners co-operate magnificently, but there is always the remaining 5 per cent that create problems and make it difficult for councils to police the Act. My local council has over the years reached the stage where roadsides have been comparatively free of weeds. In the last few years it has made a rule that all local landowners must destroy weeds within 40 m of their boundary fence. Once again, 95 per cent of landholders have co-operated and 5 per cent have not. Councils have been reluctant to decide to go on to private land to eradicate weeds. However, under the Bill, the board will make this decision, and that will therefore take the responsibility away from councils. Once, I had to decide to do this to a neighbour. People do not like doing this to their neighbours and in such a case the weeds inspector will now make the decision.

The member for Eyre referred to the matter of railways and weeds. My experience with the Railways Department has been that, provided landowners on either side of the road eradicate their weeds, the department has always co-operated. I have no complaints about this, although other members may have. I can speak only from my own experience, and I commend the department for the role it has played in the eradication of weeds in my district. I support the Bill.

Mr. EVANS (Fisher): I, too, support the Bill. However, I have one area of concern: that the Crown is not bound by the Act. Later, I will explain more strongly my concern in this respect. I am concerned also about one or two other aspects of the Bill. These relate to involving the Crown in the powers of the board and the commission. The definition of "owner" is as follows:

"Owner"

(a) in relation to land alienated from the Crown by grant means the holder (at law or in equity) of an estate in fee simple in the land.

That is clearly understood. It relates to the situation in which a person owns the land in fee simple. The definition continues:

(b) in relation to land held of the Crown by lease or licence, means the lessee or licensee.

There is no doubt in that case: the land to come under the control of the Bill will be leasehold land. The definition continues:

(c) in relation to land held of the Crown under an agreement to purchase, means the person upon whom a right of purchase is conferred by the agreement.

There is no problem in that respect. It relates to the situation where a person has entered into an agreement to buy from the Crown. The definition finishes with the words, "and includes an occupier of the land". I should like to know whether the Minister defines that to mean that, in the case of, say, the Belair recreation park, the occupier of the land is the Minister. Regarding the Engineering and Water Supply Department, does it relate to the Minister himself, with his many thousands of hectares of country infested with noxious weeds, particularly in the Onkaparinga catchment area? Does it mean, too, the Minister of Forests in relation to all the forest areas in this State? I do not believe it does. This is one of my areas of concern that I will explain more fully later. Also, I am not over-confident that the interpretation of the member for Frome regarding clause 32 (4) is correct. It provides:

The contribution to be paid by a member council under this section shall be—

(a) in respect of such portion of the council area as lies within the control area and is comprised of rural land, such percentage, not exceeding 3 per cent of the general rate revenue, to be derived by the council during the current financial year in respect of that rural land, as the commission determines;

That is clearly spelt out. A limit is imposed in that case. The clause continues:

(b) in respect of such portion of the council area as lies within the control area and is comprised of urban land such sum of money as the commission determines.

I cannot find in the Bill a definition of "urban land" or "rural land". This worries me, because in the Hills area there is a conflict of interest. I am sure the members for Heysen and Alexandra would agree. This possibly also affects Kavel District and other districts in which there is a country living area as well as rural and urban land, as defined by the State Planning Authority and Government departments.

What is urban land, and what is rural land under this Bill? Clause 32 (4) (5) could mean that councils would have to pay more than their 3 per cent, which could be completely opposite to what was suggested by the member for Frome. There are real weed problems in the Hills area. That provision needs to be considered deeply, including the possibility of a clear definition of "rural land" as opposed to "urban land". Clause 38, which relates to the duties of control boards with respect to certain lands, provides:

A control board shall, to the extent allowed by its resources, destroy all primary pest plants and control all agricultural pest plants and community pest plants on—

It then details certain matters, to which I will not now refer. However, the board can only do so to the extent of its resources. We do not give that opportunity to the landholder to the extent of his resources. He can be exempted from some of the costs, but we impose a limit on the boards regarding the extent to which they should control or eradicate weeds. This is a little unfair. I will now deal with the areas in which the board has duties. Paragraph *(a)* refers to all lands owned by the board. I am pleased at least that the board is to accept full responsibility. Paragraph (6) refers to all public roads within the control area, and paragraph *(c)* to all unoccupied Crown lands within the control area. Paragraph *(d)* refers to all travelling stock reserves within the control area. Subclause (2) provides:

Where the commission is satisfied that a control board has not complied with its duty under this section, the commission may, by notice in writing to that control board, require it to take such measures for the control of pest plants, within a specified time, as are specified in the notice.

Let us go back to the first point, of all lands owned by the board. I raise no objection to that good point. Paragraph *(b)* states:

All public roads within the control area.

There is a problem here, because the landowner whose land abuts that area may be charged for the eradication or control of weeds on the road verge, namely, from the carriageway to the fence line but, where Crown land is involved, the Crown is not responsible for payment to the board for the cost of removing weeds in that area. Paragraph *(c)* states:

All unoccupied Crown lands within the control area.

However, there is no definition of "unoccupied Crown lands". Do we mean that there is no-one living on it or that no activity is taking place there? The Engineering and Water Supply Department has many thousands of hectares of unoccupied land in its catchment areas and there are fire breaks around the Woods and Forests Department's plantation reserves. Is this departmentally owned unoccupied Crown land? We give the board the duty of controlling and destroying to the extent of its resources (I suppose that means all resources) the noxious weeds in these areas, but the board has no claim on the Crown at all. I strongly object to that aspect and I hope that the Minister will explain why he believes that the board should not have a claim in that area.

I come now to the Hills area and explain my real concern of those communities and why the noxious weeds have got out of hand. The *Australian Women's Weekly* magazine carried a full page photograph of a beautiful purple flower that was being used to advertise the Adelaide Hills as a tourist attraction, but I suppose that it could be excused for advertising salvation jane as an attraction for people to go to the Hills when many Hills areas are smothered with the purple haze at this time and a little later each year. That is how serious the problem has become in the Hills: the noxious weeds are becoming a tourist attraction. The Belair Recreation Park and the Cleland Reserve contain vast areas of yellow African daisy, which is standing high and as thick as the hairs on a cat's back. People go for a Sunday drive to see how magnificent it is.

Salvation jane comes out a little different in time, so that there is a continuous tourist attraction for about two months. The seeds of African daisy can travel, without exaggeration, up to five kilometres with a reasonable prevailing wind. People near the Government-owned land in the Hills say to their councils, "Why should we clean up our land when Government land remains infested, the weeds thus encroaching on to our land?", especially when many of the people no longer use their land for primary production. The land is no longer an economic proposition, so certain people, not business men so much as professionals, such as school teachers, lecturers, lawyers and

doctors, are buying land in the Hills and keeping it as an area from which to get away from the rat race and for residing in the Hills close to their work.

They do not have to clear the noxious weeds, because they do not affect their living. They have the conflict of Government departments not clearing their land, so they could say to the board, "Where is the justice in this operation?" In the Sex Discrimination Bill, we bound the Crown; so, the precedent has been set in this session to bind the Crown, and I hope that we can do the same thing in this field. I have personal experience in this field, and the member for Frome raised the point of the Railways Department, which will clear its land if the landholder adjacent cleans up his first. In the Frome District, I believe that this may be a satisfactory proposition and may work effectively, but in the Hills, where there are small holdings, are short sections that are cleaned up, whereas the adjoining owner will not clean up his land because the railways will not clean up its land. I believe that the railways have been to a degree reasonable in the field, except that often it leaves the noxious weeds until they fully develop their flowers and until the seeds are mature and, given the right conditions, will germinate in the following season. That is another area where we need to bind the Crown, which should act early in the plants' growing stages.

Even though the Minister of Transport is absent from the Chamber, I point out that the Highways Department has done good work in some areas. It has made a genuine attempt to control noxious weeds and, in the main, I believe that it has been successful. I pay credit to that department, but I cannot pay credit to any degree to most other Government departments, except in a small degree to the Railways Department. The blackberries, salvation jane, African feather grass, African daisy, St. John's wort, and cape tulip infest a large area of the Hills, and no Government should say to landholders, "You should clean it up," but the Belair Recreation Park and the E. & W.S. Department can forget about their land on which noxious weeds are growing and allow people to view them at weekends as a tourist attraction to see the weeds in full bloom. There is no justice in Parliament saying, "We will allow that to happen", and make adjoining landowners suffer. I hope that the Government can see in this case the need to bind the Crown so that the board can move into Crown lands, clean them up, and charge the relevant department.

The Minister will ensure that the board will receive from the commission certain grants each year, but that is no solution to the area of responsibility. Unless the board has the power to recoup the money spent (regardless of what allocation may be made by way of grant for administration) on eradicating and controlling the weeds, we are wasting our time in the Adelaide Hills. The member for Heysen has a council in his district that has made a genuine attempt and has worked with a committee in that area to control the menace, but the councils responsible for Burnside, parts of Mitcham and parts of Stirling have not enforced this provision over the years. The prevailing westerly winds still push these seeds farther into the Hills and, while this is allowed to continue because of the infestation on Crown lands, we will not obtain the control we would like to have. The attitude of some landholders is, "We are not going to do it year in and year out whilst the Government will not accept its responsibility."

That responsibility applies not only to the present Government but to Liberal Governments in the past that were also offenders. Perhaps noxious weeds were not as prevalent when Liberal Governments were in power in South Australia. Some councils object strongly to this Bill. There is general opinion that noxious weed eradication should be tackled. I believe this Bill gives that opportunity. I ask members, especially Government members, to consider the seriousness of the problem of Crown lands (I am not worried about leasehold Crown lands because they are covered) that are occupied or unoccupied, and about who will accept responsibility. I do not believe that aspect has been covered by this measure. I am worried about the definitions of rural and urban land. How are they to be defined? With those comments I support the Bill to the second reading stage.

Mr. WOTTON (Heysen): I support the Bill, but somewhat hesitantly. I appreciate the advantages that it will provide, especially for medium and low revenue councils. I appreciate the time taken to develop the measure. We have been told that 23 organisations have been consulted about the Bill. Some councils have criticised the intended board system. I therefore believe there is room for argument. If the principal Act were properly administered, this Bill would be unnecessary. Boards usually mean additional administrative expense. In this case it will duplicate administrative work already done by many councils that are already adequately handling their weed problem.

Where a council employs a full-time weeds officer, neither he nor the council he represents is likely to benefit from a board consisting of representatives of a certain number of councils. Boards usually stand for control and regulations; they take authority away from people. What I mean is that a permanent officer in a certain area gets to know the locality itself and the roads in that district, and he especially gets to know the weeds and, indeed, the ratepayers. If he carries out a spray programme in one year he knows that he must follow up that programme in the following year. A full-time weeds officer working for a council can be supervised by that council. That is important.

Personally, I should like to see councils that are working well under the present system left to continue the good work they are doing and not be unduly disturbed by the provisions of this Bill. The amendment to be moved by the member for Kavel will ensure that that will happen. The member for Fisher has referred to the rural and urban situation, so I will not further consider it.

It is extremely important that councils should have as much say in this question as is possible. Indeed, the Local Government Association should have power to assist in forming the board, or at least have power to assist to elect a chairman. I now refer to the differences between the Vermin and Noxious Weeds Act in Victoria and the Bill we are considering. It is interesting to compare the average district council areas in South Australia with the weed control districts in Victoria. The average area of a district council in South Australia is 154 901 hectares, with a total of 97 councils. The average area of a weed control district in Victoria is 163 169 ha, with a total of 140 districts. In South Australia in 1972-73, 68 councils employed 49 officers for a total of 7 501 working days, which is equivalent to 27 full-time officers. In Victoria in 1973, 140 councils employed 140 full-time officers.

I stress the importance Victorians put on Government assistance for weed protection. Each year the Victorian State Government allocates funds for vermin and noxious weed control. This is the principal source of funds available to the board. In 1971-72 the allocation was $3 166 000. Salaries and allowances paid to staff amounted

to an additional $1 000 000 annually, and was paid out of the same Government funds as are the salaries of other public servants. Additional sums to assist research projects are provided by various primary industry groups. In 1971-72 this sum totalled $75 000.

As far as field staff is concerned, 140 inspectors are stationed throughout Victoria, and each officer is responsible for the destruction of vermin and noxious weeds in his district. An inspector's district covers about 1 632 m^2. In parts of the State, where there are few landholders, an inspector's district will be much larger, but where there is more concentrated farming or a major problem resulting from different conditions, the district is much smaller. As far as assistance is concerned, especially for equipment, the Victorian Vermin and Noxious Weeds Act provides for the landholder to be able to hire equipment and/or labour from the local inspector at a reasonable charge. The landowner is obliged to provide the spraying material for any additional work required.

Another provision allows the board to carry out the whole job using its own labour, equipment and herbicide at a reasonable charge, depending on its commitment. Where a landholder is treating certain of the most important noxious weeds, he can purchase the weedicide at a reduced price, usually 10 per cent to 15 per cent less than the retail price. Where a noxious weed is well established on a property and the treatment of the whole area would involve the landholder in financial hardship, the Act allows the landholder, with approval, to treat a zone along the side of his boundary instead of treating his whole boundary. This zone is usually 20 metres to 40 metres wide, depending on the weed, but the area must be increased each year. This provision is designed to protect adjoining land from weed invasion. Local government has also helped in research and extension. In order that departmental field staff and landholders throughout the State are provided with the best available information about the destruction of vermin and noxious weeds, the Act provides for a research and extension centre, which consists of nine research officers.

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

Mr. WOTTON: In Victoria, the results of trials connected with the control of weeds and vermin as well as research results from other places are made available to the field staff and the general public. Extension techniques include lectures, field days, radio and television talks, displays at agricultural shows, demonstrations, films, press releases, etc. Advisory bodies keep the board fully aware of public opinion on the vermin and noxious weeds legislation. Reference is made to the establishment of honorary and advisory bodies on two levels.

The main body is the central advisory council, which consists of the Minister of Lands, members of the board, and representatives of the principal organisations in the State representing growers, dairy farmers, woolgrowers, and other farmers. As the name implies, this is an advisory body only. It can offer advice on vermin and noxious weed matters which the board may or may not accept. It gives the public a chance to state its views on vermin and noxious weed matters, but it does not give it the power to dictate to the board.

On the local level, district advisory committees are established in each inspector's district. These committees consist of the inspector and about eight landholders who have a special knowledge of vermin and noxious weed control in their locality. These committees are honorary, and they advise the inspector without having power to direct him. The committee advises on matters such as the most appropriate time for organised vermin campaigns, the scale of priorities for dealing with infested areas, and the type of equipment best suited to local conditions. The committees are also expected to promote greater co-operation between the board and landholders by stimulating interest in new methods.

The member for Fisher referred to the condition of Crown land, particularly in this State. In this connection I shall refer again to the Victorian legislation. The list of noxious weeds is revised every three years. Once a plant has been proclaimed a noxious weed, it becomes the duty of the inspector to enforce its control within his district. It is his responsibility to see that it is destroyed on all Crown land. For this purpose he is supplied with a labour force of between two workmen and 10 workmen, equipped with trucks, tractors and suitable spray equipment. At present there are about 650 workmen employed by the department, equipped with 211 vehicles and 170 tractors for the destruction of vermin and noxious weeds.

In South Australia at the end of 1974 we had 3 600 000 ha of parks. The total area of national parks in this State at that time was 178 000 ha; the total average area of conservation parks was about 3 400 000 ha; game reserves, 14 000 ha; recreation parks, 3 000 ha, making a total of about 3 600 000 ha. The member for Fisher referred to the District Council of East Torrens, which is in my electoral district. It is one of the many councils in the State that are endeavouring to meet their obligations under the present Weeds Act. The District Council of East Torrens employs a full-time weeds officer and two operators to man its weed control unit. Of the $26 500 it has budgeted for weed control for the current financial year, $19 200 will have to be funded from rate revenue, with the State Government salary subsidy and payments for weed control work making up the balance. The sum of $19 200 is 8 per cent of the estimated rate revenue, and represents an expenditure of $1.58 a hectare for the total area of the district.

I believe that 20.25 per cent of the total area of the district is made up of occupied Crown land. The major area comprises the Cleland Conservation Park. In 1973, a letter was sent to the Director of the National Parks and Wildlife Service from the authorised weeds officer of the East Torrens District Council requesting $1 500 for the purpose of hand spraying blackberry and furze; that sum was granted. Prior to this, many thousands of dollars had been spent on weed control in this reserve when the park was first opened, particularly in an attempt to eradicate African daisy. In 1973, although the weeds officer at that stage was not prepared to make any recommendation in respect of African daisy control, he believed that the council could assist in controlling such weeds as blackberries and furze which had become well established in the north-eastern section of the park. The council applied for $1 500, which was allocated. In 1974-75, a request was made by the East Torrens council for $2 000, which was agreed to by the National Parks and Wildlife Service. The following is portion of a letter sent from the council to the service:

As substantial progress has already been made in controlling furze, further spraying on this infestation will advance the work commenced last year. The remainder of the anticipated $2 000 allocation would be spent on blackberry control in a very heavily infested area. This area is obviously infesting watercourses running down through the reserve.

So, in 1973, it applied for $1 500, which was granted. In 1974-75, it applied for $2 000, which was also granted. However, in 1975-76, the council has asked for $3 000 to continue with the work commenced previously. In other words, this is just to keep up with the present situation and with the eradication of cape tulip, salvation jane, blackberries and furze. At this stage cape tulip and salvation jane are becoming particularly worrisome in this area. Instead of receiving $3 000, it received $1 200—a sum less than the sum it received in each of the previous two years. In a recent report the weeds officer stated that the matter had been taken up with senior officers. He said that, in discussing the allocation, he was told that, because of limited funds, the allocation could not be increased, but the officers concurred in the council's decision to write to the Minister expressing concern, in the hope that more funds would be made available for weed control in the area and that weed control would be given a higher priority.

An official of the weeds section of the Agriculture Department made an inspection with the council weeds officer, and they were appalled at the extent to which the park had deteriorated since the African daisy control programme was carried out in the area some years ago. As a result of a series of stop-go weed control programmes, many other weed species have now become well established, along with African daisy. This suggests that the thousands of dollars previously spent on daisy control has been wasted and that much more money will now be required to have the reserve restored to its previous condition. A letter was written from the council to the Minister for the Environment, and in his reply the Minister stated:

> In a year of financial stringency, funds are not available to implement the weed control programme proposed by the council.

This means that the thousands of dollars which have been previously spent on this park will be wasted. The main point I want to make (as has been made by the member for Fisher) is that we cannot possibly expect land adjacent to these parks to be free of weeds. We cannot expect people owning this land to do all they can to eradicate weeds and spend vast sums to help eradicate them if Crown land is to be completely neglected in this way. I cannot believe that the private landowner should be made responsible if the adjacent land or Crown land is in such a slate.

Mr. Gunn: What is going on is shameful.

Mr. WOTTON: Yes, I agree. In the Hills the cost of weed control is high, mainly because of the effect of the terrain and, although landholders are being compelled to make a significant contribution towards the cost of weed control (both as ratepayers and as owners of weed-infested property), little progress is likely to be made in controlling the spread of noxious weeds, or pest plants as they are now known, until Government departments are able consistently to finance purposeful weed control programmes on occupied Crown land. I support the Bill rather hesitantly. I will support the amendments in Committee, and I hope that other members will support them, too.

Mr. RODDA (Victoria): I join with my colleagues, who have said that they will support the Bill to the second reading stage, when we will have an opportunity to examine amendments designed to meet the requests of councils. Although the Bill does not break new ground, it deals with weed control throughout South Australia. What were previously known as noxious weeds will now be called pest plants. Of course, members opposite should be schooled in the word "pest", although I do not say that unkindly to the Minister.

Mr. Millhouse: How do you say it?

Mr. RODDA: My friend is getting irritable again.

Mr. Millhouse: If it's not unkind, I just wondered how you do say it.

Mr. RODDA: Well, I will not—

The SPEAKER: Order! I call the attention of the honourable member back to the matter under discussion.

Mr. Millhouse: You'd better get on with it.

Mr. RODDA: The weed problem in an agricultural State, which the member for Mitcham does not have much time for, can have a depressing effect on what we all share in, irrespective of where we live. Some minorities will continue to the best of their ability to provide the succour that everyone in this State is entitled to. Weed control must be tackled on a broad front and, if it is not attacked at the right time, we will be back where we started because of the reproductive nature of what are now known as pest plants.

True, the Government must be given some credit in this matter if one is to be fair, because it has looked at this matter on a global basis. However, unfairness applies in areas where councils have taken practical and successful steps to keep weeds under control. I refer to the stress that the rural economy is facing in having to carry out this work. Weed control is an extremely expensive operation, which must be undertaken at a given time, yet today the man on the land finds it impossible to get people who have the expertise to carry out such work.

It would be difficult to find a rural holding in South Australia (certainly not groups of them) which has not in some form equipped itself with sprays and other expensive equipment needed to carry out weed control. I can speak first-hand about the situation in the South-East. I have noticed that in the District of Goyder there are large expanses of onion weed. I presume that, in relation to cereal areas, the board has in mind attacking this pest plant on a large front. I am sorry to see this plant making its way through the areas of Coomandook down into the Murray Mallee. This pest plant appears to have an extreme smothering effect on cereal land, and I have referred to only one instance of a pest plant that will ravage our rural areas.

Another weed is salvation jane, yet it is regarded as a blessing in some areas. It is highly regarded in the North because of its use as fodder and as a tourist attraction. It is most attractive, and all members have heard of the bus loads of tourists travelling to the North to see the paddocks covered in salvation jane when it is in full bloom. However, in pasture areas, because of its smothering effect, it can choke out a stand of excellent pasture in a matter of weeks and completely ruin it. That weed must be kept under control. In the South-East, many areas are ravaged by salvation jane, and it is an expensive exercise to keep this weed under control.

On my property we have a couple of paddocks of salvation jane, which has crept in from an adjacent vacant block. It got a start and, because of its very nature, with its hard seeds it seems to have a seven-year preservation cycle that enables it to withstand spraying. Its control involves a continual and expensive battle. The Naracoorte council is not on all fours with the Bill. The council has spent much money on the purchase of

spray and weed control equipment. It has a weeds inspector and equipment operators, and it carries out spraying on roadsides. In local government areas such as that at Naracoorte, local government is not happy about board control. Certainly, I would not be doing my duty as the member for that district if I did not point out this fact to the House. It will be necessary, I presume, where a board is set up in a council area or where there is one board, for separate bank accounts to operate, and there will then be the matter of auditors. This procedure will cut across what has been previously an efficient operation. These are the points about which the Naracoorte council and other councils are not happy. Clause 42, which is the operative clause, provides that it shall be the duty of the owner of any land, at his own cost and expense, to destroy all primary pest plants and control all agricultural pest plants and community pest plants on that land. Clause 43 covers the powers of the board to require certain measures to be taken by owners. Where a board is satisfied that an owner of land has not complied with his duty, it may require him by notice in writing to take such measures for the control of pest plants on his land as may be specified in the notice.

There we have the teeth in the Bill, but I wonder whether sufficient officers will be available to carry out the requirements of the legislation. It would be easy if all landowners could carry out a weeds control programme at the right time but, when one landholder does not co-operate, the whole operation returns to the starting point. The problem must be attacked in the early stages of the growth of the weed, allowing economy of scale in spraying, as well as time to follow up the operation, as long as the weather is right, especially in the high rainfall areas. Clause 44 (4) states:

(4) A board shall, within three months of causing measures for the control of pest plants to be carried out under this section, give notice in writing to the owner of the land, requiring him to pay the costs and expenses incurred by the board thereby, within such period of time as the notice may specify.

I presume that will apply if the owner has not carried out the operation. The board will have power to cause the work to be done on the land of the owner. All practical men will know that insufficient spray will be available to carry out this operation. This will be the weakness in the practical sense. Those of us who have been in local government know that every area has its people who hold back. It will be a hard grind for district councils to enforce the provisions of this legislation; that will be the problem. Clause 48 seems to put some onus on the unsuspecting person. It provides:

48. (1) A person shall not transport or move, or cause to be transported or moved, from any land onto a public road, or along any public road, any animals, plants, soil, vehicles or farming implements, or any other produce or goods, that are carrying any pest plant.
Penalty: Not less than fifty dollars nor more than five hundred dollars.

(2) It shall be a defence to a charge of an offence under this section that the defendant—

(a) prior to the transportation or movement of the goods, took all reasonable precautions to ensure that the goods were not carrying any pest plant;

or

(b) believed on reasonable grounds that the goods were not carrying any pest plant.

This may be a trap for livestock operators and transport drivers. With horehound, thistles, and other clinging pest plant seeds that stick to livestock being handled for sale, and with the big movement of livestock, every transport operator will be breaking the law and will be liable to prosecution. He will not be able to hide behind the defence provided in the Bill because, even if the livestock are loaded at night, it is obvious that they will be seed infested. I do not know what can be done about this. Although the defence is provided, the situation is anomalous.

On a State-wide basis, the Bill has much to commend it, but I have sympathy for councils, such as the Naracoorte council, which have taken action to control weeds in their own areas. I voice the misgivings such councils have about this legislation. However, we shall try to do something about that in Committee. On Saturday next I have been asked to inspect, while I am in the area for the Penola show, one of the reserves under the control of the Minister. It is infested with weeds and constitutes an extreme fire hazard. If we are to rid the State of weeds, the situation must be attacked on a broad front. Sufficient authority must be given, and many more officers will be required. If the job is to be done, it must be done properly, but the economic climate is in no condition to produce the desired effect. Many forces are impinging on the rural economy. Only yesterday my office was the scene of much gloom. Some people, suffering from the high cost of workmens' compensation, succession duties, or land tax, with the banks breathing down their necks, are in no position effectively to carry out the provisions of this legislation. That is the situation faced by rural people, and it is relevant to this measure. It is the result of an accumulation of socialistic doctrines impinging heavily on our rural economy. I warn the Minister that that is the situation in which we find ourselves. I recognise the need for the legislation, but I underline the economic climate being experienced at present.

Mr. VENNING (Rocky River): I reluctantly support the Bill, because the existing legislation should have been sufficient to cope with the situation. That has not been so, and I support the move because, in fairness to councils and individuals in South Australia who are concerned about weeds and their control, the legislation will provide assistance. It is all very well for a council to enforce the existing legislation and for landowners in that area to do the right thing but, if adjacent council areas and landowners do not co-operate, people are wasting their time. This has been the case for some time. In some areas, landowners are spending large amounts of money on controlling weeds but, with the movement and the menace of seed travelling by road transport, by the wind, and in other ways, each year these people find they have to go over the same ground again and spend further vast amounts of money attempting to control the weeds in their area.

Over the years, I have heard some funny comments by councillors about weeds. Some have been indifferent about weed control, but I heard one respectable chairman of a council (I had much admiration for him) say, on one occasion, "If there had been more horehound around, there would not have been so many sheep die during the drought." That is all very well. I support the Bill because I believe it will assist the State overall to control the weed menace that is developing in some areas to a great degree.

It has always amazed me that a landowner should be responsible for the weeds on the road adjacent to his property. I have never been able to understand that, because that land does not belong to the landowner: that road belongs to everyone in South Australia, so why should the adjacent landowner be responsible for controlling those weeds, at today's high cost of spraying?

However, there it is, and we have it with us. I am pleased to see that clause 40 provides:

(1) The commission may, at its discretion, grant moneys to a control board reimbursing it for expenses incurred by it, with the prior approval of the commission, in the controlling of pest plants—

(a) upon unoccupied Crown lands;
(b) upon travelling stock reserves;
(c) upon any public road that adjoins lands vested in or occupied by a Minister of the Crown or a Government instrumentality;
(d) upon that portion of a public road to which a proclamation under subsection (2) of this section applies;

and

(e) in the case of community pest plants, upon any public road.

(2) The Governor may, by proclamation, declare that the commission will assume the expense of controlling pest plants on public roads referred to in the proclamation or upon such portions of those roads as may be described or delineated in the proclamation.

That is one aspect of the Bill of which I approve entirely. Certain areas of our main roads should be the responsibility of the Highways Department, which from time to time has brought in these noxious weeds with their filling—horehound, onion weed and what have you in many areas have been brought in by roadworks carried out throughout the State. It is a good thing that under this Bill the Highways Department will accept some responsibility for controlling these weeds.

Also, I believe (although I am not too sure) that somewhere in the Bill there should be a clause complementary to sections 17 and 19 of the present Weeds Act. I had a complaint from one of my district councils that it had, at great expense, had to control the weeds on the road adjacent to the railway line running from Gladstone to Georgetown. The council submitted an account to me to send on to the Minister, and the Minister wrote to me on March 27, 1975, saying:

I refer to the question you raised in the House on March 18, 1975, regarding the non-payment by the South Australian Railways of an account from the Georgetown District Council for the spraying of weeds adjacent to the railway line in the council's district. I refer you to sections 17 and 19 of the Weeds Act. As can be seen from a perusal of these sections, the council is responsible for the control of the weeds in its area and for meeting the full cost as far as the Railways is concerned. In view of this, the District Council of Georgetown was advised on December 6, 1974, that their account for $167.36 for weed eradication adjacent to the railway line could not be met by the Railways.

I hope that that situation will be covered by this Bill. I am a little concerned, as was the member for Frome this afternoon when he said he was afraid that the 3 per cent referred to in the Bill would not be sufficient money from the rate revenue of a district council, because many councils at present are spending almost that amount of money on weed eradication in their areas. Although some councils are doing a reasonably good job, it will not be possible to get 100 per cent action in this regard but, if we can get as close to that as possible, it will need much money to do it. The Bill states that the Government contribution will be equivalent to 3 per cent of the council's rate contribution. It states that, where a council is unable to meet its commitments, consideration will be given by the Government to making money available to assist it to overcome the problem of weed eradication.

When I commenced my remarks, I said I was not impressed with the situation, because I did not like the idea of the forming of boards. We have enough of them now in our country: there seems to be a committee or board set up for everything today; this does load things. What happens on these boards is that people endeavour to build up empires around situations, to the degree that they become costly but, to have some effective operation for weed control in this State, I go along with the formation of these boards and the passing of this Bill. I hope that, as we discuss it in Committee, amendments to it will improve it considerably. There was an aspect of it, when I conferred with the personnel of the department, that is was unfortunate that the Bill as prepared was not quite as it was intended to be, and therefore it would be necessary for amendments to be moved at an early stage. However, from the point of view of Rocky River, I find that the councils have mixed views on the Bill—some are for it and some are against it. Generally speaking, I think that, when they really think about it, they will see that it will be of great overall assistance to them.

As has been stated, the problem of weeds concerns the harvesting of cereals, and exporting grain free of vermin and weeds of any kind is a must for our world markets. At present, there is a shortage of grain and it is not very hard to sell various types of grain; but, when the situation is the other way, that is when we must be particularly careful of our product to see that it measures up to export requirements. With the passing of this Bill, I look forward to an improvement in the weed situation in this State. Weed control is becoming a costly item for landowners. Sprays, and so on, are increasing considerably in price, and it is essential that this State have a uniform approach to weed control.

The improvements to weed control that will result from this legislation will apply all year round. Members may not be aware that, at certain times of the year, councils send to landowners circulars stating that they must eradicate their weeds by a certain date. If a landowner does not comply with that request, the council comes in and sprays the weeds, the cost then becoming a charge on the landowner. If he does not pay the cost involved, it still becomes a charge on the land and, if at any time the landowner sells his property, the cost becomes a charge on the property that must be met by the new purchaser. When settlement for the property occurs, the new owner would have redress against the previous owner in relation to settlement. At that stage, an adjustment could be made.

I hope it is not too long before the Bill is promulgated, because, in view of the present rural situation, grain is the only lucrative aspect of primary production. I am sure that landowners will be willing to co-operate, as far as their finances will permit, in relation to the handling of weeds throughout the State.

There are many sorts of weeds, and much has been said about salvation jane. Although it is known by that name in some areas of the State, this weed is also known in other areas as Patty's curse. Those members who have been to the North of the State this year must admit that looking across the landscape and seeing salvation jane growing is a picturesque sight. I heard the member for Victoria say recently that he was concerned that salvation jane had appeared on his property in the South-East. Those of us in the North are not terribly concerned in this regard, as in drought times salvation jane has proved a great safeguard in relation to our stock. Another weed is the saffron thistle, which is a curse in relation to wheatgrowing. It can be sprayed at the rosette stage and, although it has been sprayed early in its development, saffron thistle will, in a wet year such as that which we are now experiencing, still become a problem in relation to the harvesting of grain.

Mr. Chapman: What about horehound?

Mr. VENNING: I referred to it earlier, when I said that the Chairman of a council in my district some years ago said that, if more horehound had been around, not so many sheep would have died during the drought. Notwithstanding that, it is essential that these weeds be controlled. The old saying about a stitch in time saving nine applies not only to this aspect but also to weed control generally throughout the State. I support the second reading.

Mr. CHAPMAN secured the adjournment of the debate.

SUCCESSION DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 16. Page 1412.)

Mr. NANKIVELL (Mallee): I say at the outset that this type of legislation is important to the people whom I represent.

Mr. Venning: As it is to my constituents.

Mr. NANKIVELL: It is important to the constituents of members on both sides; it does not matter from which side of the House one comes or what are one's circumstances. Taxes on a property after a death has occurred are terribly important to those who survive. People who have had experience in these matters would know about what I am speaking when I say that considerable hardship is often experienced by beneficiaries of estates as a result of the taxes levied thereon. This applies irrespective of the size of the estate and of whether it is a house, private business or a rural property. It is still a tax that hits people hard and hurts them.

At the beginning of his second reading explanation, the Premier said that he considered the terms of this Bill to be generous. In relation to the principal Act, the Bill is generous. Because of some of its provisions, which I believe are advantageous to all sections of the community, the Opposition intends to support the Bill. However, in some areas modification should be made or amendments moved. I say that the Bill is not generous except compared to the old Act, especially when one reads the Budget speech made by the Queensland Premier, who intends to allow properties to be gifted between spouses without duty. Although in this Bill we are providing concessions, we are still not being as generous as is the Queensland Government. If one looks at the Bill, one can see that the maximum rebate (and I use that word advisedly) available is $35 000 on a matrimonial home and property. However, the figure proposed in New South Wales, allowing for adjustments in value, is, I understand, now fixed at a minimum of $60 000 with a graduated scale up to $78 000. One can therefore say that the provisions with which we are now dealing are not as generous as are those in New South Wales.

I wish to speak generally about one or two aspects of the Bill. First, I believe the Bill is confused, because, when the original legislation was introduced in 1970, we started using the word "rebate" as opposed to the terms "statutory allowance" or "an exemption of tax". That statutory allowance or exemption was an amount that was deducted from the gross value of the estate before tax became applicable. I believe many people in the community today regard the term "rebate" as being something of that kind, whereas those of us who have examined the legislation for some time know that it is not an amount that is deducted from the gross amount, but an amount deducted from the gross amount of duty payable on an estate upon assessment.

There is good reason to suggest to the Premier or to any succeeding Premier that this Act is now becoming so complex that it could well be revised and redrafted. If some of the provisions to which I have referred, such as the usage of a statutory exemption before the application of tax, were introduced, this would be a much simpler piece of legislation to administer than will be the case under this Bill, which will require detailed calculations to arrive at the rebates that apply according to the nature of the succession.

One other area that is important in relation to general estates is the question of valuation. In this Bill we are using the average market value of residential properties provided by the Valuer-General which, in his opinion, applied at September 30, 1975, and which is to be adjusted according to a proposed indexation to establish the value of a matrimonial home. I believe that, whilst that may be the average value of matrimonial houses throughout South Australia, there is a. significant difference in the value that currently exists between matrimonial houses in the city areas and those in country urban towns or country urban cities. These are used, I presume, to arrive at the average, so there may well be some reason to look a little more generously at the figure, if possible, to provide for the fact that city housing is more expensive than is country housing, and that there is sufficient country housing to bring the average down to the point where the value of city housing is reduced below what I would consider to be a fair average for city property.

Tn this case, I presume that members opposite are extremely interested (as are many of my city colleagues), because they are concerned basically with people who live in urban areas and, consequently, they are concerned at the values placed on the property of houses of constituents where duty is to be paid on an estate. Compared to the old Act the Bill is generous, but the Premier might well consider whether $35 000 is quite as generous as it might be for most city property. Although it may be the State average, I believe that $40 000 or $45 000 might have been a more reasonable figure for an average city estate, because those figures include not only the dwelling but also the real property that passes to the beneficiary.

In relation to values, I make another point that concerns me and my country colleagues, namely, the valuation placed on rural property. I know that it is difficult to define a *bona fide* primary producer, but I believe that some effort must be made to do this. I suggest that a *bona fide* primary producer could be defined as a person whose principal vocation is that of farming or of engaging in rural industry. I say this because around the perimeters of Adelaide and urban cities, and even into the near country areas, we find today that there are people whose business is not that of farming, but whose principal vocation is probably that of doctor, lawyer, accountant or some industrial person—

The Hon. D. A. Dunstan: Or Parliamentarian?

Mr. NANKIVELL: Yes, but I do not think there are any Parliamentarians who are buying land in these areas as a hedge against inflation and who are aspiring to become rural producers so that they can take advantage of the rural rebates provided under the Act. I believe that there are people honestly or dishonestly (one may place one's own interpretation on it) who are taking advantage of the law in this respect and transferring their assets into land as a hedge against inflation. These people are building a component into the price of land that has no relation to the productive capacity of the land. Those people whose business is farming are vitally concerned

about land having some kind of value related to its capacity to produce. It is difficult to define productive value of land, because in any area not all land is being fully used or is fully productive, and some land would be farmed better than other, for various reasons. Some land would, therefore, have greater productive value, if we use the gross returns from the property as the basis of determining the value of that land for production.

I believe that something must be done to draw a line between the value of land used for rural production and the value of land used for other than rural business purposes, so that people whose business it is to farm land are not penalised as a consequence when it comes to the imposition of capital taxes on estates. One can (as I have done here before) look objectively at business and assess the capital involved in a big business such as General Motors-Holden's. Some businesses' balance sheets show the figure to which I. will refer, namely, the figure of capital investment required to provide the man with a productive and rewarding job. In a business such as a large industrial business, that money is provided by many small shareholders. Unless we are to force primary industry into the situation where farms are owned in the same way and farming becomes corporate farming (not co-operative farming), we will have to do something to protect the people who, as independent operators, derive their livelihood from rural pursuits, and whose vocation is farming or grazing or is related to horticulture or some other form of primary production. Unless we do something to protect these people and treat them as a group of individuals who are entitled to their independence and the kind of job opportunities available to people in other occupations, we will, by capital taxes, force these people out of business. I do not believe that that is the wish of most members, irrespective of Party.

Another group of important people for whom we do not make any provision in this State comprises people who are superannuants but who are not members of a superannuation scheme such as that enjoyed by the Public Service, which makes some provision for the survivor to draw a percentage of the superannuation. The Act that covers members of Parliament and their wives contains a similar provision. These people have a lump sum of money that becomes an estate and, regarding capital taxation, I see nothing in the Act or in the proposed amendments that provides any consideration for these people. I suggest to the Premier, and to any subsequent Premier, that he look at this problem, because it involves many people in industry, even people who are involved in certain trades and who support the Government; the man who has taken out a superannuation scheme to protect himself until he retires and can get another benefit. I stand to be corrected by the Premier, but there seems to be no provision in the Act that gives a remission for those people. In Victoria a $2 000 deduction is provided and based on a defined period of service for each year or part of a year. I will not trouble the House by reading the details of these periods, except to say that they relate to three different categories and provide for a minimum and maximum sum that may be allowed as a rebate or statutory exemption in order to allow a superannuation scheme to be transferred from a superannuant to a beneficiary. That has not been provided for in our legislation, and it is an area we should consider in future.

Clause 4 deals with a dwellinghouse held jointly, or in common in equal shares. There are common tenancies even of dwellinghouses. Most dwellinghouses are held in joint tenancy or equal common ownership. However, there are circumstances where a man and wife buy a house collectively, with the husband putting in, say, three-fifths of the house value and the wife putting in two-fifths, taking out a common ownership on that basis. From a precise reading of the Bill, we see that it provides that, because the common interest is not in equal shares, the husband and wife in this instance would be denied the benefits of the matrimonial home rebate. That aspect needs to be considered.

Rural rebates are provided for common tenancy, the rebate for succession being in proportion to the percentage ownership of a person in the common tenancy of land. I can see no reason why the same provision could not apply to a dwellinghouse. I should be pleased if the Bill provided that it was in proportion to their share rather than in equal shares, because that is too precise to deal with all the circumstances. Clause 6 relates to the Bone case. If I wished to leave open a loophole, I would accept the drafting of this clause, because it provides in part:

> . . . the value shall be ascertained as if the outstanding amount of the debt had become due and payable on the date of death of the deceased person.

I suggest that that is a matter for litigation to determine precisely when that person dies and what is the date of death. It would be more precise if it stated "payable immediately prior to the date the debt had become due and payable immediately prior to the date of death of the deceased person." There would be no question, then, about the date of death of a person. If we could get away with it, I would let it ride. Bone's case was an interesting one. A man devised his estate in such a way that he could not be taxed. He made generous gifts to his beneficiaries on generous terms: I think the term was 40 years. The only way the debt could be recovered was under the signature of the person who made the gift, and, if he was dead, he could not sign it. He made no provision for the trustee or for anyone else to recover money owing on behalf of his estate.

I understand that one or two similar cases are before the Supreme Court awaiting an interpretation; they are no doubt waiting for this Bill to pass to make the interpretation a little clearer for the court. If, as the Premier spelt out in his second reading explanation, the Government intends to close the loophole, I do not believe this clause achieves it.

The Hon. D. A. Dunstan: You might have a point there.

Mr. NANKIVELL: Clause 8 is a reasonable amendment, because, if an amount is owing because of the overpayment of duty, in this day and age 4 per cent interest payable by the Crown on that sum is not really a fair rate to apply. I take it that the Government intends to gazette a rate (as applies in many other cases) equivalent to the current overdraft interest rate. Clause 11 raises a further anomaly, and as it is a fairly serious anomaly I hope the Premier will treat it as such. In section 55e of the principal Act "land used for primary production" is defined as follows:

> in relation to a deceased person, means land which the Commissioner is satisfied has been—

and these are the important words—

> during the whole period of three years immediately preceding the death of the deceased person used by that person or the spouse—

that was amended from "wife or husband"—

or any descendant or ancestor of that person exclusively for the business of primary production—

and there is a technical point here that I hope the Premier will consider, because it could well be (as often happens) that a farmer, after farming for many years in a certain area, elects to transfer his interest to another district. In those circumstances I suggest that, had he been there for only 18 months or two years before dying, he would have been excluded, if the Commissioner chose to interpret strictly the letter of the Jaw, from any benefit, because he would not have occupied for the period of three years immediately preceding his death the land he had been farming.

If we accept a person as a *bona fide* primary producer, it should not matter precisely where he farms because, as long as he continues in the business of farming, he should not be excluded under this definition if he transfers his interest to another area and dies in a period of less than three years after having moved. That provision has been in the Act for a long time, so it is not an oversight. From my study of the Bill (and I do not know how this provision has been interpreted) it is clearly an important point of dispute, especially under the provisions of this Bill now that concessions are provided for primary producers to enable them to establish themselves as being primary producers, and especially when a person has to own land to qualify for the rebate. It does not matter whether a person is a lessor or a share farmer (he could have stock and plant), because his life's business could have been farming and he could have been completely involved in rural production but, unless he owns rural land, which is a prerequisite of the definition of rural property under the Act, he is excluded from the primary producers' rebates. Therefore, the question of land ownership is very important, and any possibility of doubt as to whether a person qualifies should be considered critically. The appropriate portion of the Bill should be amended to correct what could be an anomalous circumstance that could create problems in connection with the establishment of the *bona fides* of a case. New section 55e *(c) (a)* (ii) provides:

Land devised by a testator to a beneficiary contingently on his surviving the testator for a period not exceeding one calendar month;

This sort of situation is arrived at when a person makes a will in such a way that he specifies that, unless his beneficiary survives him by a certain period, his estate passes to someone else. This prevents arguments as to who died first and as to whether there is double duty. Whilst "one calendar month" does not exclude a will from being drafted to say 28 days, 30 days, or 31 days, a person who dies in February could be disadvantaged in comparison with a person who dies in April or May, because there is a difference in the length of the months by as much as three days. If we wished to cover this situation and to prevent argument, we could use the terminology "a period not exceeding 31 days". This may not be necessary, but it would remove any doubt as to what is meant by a calendar month. If a person died on February 1, I presume the calendar month would finish in 28 days, but the situation would be different in March or April.

Regarding new section 55e *(c) (b)*, it has been suggested that, if land is devised for a term of years other than an interest for the life of a beneficiary, it may well be that the devisor does not wish to give his wife a permanent life interest: he may choose to terminate the life interest if and when his wife remarries. The Premier may consider that, after "life" in the provision, we should add "during the widowhood of the beneficiary" to cover this situation. These are not matters that I have seen as a layman; these points have been made to me by people whose business it is to handle estates and draw up wills. With respect to estates involving the matrimonial home, we will always have classes of people who will be disadvantaged. It is very difficult not to disadvantage someone. However, the provisions in this Bill are far more generous than those that existed previously.

I wish to draw particular attention to two groups of people. First, I refer to dependent children who are students over the age of 18 years and who now receive less consideration under the statutory exemption than was provided in the previous legislation. Secondly, I refer to itinerant people such as schoolteachers and bank managers who may have bought a house in the metropolitan area for retirement but, because they do not occupy it, cannot claim it as a matrimonial home. They may have saved their collective resources to purchase a matrimonial home on retirement, and the money may be in some form of investment. I do not know how we can provide for such people, but it is not always their fault that they do not have a matrimonial home: it is the result of their occupation. This group of people is always disadvantaged in this kind of legislation.

Other people choose to liquidate their matrimonial home to take up residence in an old folks home or a nursing home. They have voluntarily foregone any concession that may exist through passing a matrimonial home between spouses. Clause 15 concerns me, my constituents, and my Party, because it relates to rural estates. This area causes more concern and more hardship than any other area. From the viewpoint of the continuity of rural business as a family enterprise, this could be the most important legislation passed by Parliament, because it affects the continuing livelihood of these people. Other States have made the concession of taking joint tenancies and common tenancies into rural property, but this Bill is more generous than legislation in other States because it provides for succession. In this State one can devise one's estate in such a way as to get greater total benefits through succession than are available in other States, where the rebates are applicable to an estate as a whole. So, I believe that when people start to understand what benefits are available through the inclusion of joint tenancies and common tenancies in the definition of rural property, they will arrange their affairs in such a way that they can substantially reduce the estate that becomes liable for duty in the event of death.

Until now the rural rebate applied only to the estate left by an individual person. The land had to be held by a person: it could not be held in any other form of tenancy. This provision of common tenancy and joint tenancy is a far-reaching step. True, as the Premier said, this is the first time it has happened in this State, and the benefits will be tremendous if people take advantage of the provisions. Of course, we would like to see the benefits go further. We would like to see a direct deduction to allow for the capital required to provide a reasonable livelihood as a primary producer or in a particular business, to which everyone else believes he has a right. We must look at the provision made for 50 per cent rebate. Whoever wrote the Premier's second reading explanation was not as precise as he might have been and, likewise, some of the Premier's comments, provided in the special list of illustrations given to us, use some words rather loosely, because people have been given the impression that on a rural estate only half duty was to be paid.

As the Premier knows, and as most of my colleagues now know, there is only a reduction of the rebate and

a rebate, as I earlier said, is an amount deducted from the gross duty that would have been applicable on the whole estate. In many cases it works out at almost half duty. However, I believe it is wrong to say, as the Premier stated in his explanation, "The rebate is to be a rebate of 50 per cent upon the duty otherwise payable." I suppose that is correct, but it is really a matter of word interpretation or semantics; it is a concessional rebate.

Some other clauses are merely machinery clauses, several dealing with metrication or changes in terminology. There are two more points I should like to raise in respect of this legislation. First, I refer to the matter of indexing. As has been stated, this is a forward step, although I would have preferred to see consideration given to reviewing the rates applicable. I refer to the sums I have done on the existing statutory allowances to be provided under this Bill. Certainly, if members opposite have tried as hard as I have to find out exactly how it all works, they will know what I mean when I say that it is complicated. When one starts indexing values for certain sums of money, which are provided for in new section 55h (5), one can see that, with inflation in values, progressively the State will move into a higher rating bracket without getting comparable provisions for statutory rebates, and the statutory rebates will be moving at some cost-of-living figure. New section 55h (5) provides:

> After the thirtieth day of September but before the thirty-first day of December in 1976 and each subsequent year the Treasurer shall cause to be published in the *Gazette* a notice attributing values to the symbols referred to in subsection (2) of this section and the values so attributed shall be determined as follows (calculating to the nearest $1 000):

I will not read the remainder of that provision but, by indexing those symbols only, I do not believe we will be keeping those figures up with the possible inflation of land and property values and, therefore, there could be a progressive or diminishing benefit from these figures.

Mr. Wardle: Surely they can change the formula?

Mr. NANK1VELL: No, the formula is built on these figures. It has nothing to do with the rate—they are values. I repeat (and I hope the honourable member has heard me) that I believe the important thing that needs to be looked at in conjunction with this situation is the matter of rates. No attempt whatever has been made in this legislation to alter the rates. I say unequivocally, having studied comparable rates in other States, that, with the exception of Tasmania, the rates applying in South Australia are the highest rates applying in the Commonwealth, across the board.

Mr. Venning: Will you repeat that, for the benefit of the Premier?

Mr. NANKIVELL: The Premier knows that; his calculations are based on the fact that there will be no change in rates. However, this area needs to be looked at to keep those statutory figures, even though they are indexed, in the same proportion as they are now to land prices, real property, or broad acres.

My final comment concerns a matter that has been drawn to my attention. It is a simple administrative matter from the point of view of people administering an estate. Clause 20 amends section 63a and increases the sum of $1 200 to $2 000. In his explanation the Premier stated:

> Clause 20 increases to $2 000 the limit of the amount in a bank account that may be paid out by a bank without a succession duties certificate.

It has been suggested to me that it would not be a great problem and it would be of great assistance to anyone administering an estate if that figure was increased to $3 000 (if the money exists), because of the costs, as I am sure the Premier knows from dealing with these matters, perhaps in his professional capacity. The Premier must realise that the cost of administering an estate has greatly increased as a result of increased salaries for trustee officers and legal clerks and other increased administrative charges.

It has been suggested to me that that figure could be increased to $3 000 without there being anything more than a reasonable amount of money available, if necessary, to help administer an estate during the period when probate is being processed. I think I have covered all those aspects of the Bill to which the attention of the House should be drawn. I believe that most of the points I have raised are worth looking at because they reflect the consensus of opinion of groups of people who have spoken to me about this matter.

In these circumstances, and seeing that they were responsible people, I believe that the matters I have raised should be examined. Whether they can be dealt with in the present Bill by amendment, whether they would have to be the subject of subsequent amendments to the legislation, or whether they will be matters considered in the redrafting of the Bill is up to the Government. Some aspects of the Bill need tidying up and I hope they will be tidied up. In the interests of those people who have to administer the legislation, and those people, in many cases, whose immediate future is dependent on the interpretation of sections of this Act, if they are to get the maximum benefit intended by the Government from the amendments that have been made, I hope this is done.

Mr. Venning: So they can carry on.

Mr. NANKIVELL: Yes, if they are to get the benefits intended or if they are merely able to carry on. I repeat what I initially said, that this Bill is a generous Bill so far as this Parliament is concerned. It is an unexpectedly generous Bill coming from a Government of the complexion of this present Government. I would like certain of the Bill's provisions to be a little more generous but, in the circumstances, I believe that the benefits from the Bill are such that the Opposition can do no other than support its passage, possibly with some amendments. I support the second reading.

Dr. EASTICK (Light): Like my colleague, I believe that the Bill merits support. Certainly, there are areas of amendment which should be tested before the House, and I was interested to note the manner in which the Premier received the considerations of my colleague during his contribution to the debate. Without doubt, this Bill could be described as a mixed bag; it has its pluses and minuses. It is unwise, perhaps, to look a gift horse in the mouth but, as a responsible Parliament, we must look at those aspects of the Bill which do not necessarily provide the relief the Premier suggested they did during his second reading explanation. It was easy for him to say that the Bill goes even further than the promises made by the Government during the pre-election period.

The Bill provides a series of alterations promoted to the Government in 1970, when this measure was previously before the House, particularly in respect of tenants in common and joint tenancies. The passage of those amendments was denied at that time, and I believe the willing acceptance of the Government at this time clearly indicates the validity of the argument then put forward,

especially in another place. Many questions need to be answered but, before coming to those in a more determined consideration of the measures of the Bill, I must take up the point raised by the member for Mallee, that is, questions relative to the philosophy of the Government and of members on this side, or the differences existing between the philosophies in relation to how property or worldly goods may be held by any person in the community.

The Bill assists discrimination. The provision in relation to the part of the estate associated with a matrimonial home is quite specific. We on this side continue to say that, regardless of how he has his funds employed, each and every person in the community should get the same benefit at the time when the money becomes the consideration of a succession. It may be by way of a matrimonial home, a property, shares, money in the bank, money in the tin can in the backyard, or wherever and by whatever means it may be held. My colleague mentioned the peculiar position of the person who does not have a matrimonial home because he has been a bird of passage in the sense of being employed by the Police Department or some other department, Commonwealth or State, a teacher, a manager, or a bank official.

If death occurs earlier than might have been anticipated by the person who had been accumulating funds or putting them into some form of investment with the intention of purchasing a matrimonial home near or at the time of retirement, and if early death or accident denies him the opportunity to fulfil the promise made between the spouses, the surviving spouse is disadvantaged as compared with any other person in the community who has only the same material goods but who has them disposed in a matrimonial home. The Premier deservedly makes great play of the advantages the measure provides for the people of South Australia, but I say seriously that it is still a discriminatory Bill, placing one group in the community in an entirely different category from another.

I want to take up the matter of those people who, with the law as it has been until this time, have used their wealth in the purchase of a policy with an insurance company. Many have been recommended to take this course because of the provisions of the existing Act and, because that position has now been removed, they are disadvantaged on two counts: if they surrender the insurance they hold, they are disadvantaged because they cannot obtain full tote odds for insurance policies paid out or surrendered; they are disadvantaged if they continue to pay for it because, in the present inflationary situation and with the attack made on insurance by the Commonwealth Government with the reduction of bonuses, the return on the employed funds is less. On the day of reckoning, when it becomes part of a succession, no provision is made for insurance to obtain the type of relief that has prevailed in the past.

Mr. Evans: A destruction of thrift.

Dr. EASTICK: It is a destruction of thrift, and it is walking away from a responsibility accepted by members of this Parliament, irrespective of their political persuasion. It has been the law of the land that this assistance may be expected but, because of these alterations, suddenly that situation no longer necessarily applies. The measure is also discriminatory in another area. The sum of $18 000, a statutory remission for consideration of determination of the rebate to be allowed, depreciates as the sum of money being passed on increases. At the point where a person has a gross succession of $81 000 (and that is not a high figure today, be it for a person in business or one who has managed his affairs well and happens to be still in that group of people where most of us fit, a worker), whether it be a house and other property, some insurance, or some money in the bank, the $18 000 has been whittled back to a maximum of $12 000 at that point; the relief on $18 000 to the surviving spouse or child has been cut back to the point where a widow is no better off than she is today in respect of that sum of money.

True, the additional funds in respect of the house do apply, but there has been a public statement that certain conditions will be provided to the surviving spouse, and they are not contained within the provisions of this legislation. Another area, one of the inevitable consequences of change, is a bonus to the Government at present and one which should be quite seriously presented to members in this House for consideration. It applies to the reduction of age of the surviving children from 21 years to 18 years. The bonus factor for the Government is considerable, amounting to 14.286 per cent gain to the Government. While it is true that, over a period of three years, this gain will work itself out because it will disadvantage at present only those people who happen to fall into the category between the ages of 21 years and 18 years at the time of the passage of the Bill, nevertheless there is this marked increase in the percentage of funds made available to the Government, because all the surviving children over the age of 18 years will lose the benefits provided for children under 18 years of age and will lose a number of benefits applying under this existing legislation. That is one of the inevitable consequences of change, but the Government should accept the fact that it will receive this bonus. What does the bonus mean in terms of actual sums of money available to the Government? I believe (and I have checked this with the Premier this evening, and he will try to determine for me what figure was used) it was stated somewhere publicly that there would be an advantage of between $1 000 000 and $2 000 000 to the people of this State by the passage of this Bill: that is, that there would be a reduction to the State coffers of between $1 000 000 and $2 000 000 a year by benefits contained in this Bill.

Looking at the estimates of receipts for the Revenue Account for the year 1975-76, we find that the Government estimates an income from succession duties of $16 500 000. It had an actual income in 1974-75 of $15 634 858, and that sum was based on a preliminary estimate, when the 1974-75 Revenue Account was presented in this House in August last year, of an income of $13 500 000. In other words, the Government actually received over $2 100 000 in extra funds by way of succession duties in 1974-75 beyond what it had expected. So the suggestion that the people of the State will benefit by between $1 000 000 and $2 000 000 on the estimate of $16 500 000 (a figure that would have been determined having regard to the provisions of this Bill) makes one wonder what advantage, in effect, there will be to the people of this State.

To go one step further, I say that the $1 000 000 to $2 000 000 advantage of which the Premier has spoken is only for the balance of this financial year. The Bill has not yet passed. Can we assume it will become operative some time during November and perhaps take effect from December 1? It means there has been an advantage of between $1 000 000 and $2 000 000 for seven months of the year. In a full year, the Government still stands to show a massive increase in the amount of money obtained by way of succession duties. Late in June or early in July of this year, the Opposition said it would

make the sum of $50 000 available for rebate and that it did not matter how these funds were used as regards the benefits that would accrue to the people. This evening, the Premier indicated to me that a preliminary Treasury report on the offer that was made was a decrease in Government funding of about $3 750 000. We do not know that that figure is necessarily correct but I believe it is a sum. that should be injected back into the community, that that is not an unreal figure that any Government of this State should be providing for in an alteration to the Succession Duties Act.

I have mentioned also that we are suffering the consequences of inflation. My colleague mentioned this; in fact, the Premier alluded to it in his second reading explanation. In the first few lines he states:

> There is no doubt that rapid inflation over the past few years has meant that the incidence of succession duties has fallen with increasing severity on beneficiaries of deceased persons.

The member for Mallee mentioned this problem, and I want to take it a step further. I think we can demonstrate (if we need to demonstrate) the problems of inflation and the effect they are having on succession duties by simply going back to the Auditor-General's Report for 1974-75, where we find that the amount of money obtained from succession duties in 1973-74 was $13 993 000, against the $15 634 858 for 1974-75, and the projected $16 500 000 for 1975-76. Much of this is related to the increased valuation being applied to property, whether city property, property in country towns or property associated with rural production.

Last week, I had drawn to my attention a real problem that has arisen because of the interpretation being applied by the various valuing authorities (I say "various valuing authorities" because it encompasses Commonwealth as well as State valuations) that, where a person has decided to take advantage of the present planning legislation, which allows subdivisions of up to 30 hectares without their having to be submitted to the State Planning Authority, and where the property so divided is being sold for weekend hideaways for people from the city or the larger country towns who want to "get away from it all", the valuation departments are using the values of those 30 ha properties as the basis of valuing the surrounding agricultural land. One comes into a difficult area here. One accepts the fact that, if a property has been sold at, shall we say, $500 a hectare (which is, in effect, only the value of land for people wishing to get away from it all) that is the running rate for agricultural land adjacent to it. However, we must accept the situation that the amount of property purchased for this purpose is limited and, therefore, the opportunity for adjacent rural landholders to sell their land at these elevated values is limited.

There is no market for an indefinite number of 30 ha blocks. If a false valuation of $500 or more a hectare is placed on a series of 30 ha blocks distributed amongst rural holdings, where rural activities are continuing, where it is impossible to sell the property at anything like $500 a hectare, and where it is impossible to make sufficient money from a rural undertaking to service a value of $500 a hectare, the elevated valuation of the property, should there be an unfortunate death associated with its ownership, will lead to a situation where a person's rural property is valued at far beyond what it will realise on the open market. Indeed, one can go into the Mallala, Dublin or Windsor areas at present and find that this situation is a real difficulty. Agricultural land that, at best, is worth $275 to $325 a hectare is being valued at well over $500 a hectare because of subdivisional activities. If one goes to the Mount Mary area (and anyone who has been there will recognise it as being a way-out place without much potential), one will see that properties have been sold for up to $250 a hectare in about 30 ha lots. With adjacent properties being valued at about $250 a hectare, one recognises how impossible the situation becomes, whether the valuation is used for land tax and water rate purposes, if they apply, or for any other purpose.

Returning to the Bill, it becomes an impossible situation in respect of a succession when a property which is really used only for a rural pursuit is suddenly valued at these ridiculously high prices. If the Government really meant what it said when it introduced the Bill, it would be obliged to accept that there was a need to amend other appropriate Acts that would enable a proper and realistic valuation to apply to properties, no matter where they might be, either in the city or in the country. I make a plea equally strongly for those situations that obtain in the city, when a valuation is affected by an obscure sale that bears no relationship to other properties in the vicinity, the owners of which cannot obtain a similar price.

I have referred to the benefits that will derive from the passing of this Bill. I should like also to refer to some of the debits that will apply. I query the situation (and I do this sincerely) regarding the child, either a son or a daughter, who is wholly engaged in caring for a deceased person prior to his death. An extension has been made so that not only the housekeeper-daughter but also the housekeeper-son may obtain the benefit. However, there is no clear indication that a person who did not physically assist the deceased at the day of death will benefit from the proposed advantage. A person may for some years have been responsible for looking after his parent. However, because the parent was aged, he may in the last days have been placed in a hospital because he could not be cared for in his own home, and the son or daughter responsible for caring for that person may not physically have done so for three or four months. In those circumstances, does the Government intend that the daughter or son will obtain a benefit? This aspect is so important that it needs clearly to be spelt out. It should not be a matter of interpretation after the Bill passes, where bureaucracy takes over and common sense and humanity go out the window.

The Hon. R. G. Payne: It might be difficult to draw a line.

Dr. EASTICK: I accept that, but a line must be drawn somewhere. However, there must be a clear intention on the part of this Parliament in respect of that situation if the benefit is to be a real one for those people who have denied themselves in order to provide a home for their parents. I am not suggesting that the sons or daughters have put themselves in such a position solely for what they could get out of it, because obviously in the past a son has been unable to obtain any benefit at all. Also, if a daughter happened to have a part-time job, from which she received, say, only $2 or $3 a week, and those earnings could be proved against her, she was denied the benefit of the housekeeper-daughter concession.

The loss of life assurance is a real one in the circumstances to which I have referred. The surrender of an assurance policy could well result in a loss being incurred. It has been stated that there will be a distinct reduction in the benefit for children between 18 and 21 years of age. Brothers and sisters and their dependants have no relief

benefit at all in respect of their relationship to the deceased. This benefit has been bestowed in other places and, if the Government was approaching the matter in an enlightened fashion, I should have expected it to consider this benefit.

I believe the Bill is worth supporting. The matters raised by the member for Mallee and me (and I have no doubt they will be raised by other members during the debate) should receive the Government's deep consideration. Essentially, I am saying that the Government should accept that the forced passage of this Bill through the House by tomorrow evening, as it seems is intended (judging by the week's working sheet), will not necessarily be in the best interests of the people of this State. I am not suggesting an indeterminate delay or that the Bill should not be assented to by His Excellency as soon as possible. However, I am saying to members (and hopefully the Minister will take note of what I am. saying) that every consideration should be given to the points that are made during the second reading debate and in Committee. If this means that the passage of the Bill will be delayed for an extra three or four days, perhaps being passed next week, I believe that should happen, for the benefit of the people of this State who are, after all, the people we all represent.

Mrs. BYRNE (Tea Tree Gully): I support the Bill and am pleased that it has the support, in principle, of the Opposition. In the Australian Labor Party policy speech delivered by the Premier at the last election, under the heading "Succession duty", the Premier said:

> We will alter succession duty in South Australia so that a widow or widower without discrimination may inherit an average-size family home without payment of succession duty.

In opening Parliament on August 5, amongst references to other legislation that the Government intended to introduce, His Excellency the Governor used the words "to revise the scale of succession duty". An examination of the Bill shows that it contains provisions enabling a half interest in a family house of average value to be passed on to a surviving spouse without duty. In addition, the general statutory exemption has been increased from $12 000 to $18 000. Again, it is provided that adjustments in the values will take place each year in accordance with movements in the consumer price index. This refers to the general rebate and movements in the prices of residential properties in relation to the matrimonial house rebate. This provision should help to eliminate some cf the hardship that has occurred in the past, and I am sure that all members have had constituents come to them and explain the circumstances in which they have been placed. Where an estate of average size, the surviving spouse or orphan children of the deceased will take their share free of succession duties.

The Bill also protects *de facto* relationships. In such long-standing relationships this is only right, as the person so affected may have contributed financially to the property but, in any event, it is my considered opinion that the person is entitled to the concession proposed by the Bill in relation to the property passing to a surviving spouse. I am sure that members have had constituents come to see them in this regard because, naturally, after one person dies, the other person finds that he or she has not been entitled to this concession. I am pleased that clause 20 increases to $2 000 the limit of the amount in a bank account that may be paid out by a bank without a succession duties certificate, because this will assist some people financially at a time when they are under stress, and any further distress or worry should be alleviated. My remarks on this occasion are brief in supporting the Bill, and members will notice that I have confined them to general principles because, as has already been said, the Bill is most complex, and could be classified as a legal measure.

Mr. GOLDSWORTHY (Kavel): My attitude to the Bill is that we should be thankful for small mercies and, in these circumstances, we support the Bill. The kinds of statement which the Premier made during the last major debate on succession duties in 1970, soon after some of us entered Parliament, are now at variance with the position in this State. The Premier for many years made great play on the fact that we should be taxing the so-called tall poppies, the wealthier people in the State. In Opposition, during a Budget debate, he said that we must get some kind of progressive tax that would not affect secondary or primary industries. One of the areas concerned that he quoted in 1968 was the succession duties area. Although I have looked up the debates, I will not quote them. However, in the 1968 Budget debate, the Premier spoke along those lines. This was one area where we were lagging behind the other States, so it is not surprising that, when the Australian Labor Party came to Government in 1970, it introduced a substantial Bill to amend the Succession Duties Act.

On that occasion the Bill did not enjoy the Opposition's support, because we could see that it would cause considerable difficulty, as I believe it has. The Premier used as his argument on that occasion the fact that the rates levied in this State were, in his words, significantly lower than those in the two major States of New South Wales and Victoria, and that put this State at a disadvantage in our applications to the Grants Commission, because it had to be shown, if we were to get favourable grants for this State, that our taxing effort was comparable with that of the other States. So, the scales were readjusted upwards, with a particularly heavy thrust in what were then considered the larger successions. From memory, I believe that they were successions over $50 000, but that certainly is not the case now. I have not been able to check whether what the Premier said in the House in 1970 was correct, but the position now is clear. The scales in South Australia are considerably in excess of what they are in the other States, including the two standard States of New South Wales and Victoria. If one looks across the whole board of valuations of property, one finds that the scales in this State are considerably higher than those in the other Australian States.

If what the Premier said in 1970 was correct, the other States have already taken some corrective action far in excess of that contemplated in the Bill. I also recall during that debate drawing attention to the fact that there appeared to be an anomaly, since rural property held in joint tenancy or as tenants in common did not attract the rural rebate. I recall arguing that point during the debate. I said that land held in joint tenancy, or as tenants in common, was nonetheless rural land and should attract the rural rebate. To my mind, probably the most important amendment in the Bill is that relating to the application of the rural concessions to land held in that way. I do not believe there is anything in the Bill to get really enthused about, but we must be grateful for small mercies, and there is some amelioration in the Bill. I believe that the present system of rebates is complicated, and I recall during 1970 (I have not done any sums on this occasion, although the member for Mallee obviously has) trying to explain to a meeting how the Succession Duties Act worked. It was a fairly

difficult process to take examples of successions and work out the fraction by which the duty had to be multiplied. One has to go through a complicated sum to work out the fraction and multiply the duty by the fraction, and subtract it from the duty. I would be surprised if there are many people in the community who understand how the duty is calculated.

I agree entirely with the member for Mallee that it would be far better if the complicated system was replaced by a simple straight exemption whereby people could work out far more readily and easily just what their duty would be. The level of succession duties in this State is, I believe, far too high. As the member for Light pointed out, particularly in the latter part of his remarks, the effects of inflation on capital taxes are marked not only on succession duties but also on all capital taxes. Like him, I have had many examples in my district of valuations and the effect of increased valuations causing grave hardship. It was heartening to me to hear the member for Tea Tree Gully, who is a member of a typical new metropolitan district, say that she has these problems through her office. Obviously, even in the suburbs of Adelaide, the fact is that the high rates and the effects of inflation are being felt and this applies throughout the whole State. They can now at least speak from first-hand experience. We have known this for some time regarding some of our rural properties. Only last week a constituent came to see me about this matter. Many primary producers desire that their sons carry on and take over the property and farm the land in due course. This can be done in several ways. Unfortunately, if there is a death, succession duties must be paid. Some primary producers try to provide for this before they die, and make a gift of the property to their sons. However this is done, the effects of valuation are tremendous.

In the case that was referred to me last week, my constituent was trying to pass the property over to a son so that he could carry on. They started the process at the beginning of the year, but it took about five months for the paper work to wend its way through various Government departments. The Valuation Department decided that it would not accept the valuation made by a licensed valuer, demanding that a new valuation be made, because in the previous five months there had been a sale in the district and the value of the property had escalated alarmingly.

I took up the matter with the department concerned and pointed out how its action would cause considerable hardship. This primary producer genuinely hoped that his son would carry on the property. The department said it would have another look at the matter. The impact of capital taxes is indeed great. Whether the Government likes it or not, our rural community (and I unashamedly speak for the rural community because I represent a rural district) is paying taxes higher than those applying in other States; the scales are higher on succession duty, and land tax is levied in this State but on the majority of rural properties in other States it is not levied. The member for Victoria cited certain cases of the impact of this capital tax.

We are not exaggerating when we say that the Government does not have a real conception of the impact of its policies and the taxes it imposes on rural people. That is one reason why the Government got such a hiding in rural districts at the recent election. The Government received about only 30 per cent of the rural vote because it was not in touch with these people and had no conception of their problems. One would believe that the Government has little sympathy for rural people. People in rural areas in this State are at a disadvantage compared to people living in other States. In this State they pay land tax that amounts to many thousands of dollars in many instances; they pay succession duties that are in excess of those levied elsewhere in Australia.

We talk about our competitive position, but taxes downgrade our rural producers in comparison with those in other States. I repeat that the Government got a complete thrashing in country districts, and I suspect that that is one reason why the redistribution Bill was introduced and passed recently. The members for Mallee and Light have canvassed the details of this Bill, so I see no point in prolonging the debate. The Bill does not go far enough. The 1970 Act was disastrous. It was then the brainchild of some of the more strident left-wing members of the Labor Party. I think the member for Brighton (then the Minister of Education) had a fair bit to do with the introduction of the succession duties Bill at that time.

The impact was disastrous not only on the rural community but also on all other areas of the State. If the Premier does not believe that the rates of duty in this State are higher than elsewhere, I suggest he check with the 1975 taxation summary, which I understand is available in the Parliamentary Library. A spokesman for the Stockowners Association of South Australia said the following about the Bill:

> Primary producers will be most disappointed with the provisions contained in the proposed amendments. The maximum rebate of up to 50 per cent on the duty payable (for rural property held in a single title) is a half-hearted manner in which to attack the real and basic problems of excessive duty which flows from the valuation of fixed assets (that is, land) which are an essential and necessary part of a primary producer's livelihood and thus, of course, his residual estate. Far better would have been the suggestion, as the association has already requested of the Premier, that consideration be given to applying statutory exemptions to valuations, rather than duty.

That suggestion was put forward by the member for Mallee, and I repeat it. The spokesman continued:

> A submission has gone forward from the association to the Premier that, in relation to primary producers' estates, duty be assessed only on 60 per cent of the valuation of the estate. If this method were coupled with a form of proportional taxation it would indeed provide a fairer and more equitable method of the application of this type of taxation. It is true that the amendments will give the commissioner wider powers in assessing hardship and remitting wholly or in part, interest payable on overdue duty. This is some benefit, but it would have been fairer if the commissioner was also given power (as in the case of land tax) to remit wholly or in part actual duty, where a sufficient case of hardship manifests itself. The proposed amendments will do nothing to lessen the regressive impact of this tax making it still one of the most outmoded and outdated forms of taxation with which the association has the dubious pleasure to deal.

The association also points out that the Premier's second reading explanation is somewhat misleading. He stated:

> . . . in the early part to the fact that where the estate is of average size, the surviving spouse or surviving orphan children will take their shares free of succession duty.

The association refers to two provisos: the child must be *(a)* an orphan and *(b)* under the age of 18 years. It would be more satisfactory if it related to a child up to 21 years of age. We have no option but to support the Bill. However, it does not go as far as it should if we are to protect the assets of people who have worked hard to secure them and wish that their offspring will carry on their pursuits. With those remarks, I support the Bill.

Mr. GUNN secured the adjournment of the debate.

ADJOURNMENT

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

That the House do now adjourn.

Mr. WELLS (Florey): I do not like to use the term "grizzle", but I want to register a strong complaint regarding a cowardly article attributed to the member for Davenport in this morning's *Advertiser*. This article and the honourable member's statements were disgusting, cowardly and not at all factual. The article, headed " 'Gangster' claim on union leaders", states:

Some union officials were "gangsters without principle," Mr. Dean Brown, M.P., said last night.

Mr. Gunn: Isn't that right?

Mr. WELLS: The honourable member knows that it is not right: it is an absolute slur on an honourable and essential part of our community—the trade union movement. It is disgusting to see a person occupying the kind of position that the member for Davenport occupies making such cowardly statements. He made the statements not in this House but to a press reporter who ultimately had the article published. Of course, the honourable member was talking to a very favourable forum at the time. The article continues:

He said self-employed people worked under contract and therefore would receive no benefits from being trade union members.

Perhaps the honourable member may tell me later why, if what he says is factual, so many self-employed people go to trade union offices seeking to become trade union members. Such people are seeking protection from money-hungry, money-grabbing contractors who seek to subcontract at the expense of the people concerned. The article continues:

The fact that such actions were tolerated was "a blot on our community". "It is a fundamental principle of democracy that people have the choice whether to join a union or trade association," Mr. Brown said. "This principle is being ignored. Unfortunately, the Dunstan Government has approved such barbaric behaviour."

That is an absolute falsehood and a deliberate lie, because the Dunstan Government's policy in respect of trade unionism provides, and has provided for a long time, for preference to trade unionists—not compulsory trade unionism.

Mr. Mathwin: What is the difference?

Mr. WELLS: If the honourable member does not have enough brains to determine the difference, he should not be here. Yet he claims to know something about trade unions. I was amazed to read such rubbish in the article and then, later in the article, to see a statement attributed to the federal Liberal spokesman on labour matters, Mr. Street. The article says:

The Labor Government had no coherent policies but resorted to band-aid surgery like the RED and NEAT schemes to solve a crisis.

These schemes were ideal in assisting to ease considerably the unemployment situation throughout Australia, but Mr. Street has sneered at them. Yet we all recall reading in the same paper statements by Liberal spokesmen decrying the Australian Government's move to taper off the schemes. So, on the one hand Liberal spokesmen sneer at the schemes while on the other hand they demand that the schemes be restored. The article continues:

The Opposition would re-establish the National Labour Advisory Council as a statutory body to provide a forum for continuing consultation between Government, employees and employers.

Can any honourable member imagine a situation where Street could produce harmony in the ranks of the labour force of this country? That would be an absolute impossibility. The labour force of Australia is a wing of the Australian Labor Party. The member for Davenport says that the Labor Government is dependent on union contributions. All members on this side know that the vast majority of trade unions are affiliated to the A.L.P. Trade unions comprise the industrial wing of our Party, and Government members comprise the political wing of our Party. Of course they contribute.

Mr. Mathwin: Why do you force them to pay sustentation fees?

Mr. WELLS: The honourable member shows his crass ignorance again.

Mr. Mathwin: You made the point—

The SPEAKER: Order! The member for Glenelg is interjecting unnecessarily.

Mr. WELLS: It takes time, and members opposite do not like that. Members opposite, including the member for Glenelg, say that Liberal voters in trade unions have to contribute to the Labor Party.

Mr. Mathwin: That's right.

Mr. WELLS: Tripe! No trade union affiliates to its fullest effective strength to the A.L.P. There is always a coterie of union members who may be Liberal, communist, Liberal Movement or anything else, and a union does not affiliate to its fullest effective strength to make an allowance for people who would not want their contribution to the union to go to the A.L.P.

Mr. Mathwin: That is 2 per cent.

Mr. WELLS: The honourable member is useless at any time in any place. The honourable member must remember that members of the Parliamentary Labor Party come generally from the industrial wing of our Party. What has it produced? Any trade union leader here would blind any member opposite so far as ability is concerned. Of course, this causes jealousy. Members opposite should look at the quality of the people we present here: they should look at the quality of the people who sit on the front bench. The Minister of Labour and Industry is probably the finest Minister of Labour and Industry seen for decades, and he is only a newcomer.

What about the Minister vilified today by members opposite? The Attorney-General is actively associated with the trade union movement, and he is a brilliant person. Members of the ilk of the Minister of Labour and Industry and others are the people put here by the very people the member for Davenport seeks to vilify, but members opposite will never convince anyone that the trade union movement is not an integral part of the community. Certainly, it is an integral part of this country, and the vast majority of people owe their allegiance to the A.L.P. Members opposite talk of the funds given by trade unions to the A.L.P., but what about the contributions made to the Liberal Party by oil companies, Myers, John Martins and David Jones? What about contributions from the shipping companies? Nothing is said. This is purely and simply a matter of jealously. To have the member for Davenport on the front bench while a member such as the member for Torrens sits overlooked on the back bench is the result of jealousy. The member for Torrens has expertise and an extremely good knowledge of the trade union movement. His rejection and his replacement by a member such as the member for Davenport is the best thing members opposite could have done for this Government: it is a Christmas present in advance. I maintain that the article to which I have referred should never have appeared.

The SPEAKER: Order! The honourable member's time has expired.

Mr. ARNOLD (Chaffey): I wish to raise two matters which require the urgent attention of the Government. What is more, I shall offer some constructive criticism to the Government, in the hope that it will take note in the interests of the community of South Australia. As Government members are well aware, more and more, day by day, the Government is extending in to the field of construction through Government departments at the expense of the private sector. A very real need exists, especially in rural communities, to maintain a balance and to make sure that the private sector in construction has sufficient work. In the field of earthmoving and other forms of construction it is necessary in remote rural areas for a viable production unit to be maintained to enable work to be carried out, major Government work as well as work on a small scale for the private individual.

Earthmoving excavations and the installation of pipelines and irrigation distribution systems are at the moment being undertaken in the Riverland by the Government. Government members will recall that substantial funds have been made available for this work to rehabilitate irrigation distribution systems. At Waikerie, a system is well on the way to completion and has been carried out by the Engineering and Water Supply Department. Very soon, a similar distribution system is to be installed in the Berri irrigation area, once again by the Engineering and Water Supply Department, with little consideration being given to private earthmoving contractors in the region. It is essential that the viability of the small companies in the area be maintained in the interests of permanent employment, also the undertaking of small private jobs on behalf of residents and growers. A letter from an earthmoving company in the Riverland clearly indicates the problem. It is from the Managing Director, and it states:

> We wish to express our concern at what is happening to contracting, particularly in earthmoving and pipeline construction in this area.

He refers, of course, to the Riverland area. The letter continues:

> We realise that Government departments have a surplus of labour to keep employed, but by so doing they are taking work from local organisations such as ours. Our company which at times has employed in excess of 50 men, is now at the stage where if work does not eventuate in the very near future it will practically close down its operations. This we feel would be a tragedy to local people who depend on our type of plant and labour to carry out small jobs.

I refer to the necessary small jobs to be carried out on private properties, the installation of pipelines, and so on. They can be done only with the necessary machinery maintained and kept by the private contractors in the area. If the Government is to do all the major works, there will be nothing to maintain the small private organisations and companies which keep this equipment and make it available to permanent residents. The letter continues:

> Over the years we have carried out major works throughout this Riverland area and also in other parts of the State, even as far away as Port Lincoln. At times we have operated interstate, but always having our base in the Riverland some plant has been available to give service to Government and private bodies at reasonable cost. We know that if this local service is to fade out, costs to carry out small works would be exorbitant, due to the fact that outside contractors would have to be brought into the district. We realise that works similar to those we normally tender for are going to be carried out at Berri in the near future, and we would like some considerations given to letting some of the work to subcontractors.

That is a reasonable request. If the Engineering and Water Supply Department intends carrying out the major portion of the rehabilitation work in the Berri Irrigation Area, I support wholeheartedly the contention of this Riverland company that a portion of that work should be subcontracted out to companies that operate permanently from the Riverland to make sure that their viability is guaranteed and that the employment of the people working in those companies is assured. So, constructively, I ask the Government to allow contracts that are being undertaken by Government departments to be subcontracted, where possible, to companies and organisations in the area where that work is being carried out.

Secondly, I refer to the provisions of an Act that passed this House in 1972, the Swimming Pools (Safety) Act, in which it was determined by this Parliament that swimming pools would have to be adequately fenced and covered. I fully agree with that provision. However, in that Act exemptions are provided, and they affect the Riverland once again markedly. One of the exemptions is in section 4 *(d)*, which provides:

> any water impounded for agricultural use or as a water supply for fire fighting, whether or not used as a swimming pool, is exempted from the requirements of this Act.

The dangers of underground tanks have been brought to my notice by two letters that I have received from constituents in my electorate. In most of the Riverland areas, underground tanks have been provided on fruit-growing properties as a source of water supply, but there is no Act or legal provision that demands that they be covered or fenced. In recent years, there have been several drownings of young children. I suggest that the Government seek to include household underground tanks in the provisions of the Swimming Pools (Safety) Act, 1972, in an endeavour to reduce the tragic loss of life that occurs from drownings in underground tanks. A letter I received from a constituent states:

> I am writing as a young mother to voice my concern at the number of uncovered or unfenced underground tanks in the Riverland area. The recent tragedy at Renmark has merely highlighted the problem again. Each year at least one such incident occurs, and still nothing is done.

So it is clearly recognised by parents, and particularly the parents of young families, that risks and dangers do exist. I realise a considerable cost is involved in fencing or covering underground tanks, but it is a responsibility we must face up to, and residents in the area who have underground tanks on their properties will also have to face the responsibility of fencing their tanks and covering them in the interests of safety of young people, especially youngsters under the age of five years. My own underground tank was covered while the youngsters were small. When they grew up and learned to swim properly, I removed the fence, but that is not a valid excuse: the pool is still a danger to other young children visiting my place. I fully agree with the letters I have received on this matter and I believe that soon I shall once again fence in my tanks.

Mr. ABBOTT (Spence): I take this opportunity to grieve on a matter brought to my attention by several constituents concerned about the manner in which employers undermine the South Australian Workmen's Compensation Act. I was concerned about this matter when I was Secretary of my union, and I know that the present-day trade union officials are also concerned about it. It is now evident that the problem is growing worse. In 1971, the South Australian Parliament passed amendments to the Act intended to speed up compensation payments on claims made by workers. It seems that the provision has now become a dead letter as a consequence of the tactics of employers and their insurers.

Section 53 of the Workmen's Compensation Act provides that, where an employee files with an employer a medical certificate showing some incapacity for work, together with a form known as form 16, alleging that the incapacity shown in the medical certificate is as a result of the employment, the employer must do one of two things: either pay to the employee within 14 days the weekly compensation due to him based on average weekly earnings during the preceding 12 months, or within the same period take out an application in the court to suspend weekly payments on the basis that a genuine dispute exists regarding whether or not the employer is liable to pay workmen's compensation. It is found in almost all industries that every application for compensation made by a worker is now being taken to the court for an order to suspend payments on the basis of a genuine dispute. This is being done in cases where there is clearly no dispute at all.

Dr. Tonkin: What sort of cases would they be?

Mr. ABBOTT: I am referring to all injury cases: to all workmen's compensation cases.

Dr. Tonkin: Where it is obvious that there is no dispute?

Mr. ABBOTT: This is possible because the Industrial Court seems to have taken the view that any old excuse will do on the part of the employer to justify that a genuine dispute exists. It also seems that the court cannot handle the flood of employer applications within the stipulated time, so that the easiest way out of it is to find that a genuine dispute exists. This means that almost every application made by an employer under section 53 is successful. Thus, the prime object of the legislation is defeated at the outset.

There must then follow a period of six or seven months before the court is able to hear the application for compensation made by the worker. It must not be forgotten that, even though an order is made suspending payments, that is not the end of the matter. Indeed, it is only the beginning, because 99 per cent of applications made by workers following a section 53 suspending order are successful. This is because most orders made under that section should not, in the first place, have been the subject of an application or because, in the second place, on an order suspending payment, insufficient sympathy was shown towards workers by those hearing applications brought by employers. As I have said, it is not the end of the matter. It now seems clear that only half the workers who receive from their employers notices under section 53 that their claim is being disputed bother to tell their unions of these disputes, as a consequence of which they are not represented before the court. In such circumstances, an order is made by default suspending their payments.

It also seems that a number of workers are not writing to insurers stating that they no longer wish to proceed with their compensation claims. I am advised that one insurer is now known to have a notification placed on the bottom of the summons served on the worker indicating that the worker no longer wishes to proceed with the claim. Some workers sign such summonses, which has the effect of bringing the claim to an end. Discussions with several of my constituents on the problem suggest that many workers believe that, once they receive a summons in language directing them to appear before the court "or else", they are in some kind of trouble. Most workers can be expected never to have had any experience in a court of law, especially in such a matter as workmen's compensation.

It is not unnatural for people not to want to appear in court to have their claims questioned. The summons is a dreadful looking document and it ends up with the statement, "If you do not attend either in person or by solicitor or counsel at the time and place abovementioned, such order may be made and proceedings taken in your absence as the court may think proper." Never was a statement more calculated to scare the pants off anyone, let alone a worker. It is certainly taken seriously by many workers, who are undoubtedly responding by notifying the insurer or its solicitor that they do not intend to take any further action in the claim. It is imperative that unions and their shop stewards be informed, and keep themselves informed, regarding all claims for workmen's compensation that occur at the place of work. It should be routine not only to record an injury to the employer but also to the shop steward, and that shop steward keep all records of notification of injury so that they can be relied on and referred to if there is any dispute with the employer.

Mr. Mathwin: Are you suggesting that there is much malingering?

Mr. ABBOTT: It is important that shop stewards keep their members informed on what to do when they receive any documents from their employer or their employers' insurers in relation to workmen's compensation. Those documents, under the South Australian Act, should be referred to the union or a solicitor immediately so that the worker may receive proper advice and be represented in any proceedings that result from the documents.

Mr. Becker: That is all very well, but what do the unions do to go to the union?

Mr. ABBOTT: They are doing everything within their power to get them to notify.

The SPEAKER: Order!

Mr. ABBOTT: What cannot be overlooked is that, by allowing compensation payments to be suspended under section 53 of the Act, the worker runs the risk that, in the event of his or her condition getting worse, he or she may be stopped from making a further claim. I am not supporting the malingerer: I have never supported the malingerer in my life, and I do not intend to do so. I am supporting the genuine worker who is injured at the work place, and I am fully aware that the Minister intends to amend the Workmen's Compensation Act soon and I certainly hope that this section is looked at and some amendment is made to it to bring it into order.

Motion carried.

At 10.19 p.m. the House adjourned until Wednesday, October 29, at 2 p.m.