HOUSE OF ASSEMBLY

Wednesday, November 12, 1975

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

PETITION: SUCCESSION DUTIES

The Hon. J. D. CORCORAN presented a petition signed by 102 residents of South Australia praying that the House support the abolition of succession duty on that part of an estate passing to a surviving spouse.

Petition received.

QUESTIONS

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

BRIDGE REPAIR

In reply to Mr. VENNING (October 29).

The Hon. G. T. VIRGO: Investigations are in hand with respect to a new road bridge over Rocky River just south of Wirrabara on the Main North Road to determine the new alignment and capacity requirements to be based on modern standards. Survey, design and construction of the new bridge will then proceed as a matter of urgency. It is expected that completion of the new bridge and roadworks will take more than 12 months. With respect to the road bridge over the Crystal Brook Creek just east of Hughes Gap on the Port Pirie to Gladstone Road, work on the replacement of the scoured foundations with concrete and reconstruction of the road approaches is proceeding with completion expected towards the end of November.

UNDERGROUND TANKS

In reply to Mr. ARNOLD (October 28).

The Hon. G. T. VIRGO: The Local Government Act does make provision for the fencing of swimming pools to which the Swimming pools (Safety) Act, 1972, does not apply. Section 346a of the Local Government Act enables the local government council to require fencing of a swimming pool which is considered by the council to be dangerous. In this section, the definition of swimming pool is stated to include any excavation or structure capable of being filled with water and used for the purpose of swimming and includes any excavation or structure capable of being used as a paddling pool. The provisions under this section are fairly wide and there is no doubt that power can be implemented in dangerous situations with regard to underground water storage tanks at the discretion of the local council concerned.

RARE SPECIES

In reply to Mr. RODDA (October 16).

The Hon. D. W. SIMMONS: There is no proposal to further amend either the eighth schedule of rare species or ninth schedule of threatened species to the National Parks and Wildlife Act, 1972-1974. From the general tenor of the question, it would appear that the honourable member may not be fully conversant with the steps that were taken in amending the eighth schedule and the creation of the new ninth schedule in the National Parks and Wildlife Act Amendment Act, 1974. When the principal Act was presented to Parliament in 1972, the eighth schedule of rare species was substantially the same as the third schedule to the Fauna Conservation Act, 1964. At the time of the principal Act in 1972, the then Minister of Environment and Conservation explained that it was not intended at that stage to drastically change this schedule, but that the opinion of the National Parks and Wildlife Advisory Council would be sought and its recommendations considered before any amendment was made.

The National Parks and Wildlife Advisory Council, in 1972 and 1973, considered the matter and made recommendations to the Minister. These recommendations, together with the recommendations of officers of the Museum and National Parks and Wildlife Divisions, and with recommendations of the Council of Nature Conservation Ministers, and the schedules to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, were considered before drawing up the existing eighth and ninth schedules. Essentially, the previous schedule of 19 mammals and 19 birds was expanded into a new eighth schedule of 49 mammals, 16 birds and two reptiles and a new ninth schedule of 13 mammals and 15 birds.

The eighth schedule represents those mammals, birds and reptiles which are very rare and are endangered or on the verge of extinction. The ninth schedule consists of those mammals and birds whose status is in some way or another threatened. Many of the mammals and birds which appeared on the former eighth schedule were retained on the present eighth schedule, but there were a number of mammals and birds relegated to the ninth schedule. Among those so relegated were the scarlet-chested parrot *(Neophema splendida),* the princess parrot *(Polytelis alexandrae)* and the hooded parrot *(Psephotus chrysopteryqius dissimilis),* which are currently kept by aviculturists in substantial numbers and which, although rare in the wild, breed freely in captivity. Only two species of birds of avicultural interest were retained on the eighth schedule and, therefore, the keeping of which was restricted to scientific research and where demonstrable conservation of the species could be substantiated. These two species were the orange-bellied parrot *(Neophema chrysoqaster)* and the golden-shouldered parrot *(Psephotus chrysopteryqius).* Of the former species, only seven animals were held in captivity by one person. These were subsequently banded and returned to the wild in a controlled release earlier this year. Of the latter species, 40 animals were kept in captivity by eight individuals of whom three have presented cases demonstrating scientific research and conservation value and have been granted rare species permits under the provision of section 55 of the Act.

I repeat that there is no intention at this stage to amend either the eighth or ninth schedules to the Act, although at its recent meeting, the Council of Nature Conservation Ministers gave approval for the establishment of a working group to look into the matter of endangered species and possible additions to the schedules of the international treaty. In due course, in the light of this working party's recommendations and in the light of possible changes to the schedule to the international treaty, proposals may be put to me for amendment of the eighth and ninth schedules to the National Parks and Wildlife Act, 1972-1974.

SPENCER GULF POLLUTION

In reply to Mr. MAX BROWN (October 8).

The Hon. D. W. SIMMONS: The Spencer Gulf Water Pollution Co-ordinating Committee visited the Broken Hill Proprietary Company Limited works at Whyalla on September 17, 1975. The committee noted the tailings impoundment, which consists of 14.8 hectares, is now closed and collects all liquid wastes from the pelletising and magnetite plants. Although the embankment is closed, there is a limited amount of water moving through the wall because of the permeability of the material. The movement of water is

expected to reduce with time. Some mangroves are surviving within the impoundment, but these plants will be killed as the sediment levels rise within the wall. The liquid wastes from the blast furnace area pass through two small ponds which can be isolated in the event of an accidental spillage. The effluent passes into a large proposed impoundment (14 ha) which, at the date of the visit, was incomplete. Both of these impoundments fall within the area defined in the B.H.P. indenture Act. Several small discharges occur directly into the sea. These liquids are mainly seawater used for cooling purposes or treated sewage. During later discussions, the General Manager agreed verbally that B.H.P. should be involved in some monitoring outside the impoundment walls. The proposed form of this monitoring will be decided at the next meeting of the Spencer Gulf Water Pollution Co-ordinating Committee. The monitoring programme will include sediment and biological analysis for heavy metals.

WINGFIELD STENCH

In reply to Mr. JENNINGS (August 21).

The Hon. D. W. SIMMONS: The following information is supplied to the honourable member in reply to the question asked of my predecessor on August 21, 1975. Rotting carcasses on the property of Wooltana Industries: Officers of the Public Health Department have made numerous inspections of this area following complaints over a considerable period of time, and substantial improvements have been made as a result of the application of the clean air regulations. The Manager of Wooltana Industries was questioned on this matter at the time of a recent inspection by officers of the Public Health Department. He stated that, in May or June this year, the zoo had asked the company to take some carcasses of small animals since the company which normally disposed of these animals had shut down. Zoo employees left several large carcasses in the southern area of the works following which the arrangement was cancelled by Wooltana. He also stated that there had been no other occasions on which the company had taken dead animals, although it was stated that members of the public occasionally dump dead animals in the area without permission. On inspection, nothing which could be construed as "parts of rotten animals" was detected, nor were any dead animals found.

Dumping of motor vehicles: The dumping and burning of car bodies has also been investigated by officers of the Public Health Department. From inquiries made in the area and from officers of the local board of health, it would appear that car bodies are often dumped in the Wingfield area. Vandals are blamed for starting fires in these abandoned bodies. Inquiries from Simsmetal reveal that manual stripping of the abandoned vehicles is extremely difficult and burning is, therefore, the simplest and most economical method of removing the non-metallic components before disposal as scrap metal. The installation of an incinerator or a fragmentiser has been considered as an alternative to open burning, but it is stated that neither can be justified on economic grounds. One further factor which had impeded actions against persons contravening the clean air regulations is that a decision has not been handed down by the High Court of Australia in the matter of an appeal by a local operator against his conviction for burning in the open.

CONCORDE AIRCRAFT

In reply to Mr. MATHWIN (October 8).

The Hon. D. W. SIMMONS: In the debate on the motion of Mr. Becker on the Concorde aircraft on October 8, 1975, my predecessor undertook to provide information to the honourable member in relation to the length of time taken for the noise of the aircraft to abate during take-off. An estimation of the time can be calculated from the data which will appear in the environmental impact statement on the Concorde to be published shortly. It is pointed out that a more complete answer may appear in the technical appendix of the environmental impact statement and that the values contained in this reply are only an estimate and will vary depending on load, meteorological factors and sophisticated interpretation. The following details are supplied for members' information:

Distance covered from Melbourne Airport in a northerly departure before the noise falls below:	Concorde	Boeing 707
100 d B (A).....	15 km	1.2 km
90 d B (A).....	28 km	7.5 km

90 d B (A)—low annoyance
100 d B (A)—moderate annoyance.

Using the take-off flight path shown in the environmental impact statement and assuming a constant velocity of 400 km/h, the time taken by Concorde to reach:

15 km = 3 minutes from "brakes off".
28 km = 5 to 6 minutes.

No values are available for the Boeing 707. The "warm up" period is not included in the above time, but would probably be of the order of five to six minutes. The effects of the noise during warm up may be reduced by the use of noise deflectors. In summary, it is expected that the Concorde will produce an annoying noise for 10 to 15 minutes before and during take-off.

CONSTITUTIONAL PRINCIPLES

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

That Standing Orders be so far suspended as to enable me to move a motion without notice forthwith and that such suspension remain in force no later than 4 p.m.

The motion that I. propose to move is as follows:

That this House respectfully draw the attention of His Excellency the Governor to the following constitutional principles and respectfully affirm that they should be followed:

(1) The Lower House of the Parliament grants Supply. The Upper House may scrutinise and suggest amendments to money Bills but should not frustrate the elected Government by refusing or deferring Supply.

(2) The Governor, in accordance with Letters Patent, should act on the advice of his Ministers, and should not dismiss a Ministry except in the case of that Ministry's acting in breach of the law or its losing the confidence of the Lower House.

(3) As neither ground for dismissal occurred in the case of the Federal Government of Mr. Whillam, the action of the Governor-General in dismissing Mr. Whitlam and refusing his advice to hold a Senate election was wrong according to all constitutional convention, precedent, and propriety, and should not on any occasion be followed as a precedent in this State.

The SPEAKER: I have counted the House and, there being present an absolute majority of the whole number of members of the House, I ask whether the motion is seconded.

The Hon. J. D. CORCORAN: Yes, Mr. Speaker.

The SPEAKER: The question is that the motion be agreed to. For the question say "Aye"; against, "No". I hear no dissentient voice, and there being present an absolute majority of the whole number of members of the House, the motion is agreed to. The honourable Premier.

The Hon. D. A. DUNSTAN: I move the motion that I outlined to the House a moment ago—

Dr. TONKIN (Leader of the Opposition): On a point of order, Mr. Speaker, I draw your attention to Standing Order 150, which provides:

No member shall use Her Majesty's name or the name of the Governor irreverently in debate, or for the purpose of influencing the House in its deliberations.

I submit that that Standing Order would apply equally to a reference to the Governor-General, who is referred to in paragraph (3) of the motion, also to a reference to the Governor in paragraph (2), and to the motion itself in drawing His Excellency's attention to this matter.

The SPEAKER: I cannot uphold the point of order, on the ground that this House has decided to suspend Standing Orders in order to deal with the motion.

Dr. TONKIN: On a further point of order, Mr. Speaker, I suggest that we suspended Standing Orders to enable the Premier to move a motion. That was the specific reason for suspending Standing Orders.

The SPEAKER: The Premier has moved the motion, which will now be debated. I point out to all honourable members that, although the Standing Orders of this House state specifically that there can be no reflection on the Queen or the Queen's representative, there must nevertheless be an avenue whereby this House can at least refer to actions taken by the Queen's representative. Therefore, I can see no reason why the motion cannot be accepted. The honourable Premier.

The Hon. D. A. DUNSTAN: The motion I have moved states deary what has now been established during this century as the constitutional conventions upon which the prerogatives of the Crown in relation to the dismissal of Ministers will be acted. It is clear, by all constitutional convention and precedent, that the Government of a country acting under the Westminster system is decided upon by that group of members that has the confidence of a majority of members of the Lower House. That group of members, having been elected to carry out a policy, is entitled to pursue that policy to obtain Supply in pursuance of it, and to proceed to put measures before the House that are in accordance with that policy. Those members are entitled, as are the people, to stability of Government.

Mr. Gunn: You won't get that under Whitlam.

The Hon. D. A. DUNSTAN: It is impossible for this country to be governed properly if the electors go to an election and decide on a Government and its policies that are to be enacted by the Parliament, only to find that, having voted, they nevertheless do not have, for the period necessary to carry out those policies, the Government for which they voted, but that it is subject perpetually to the whim of members in an Upper House who may not be of the same political persuasion and who are, apparently if this convention is not to be followed, to be given the prerogative at any time to decide when to send the Government back to the people. The emergence of the Party system of Government in South Australia occurred because, at one stage during the past century, South Australia experienced 13 changes of Government in six years. It created an impossible situation for the people of this State, because there could be no stability in the State whilst such a system obtained.

If it were simply a Government of ins and outs, there was no means of people knowing what their future would be, what policies would be effected, or the way in which they might plan their lives in future. Out of that turmoil developed Party systems that could give some stability of groupings of people who were elected on policies that would cohere for a period so that people could know that they would have a Government for the normal period of three-year Parliaments, in line with what the people of this State had decided to provide in their Constitution. As a result of the development of that system, the convention in South Australia has constantly been followed that the Upper House, while it may suggest amendments to money Bills, does not interfere with Supply, that the appropriation measures are passed, that the Government's monetary policy is acceded to, and that the Government is able to carry on as a Government in the State by the granting of Supply.

There have been Governments of Labor persuasion in South Australia on many occasions since the beginning of the century, but they have never had a majority in the Upper House of Parliament. It is likely that, in fact, the Labor Party will have a majority in the Upper House after the next election for the Upper House.

Members interjecting:

Mr. Becker: You're not very confident!

The Hon. D. A. DUNSTAN: I can only draw the honourable member's attention to his own Party's assertions in that regard. The Party to which the honourable member belongs knows very well that, given the normal voting pattern in South Australia, there will be a majority of Labor members in the Upper House of this Parliament after the next election for the Upper House. But members of this Party believe that the constitutional proprieties and conventions must be maintained if there is to be effective Government and we do not believe that a Labor majority in the Upper House should refuse Supply to a Government in this House which is not of its persuasion; we believe that that should be clearly established.

The situation in South Australia has always been that Supply is not refused. The one occasion when there was an argument over appropriation involved the tacking on to a Supply Bill of other measures. The argument adduced by members of the Upper House at the time of the Verran Government was that there was an appropriation measure which incorporated into it other measures which were not appropriate, and that the course which the Upper House had followed of constantly passing Supply was being interfered with. That was in 1911, and apart from that one instance Supply has not been refused to a Government by an Upper House, even though that Upper House has had a substantial majority opposed to the Government of the day, for the very reason that is shown in this motion: it is the Lower House which grants Supply. The reason why a Government is chosen in the Lower House is that it is this House which grants Supply for the Government. This is where the Government, therefore, has to be chosen.

There is in the Senate a majority, which has been achieved quite wrongfully, a majority achieved by Mr. Bjelke-Petersen's insisting on appointing to that place a member on a basis contrary to a motion that the Leader of the Opposition now has on the Notice Paper in this House. It is very strange that a position should be maintained federally on the basis of the Senate's passing motions to defer Supply, when the only means of its doing so was the death of Senator Milliner and his replacement with a man who did not represent Senator Milliner's political belief, or the political belief for which the electors of Queensland had voted for a Senator to represent them.

The Leader of the Opposition in South Australia has seen that in fact there could be a vacancy in the Upper House in this Parliament, so he wants to establish the situation in South Australia (a situation with which

this Government would agree) that we should not follow Mr. Bjelke-Petersen's precedent but should maintain the constitutional propriety that when there is a vacancy in the Senate the replacement should be a nominee of the Party of the Senator whose death or resignation caused the vacancy. However, the Senate did defer Supply, and some of the Senators from this State voted for its deferral, having said they would not reject it, because rejection was contrary to constitutional precedent. Nevertheless, they deferred it, although that in effect meant the same thing. The Prime Minister rightly refused to accept that utter departure from constitutional propriety, and refused to accept the position that the people of Australia would have forced on them the situation that there could be elections, not according to the advice given to the Queen's representative by the elected Government, but by the political whim of those people who at that time had a majority in the Upper House. I have heard publicly stated by the Leader of the Opposition in the last day or so a proposition that, of course, where there is a situation in which a Leader of the Opposition has the confidence of the Upper House, that should weigh equally with the fact that the Leader of the Government has the confidence of the Lower House.

Mr. Millhouse: That system won't work at all.

The Hon. D. A. DUNSTAN: Of course it will not work at all. The further fact is that, in relation to this impasse, which has been arrived at by the refusal of the Senators to do their duty in relation to the passing of Supply, the situation arises of the position of the Government of the day. Clearly, the Government of the day, being elected by the people and having the confidence of the House which grants Supply, must not be dismissed by the exercise of the Royal prerogative, except in the two circumstances that I have outlined in the motion. It must be dismissed if it does not resign when it has not the confidence of the Lower House; its having the confidence of the Lower House is the condition of Government. In addition, the representative of the Queen must have the power to dismiss a Government if, in fact, it is clearly acting in breach of the law; that, indeed, is the safeguard provided by having a Governor.

The need to have a Governor is to see that he is able to safeguard the position of the people against an Executive that seeks to exceed its legislative authority. That is an essential part of the system. However, those are the only two circumstances in which it is proper for a Governor to dismiss a Government. Those are the only circumstances in which it would be proper for the Queen to dismiss the Government of the United Kingdom and, indeed, the only two circumstances in which she would. There are no other cases for the exercise of the Royal prerogative of dismissing a Government, for otherwise the authority is with the people who have elected that Government. Neither of these grounds has occurred federally nor is it alleged that it has occurred.

The Governor-General has not suggested that he has dismissed the Government in Canberra on either ground. Clearly it has not lost the confidence of the House; clearly there has been no allegation by the Governor-General of illegal action on the part of the Executive in Canberra. An allegation was made by the Liberal and Country Parties in Opposition in Canberra that, by the executive act of authorising the Minister for Minerals and Energy to investigate the possibility of raising a loan that had not been referred to Loan Council, there was some illegality. After all, the Governor-General could hardly allege that that was an illegal action on the part of the Executive, because he was part of it himself.

Mr. Goldsworthy: He wasn't there.

The Hon. D. A. DUNSTAN: Whether or not, he has never for a moment suggested that that was illegal in any way, and he does not allege it now, so there is no question of illegality, or of the confidence of the House having failed. In those circumstances, there is no basis for the action, and we should ensure (for, after all, the Governors of this State are entitled to look at constitutional precedent in what they do) that the Parliament has properly advised the Governor of this State that what occurred federally yesterday was against constitutional convention, precedent and propriety and should in no circumstances be followed in this State.

Let me turn specifically to the events of yesterday. The Leader of the Government (Mr. Whitlam), having failed to obtain Supply by the passage of the Bill through the Senate (it had not rejected it—it simply refused to consider it), went to the Governor-General to advise him that the way in which to break this deadlock was to proceed to the Senate election which was due within the next six months and in which there would be elected for the first time to the Federal Parliament representatives of the Commonwealth Territories who at that time were not represented in the Senate. Since they would take their seats immediately, that situation could conceivably break the deadlock and allow the Senate to pass the Supply Bills. At that time Supply had not run out and the Prime Minister had the confidence of the Lower House.

The Governor-General, without receiving that advice from the Prime Minister—refusing to hear him—asked him whether, as the Senate had deferred Supply, he would advise the calling of a general election. The Prime Minister said "No", whereupon the Governor-General dismissed him. No advice was tendered to Mr. Whitlam by the Governor-General as to his intention, as there was in the case of Sir Philip Game with Mr. Lang. In the case of Mr. Lang, Sir Philip Game informed Mr. Lang that he considered that, in circulating a memorandum, which was in Sir Philip's view, contrary to a Federal law (and under the Federal Constitution that Federal law was valid and took precedence of State law), Mr. Lang was acting illegally.

There have been arguments from constitutional lawyers that Sir Philip Game should not have come to that conclusion until the matter was tested in the court. However, whether or not that argument is right, nevertheless the position was that Sir Philip advised the Premier that he considered that the act was illegal, and gave him an opportunity to withdraw or to take such action as would obviate the dismissal by the Governor. That course was not followed by the Governor-General. No advice as to his intention or concern about the position of Supply was given to the Prime Minister: he was simply dismissed, and he was dismissed at a time when, for some hours, Opposition members in the Federal Parliament had been announcing to the press that that was what was going to happen.

The Governor-General did not take the Prime Minister's advice, despite the fact that the Prime Minister had the confidence of the House and was willing to tender advice relating to the Constitution that was within the Constitution and the law. Then, Mr. Fraser was appointed caretaker Prime Minister. The House expressed no confidence in him, and the Speaker asked that he have the right of immediate audience with the Governor-General to present to him the wishes of the House. The Governor-General for some time refused to make an appointment, and then made an appointment at a time when he knew that by

then a meeting of Executive Council would have been held to dissolve the House. That course of proceedings yesterday was, frankly, an outrage on constitutional convention and propriety. It was a terrible, a disastrous day for democratic government in this country. This Parliament should make clear that, whatever has been done federally, certainly will not happen in this State, and that the way in which Governments in this State will proceed will be in accordance with constitutional convention, precedent and propriety; we should properly advise the Governor of the views of the elected representatives of this State on that score.

Some of the Senators from this State, in what is supposed to be a States' House, have not obeyed the views expressed in this Parliament by the elected representatives of the people of this State. They have produced a situation completely contrary to the continuance of effective democratic government in South Australia and in the rest of Australia. We should ensure that we make clear to the people of South Australia our dismay at that situation and our determination that South Australia at least (unlike New South Wales and Queensland, and the way in which there have been proceedings in the Federal Parliament) will stick to conventional constitutional propriety and precedent according to the Westminster system.

Dr. TONKIN (Leader of the Opposition): I do not support the motion and, indeed, I intend to take steps to tidy it up somewhat. As is becoming more and more frequently the case now, the Premier, in his drafting, either is inaccurate or chooses to be inaccurate (I do not know whether he has been helped). However, he has not stated the position as it should be stated. His prejudices are showing quite blatantly. He is weeping crocodile tears and making the most political capital that he can out of a situation in which the Governor-General of this country has acted entirely properly and within his constitutional rights.

The Governor-General has performed his duty and, because his actions did not go the way the Labor Party wanted them to go and expected that they would go, now there is all hell to pay on the Government side. The Premier cannot take it, nor can any other members of the Labor Party. They have been breaking convention after convention and acting improperly and now, when they have been found out and brought to account, or made to face the people (which is more to the point) so that they may be brought to account, the Premier is whinging and weeping crocodile tears. He is squealing.

The Premier's whole basis for his argument on this occasion is summed up in his statement that government is decided in the Lower House, which grants Supply. The Lower House does not grant Supply, and that is the fundamental fault in the Premier's argument. That was the whole thread running through his argument for the past half hour. It is not the Lower House that grants Supply: Parliament grants Supply.

Mr. Wells: You've been listening to Fraser.

Dr. TONKIN: It is a great shame that the member for Florey has not listened, and listened to many other constitutional authorities, including members of his own Party. I will refresh the honourable member's memory soon. The Parliament grants Supply on the initiative of the Government, through its Ministers in the Lower House. That is the true position. The Upper House may scrutinise Appropriation Bills and suggest amendments to them. Normally, the Upper House does not frustrate the Government by exercising its undoubted legal right to defer or reject Supply, unless the circumstances are most unusual, and the circumstances in this case have been more than unusual.

That is one of the first instances in which the Premier's motion has strayed from the truth. It is the truth as far as it has gone, but it is not the whole truth and it has not fully and accurately stated the situation. I will act to correct that matter. As I have said, the Premier's prejudices are showing, because Parliament is a bicameral system; as it is in this State and in the Commonwealth sphere, as well as in most other countries or States where there is the Westminster system of Parliamentary democracy. That is as it should be.

I speak for the Liberal Party when I say that it is strongly in favour of the bicameral system. The Premier has spoken all along the line as though the Lower House is all that matters. We know that the Labor Party wants to see an end of the Upper House, that it wants to abolish the Upper House in this Parliament and wants to abolish the Senate. How can we listen to any of the arguments the Premier has put forward this afternoon without considering that he has a bias, a vested interest, in those arguments, not only because it suits his political Party but also because he wants to abolish the Senate?

The Hon. G. T. Virgo: Fraser is—

The SPEAKER: Order!

Dr. TONKIN: I am sorry if members opposite do not like it. We did the best we could to listen to the Premier in silence, and if members opposite do not like what I am saying, that is up to them. Obviously, the whole tenor of the Premier's attack has been on the Senate. The whole basis of his argument is that the Upper House does not count and that it has no role to play in the Parliamentary system. That is false, and the Premier knows it. I cannot understand how he can have the absolute hide to make those accusations.

Mr. Keneally: You're promoting Upper House government.

The Hon. Hugh Hudson: Of course he is!

The SPEAKER: Order!

Dr. TONKIN: I repeat that Parliament is a bicameral system, and Parliament as a whole governs this country or this State. It is impossible to regard one Chamber in isolation from the other. That is exactly as the position has been for many years and as I hope it will continue to be. The attitude expressed by the Premier that the Upper House is so insignificant that its voice should never be heard, that it should never make a decision against a decision of the Lower House, is patently and absolutely ridiculous and absurd. I point out to the member for Florey that I intended to refer to some extracts only in passing, but now I will quote them for him. As reported in *Hansard* of June 2, 1970, Mr. Whitlam stated:

> Any Government which is defeated by the Parliament on a major taxation Bill should resign.

Members interjecting:

Dr. TONKIN: I know that members opposite do not like it, but they are going to hear it. The Prime Minister went on to say:

> This Bill will be defeated in another place. The Government should then resign.

Again, as reported in *Hansard* of October 1, 1970, Mr. Whitlam stated:

> We all know that in the British Parliament the tradition is that, if a money Bill is defeated, the Government goes to the people to seek their endorsement of its policies.

Hansard of August 26, 1970, reports the Prime Minister as saying:

> Let me make it clear at the outset that our opposition to this Budget is no mere formality. We intend to press our opposition by all available means on all related measures in both Houses. If the motion is defeated, we will vote against the Bills here and in the Senate. Our purpose is to destroy this Budget and to destroy the Government which has sponsored it.

I refer now to a statement by the former Senator Murphy, who is now a learned judge. He is a constitutional authority that even the Government members must accept as knowing something about the matter. After all, he was Attorney-General in a Labor Party Government. He stated:

> The Senate is entitled and expected to exercise resolutely but with discretion its power to refuse its concurrence to any financial measure, including a tax Bill. There are no limitations on the Senate in the use of its constitutional powers, except the limitations imposed by discretion and reason. The Australian Labor Party has acted consistently in accordance with the tradition that we will oppose in the Senate any tax or money Bill or other financial measure whenever necessary to carry out our principles and policies.

When things are different, they are not the same! When the boot is on the other foot, the Labor Party totally and absolutely changes its tune. It does not fit the Labor Party's scheme of things to do otherwise. Section 56 of the Commonwealth Constitution provides:

> Save for amending or originating money Bills the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

Quick and Garran, in *Notes on the Constitution,* state:

> The Senate has co-ordinate power with the House of Representatives to pass all Bills or reject all Bills. Its right of veto is as unqualified as its right of assent.

Odgers *Senate Practice* states:

> The only restrictions on the exercise by the Senate of its financial powers are the restraint which it traditionally exercises and the electoral sanction. A Senate which used its powers capriciously could suffer only one fate—punishment at the ballot-box. But a Senate, which correctly interprets the mood of the electorate, has a quite remarkable annual opportunity—by refusing to join in the grant of Supply—to bring about the dissolution of the House of Representatives and the resignation of the Government which that House virtually appoints.

In relation to another matter, Sir Robert Menzies was quoted in the *Argus,* as long ago as 1947, as follows:

> The Legislative Council in rejecting three Supply Bills had used a power conferred upon it to be exercised in extraordinary circumstances. The Legislative Council of Victoria cannot originate a money Bill, but it may reject such a Bill, including a Supply Bill. It may suggest amendments but it has no power to make them. Surely it is a curious argument to say that a power deliberately and specifically conferred on the Upper House is, in no circumstances, to be exercised. I agree that such a power should be used only in extraordinary circumstances. If the Opposition had a majority in the Senate, and Mr. Chifley obstinately refused to take a public vole on the bank grab, wouldn't it expect the Senate to refuse Supply and so force Mr. Chifley into either an election or a referendum?

They are the words of Sir Robert Menzies in 1947, and they still apply today.

Mr. Keneally: Why don't you quote what Sir Thomas Playford said in 1975?

Dr. TONKIN: That is another matter that may well be raised, because the report of that instance was based on advice given some weeks before the current situation arose. The honourable member knows that. The statements to which I have referred have all been made by Labor members of Parliament or by constitutional authorities, and their basis for making these statements is far greater than the Premier's basis for making his statement. All of these people are well qualified to make these statements, and they have supported the right of the Senate to defer or reject Supply in unusual circumstances. That is where the first paragraph of the Premier's motion deliberately tries to mislead the House. The Premier has put some of the truth, but not all of the truth. The Premier may try to mislead the House, he may force a vote in this House, but he will not mislead the people of South Australia.

Members interjecting:

The SPEAKER: Order!

Dr. TONKIN: The powers of the Governor-General are clearly set out in section 57 of the Commonwealth Constitution. His basic role is the execution and maintenance of the Constitution and the laws of the Commonwealth. He performs that role with the advice of the Ministers he chooses and who hold office during his pleasure. Indeed, it is his commission that he issues to the Prime Minister and to other Ministers. Already today the Governor-General has sworn in a new Ministry—a caretaker Ministry in Canberra.

Mr. Keneally: A minority Ministry.

Dr. TONKIN: It was obvious that, when the Labor Party appointed Sir John Kerr, it expected him to be a mere figurehead with no public will of his own. The Labor Party expected him to sit at Yarralumla waiting to do whatever the Government told him to do. As it has now found, nothing could be further from the truth. It is contrary to principle, contrary to precedent, and contrary to common sense. The Governor-General has a wealth of all of those attributes. He has two clear constitutional prerogatives that he can exercise: the right to dismiss his Ministers and appoint others; and the right to refuse a dissolution of the Parliament or of either House, or to order a dissolution. These prerogatives, of their very nature, will be exercised only on the rarest of occasions. They have been exercised in the past, and the proper working of the Constitution demands that those prerogatives continue.

The Constitution cannot function without the Governor-General. I remind honourable members of the provisions of section 1 of the Commonwealth Constitution, which provides that the Governor-General, representing the Sovereign, is an integral part of the Constitution of this country. It would be only in extremely unusual circumstances that the Governor-General would dismiss a Government; the case of an obviously corrupt Government is the case in point. The maintenance of the Constitution and the laws of the Commonwealth require that the Government have authority from Parliament as a whole, not from the Lower House, to spend money in order to perform those functions. A Government without money cannot govern. The refusal of Supply by Parliament, whether through the House of Representatives or the Senate, is a clear signal to the Governor-General that his chosen Ministers may not be able to continue.

In the proper performance of his role he would immediately ask the Prime Minister to explain how he intends to overcome the situation. If the Prime Minister proposed and insisted on means which were unlawful or which did not solve the disagreement between the Houses and left the Government without funds to continue, it would be within the Governor-General's power, and it would be his duty, to dismiss his Ministers and appoint others. That is exactly what he has done. The Government of this country was proposing the most illegal course of action: it was intending to raise funds without the authority of Parliament. The Government intended to govern without the authority of Parliament.

It is interesting to see that the associated banks gave an absolute and flat refusal to the proposition that they should finance the Commonwealth Government for any length of time. The propositions put forward by Mr. Whitlam's Government were clearly and absolutely illegal. In the situation that has faced Australia, the Governor-General wanted to know what steps the Government intended to take in order to avert the problem of being without Supply and thus endangering the maintenance of the Constitution and, therefore, the laws of the Commonwealth. He was told by Mr. Whitlam what the Government intended doing, and he was not satisfied with the explanation. Obviously, he regarded the whole matter as being most contentious and illegal. The proper exercise of his role demands that he act as he has acted. I, and I believe many other people (in fact, almost everyone in the community, I would judge), hope sincerely that he will never be placed in that situation again. I hope that subsequent Governments of Australia will act in a proper constitutional and rational way.

Mr. Keneally: Isn't that a matter of opinion? Isn't that what—

The SPEAKER: Order!

Dr. TONKIN: I have every confidence that, after December 13, Australia will have a Government that will act in that manner when Mr. Fraser leads his own elected Government.

The Hon. Peter Duncan: You sound like Billy Snedden before the 1974 election.

The SPEAKER: Order!

Dr. TONKIN: To say the least, I am disappointed in the Premier. I took a point of order when the motion was moved. You, Sir, ruled on that point of order, and I am not in any way querying your ruling, but I point out that that was a matter I raised at the time. I do not believe that, in any Parliament, whether it be in this State or in the Commonwealth sphere, any opportunity should be taken to attack Her Majesty's representative and, for that reason, since there is no other way in which paragraph (3) of the Premier's motion can be construed, this should be deleted. It is a criticism of the Governor-General and his actions. What makes it worse is that it is a criticism of the Governor-General's acting in an entirely proper way. It is a reflection on the Crown: the Premier knows it, and I have no doubt that he deliberately intended it to be.

The Hon. Peter Duncan: The Queen had nothing to do with this.

Dr. TONKIN: For Her Majesty's chief legal Minister, the Attorney-General in this Government, all I can say is that the Minister shows a lamentable lack of appreciation of what his high office signifies and stands for.

The Hon. Peter Duncan: The Palace denies having anything to do with this.

Dr. TONKIN: When the Parliament (and I say again "the Parliament", not one House or the other House but the two Houses) becomes unworkable, for whatever reason, the Governor-General has a duty to resolve that impasse, and the events of yesterday showed that he had the courage of his convictions, as a man of principle, to take the action that was necessary. Speaking of the events of yesterday, can one honestly, as the Premier has tried to do, justify that enormously stupid performance on the floor of the House of Representatives when, once the message that Supply had been passed by the Senate was received, members of the Labor Party thought they could pull a "swifty" and get the Governor-General to reinstate Mr. Whitlam. I heard the debate: "But Supply has now been passed," said the honourable member for Werriwa, "and now I have won a vote of confidence in the Lower House."

Mr. Keneally: And he got it.

Dr. TONKIN: How dishonest can anyone be? All I can say is that the outcome of the Governor-General's decision and action yesterday is that the people will now judge the Whitlam Government and the alternatives. They will now judge the whole situation, and this was the crux of the matter. The people of this country have a right to say what goes on and who will govern (normally, yes, for a three-year term), but, when a Government behaves in such a fashion as the Premier has tried to skirt over in the Loans affair—

Mr. Keneally: In whose opinion?

Dr. TONKIN: The Senate's opinion does not matter, because the effect of the Senate's decision has been to force the Government to the people and, if the Government was not prepared to go to the people, as it rightly and morally should have done, it was the Governor-General's job and duty to send it to the people.

There is little more to be said about this whole sorry motion. As I have said, it is misleading in two of the paragraphs because it does not state the full case, and in the third paragraph it takes a thinly veiled opportunity of slapping at the Governor-General because he did not decide in favour of the Labor Party. That is what it means. Accordingly, I move:

To strike out all words after "House" first occurring and insert:

affirms the following constitutional principles:

1. The Parliament grants supply on the initiative of the Crown through its Ministers in the Lower House. The Upper House may scrutinise and suggest amendments to appropriation Bills, but should not frustrate the Government by exercising its undoubted legal right to refuse or defer Supply, other than in the most unusual circumstances.
2. The Governor, in accordance with letters patent, should act on the advice of his Ministers, and should not dismiss a Ministry except in the case of that Ministry's acting in breach of the law, or patently threatening to act in breach of the law, or its losing the confidence of the Lower House.

That sums up the situation, I believe, in a nutshell. I am moving to leave out all reference, as I believe it should be left out, to the Governor-General. I do not think that we should be talking about that matter anyway. However, you have ruled that we may, Sir, so I have dealt with the situation as it applies, and I have quoted constitutional authority to show that the Governor-General could act as he did. I quote in conclusion from the text of the statement made by His Excellency the Governor-General, as follows:

> The deadlock which arose was one which, in the interests of the nation, had to be resolved as promptly as possible and by means which are appropriate in our democratic system. In all the circumstances which have occurred the appropriate means is a dissolution of the Parliament and an election for both Houses. No other course offers a sufficient assurance of resolving the deadlock and resolving it promptly.

Later on the statement reads:

> The Constitution combines the two elements of responsible government and federalism. The Senate is, like the House, a popularly elected chamber. It was designed to provide representation by States, not by electorates, and was given, by section 53, equal powers with the House with respect to proposed laws, except in the respects mentioned in the section. It was denied power to originate or amend Appropriation Bills but was left with power to reject them or defer consideration of them. The Senate accordingly has the power and has exercised the power to refuse to grant Supply to the Government.

Later on the statement reads:

> This is a matter on which my own mind is quite clear and I am acting in accordance with my own clear view of the principles laid down by the Constitution and of the nature, powers and responsibility of my office.

I am quite convinced that His Excellency acted in just those ways. The Premier's prejudice will not help him over this matter. I do not believe that the people of Australia want to see the abolition of the Senate, or the abolition of the Legislative Council in this State. I believe that, more than anything else, the people of Australia want the right to say at the ballot-box what should be done. They want that right now and, because of the action that has been taken, they now have been given what is their democratic right. I must support the moves that have been taken.

I strongly support and commend to the House the amendment I have moved as being a clear and definite statement of the present situation. As I have said, it is likely that the Government will push through the defeat of this amendment and support for the half truths moved in its own motion. I do not believe it will matter, because I think the people now know enough about the situation to judge for themselves. There are times when the people of this country become sick and tired of being told by politicians what they should do. Politicians should never forget that they are there to do what the people of the country want them to do, and the people will have the opportunity to exercise their democratic right on December 13.

The Hon. J. D. CORCORAN (Deputy Premier): I listened with great interest to the Leader of the Opposition in his attempt not only to refute what the Premier has said and moved in this House today but also to support his own amendment. The Leader said that we should not reflect on the Governor-General—indeed, that he should not be mentioned in this Chamber. Having done that, he immediately quoted from him at length. In other words, it is a matter of "Do not do as I do, but do as I say".

Dr. TONKIN: I rise on a point of order, Mr. Speaker. I understand that the Deputy Premier is reflecting on your ruling.

The SPEAKER: I must overrule the point of order.

The Hon. J. D. CORCORAN: I am simply making the point that the Leader in a very pompous manner reflected on the Government because it had the temerity to mention the Governor-General in this debate. Then, as I have said, having done that, he quoted from the Governor-General's statement at length. I suppose it would be almost impossible to discuss what we want to discuss today without mentioning him, because, after all, he played some little part in what happened yesterday. I suppose it is so small a part that it will not even be mentioned in history. Let me tell the Leader that it will go down in history. As the Premier has said, it will go down as one of the blackest days in the history of this country in relation to Parliamentary democracy. We see today an acting, or a caretaker, Primer Minister who, I suppose, until nine months ago had not put the knives away after knocking off the Leaders of his own Party one by one and who is in his present position without ever having faced an election for that position. I never thought I would live to see, in this country, that sort of thing happen. In fact, when I was told yesterday afternoon that the Prime Minister's commission had been withdrawn I, quite frankly, did not believe it, because I did not think I would ever see that happen in this country, either in the circumstances of yesterday or in any other circumstances.

Mr. Nankivell: I won't repeat what you said.

The Hon. J. D. CORCORAN: The honourable member may have heard it.

Mr. Nankivell: I did.

The Hon. J. D. CORCORAN: I meant what I said. The matter we are discussing today is a very serious one indeed. The Premier has moved a motion that will be an indication to our own Governor in this State of what this Parliament believes should happen in circumstances similar to those that existed yesterday in the Commonwealth sphere. It is a perfectly proper motion, and I think it is extremely timely, because surely the people of this State would want to know, if similar circumstances arose, what would happen here. Surely they would want to know that the same sort of thing could not and should not happen. As honourable members and the Premier have mentioned, even though we have had constantly, since responsible government began in 1856, a conservative-dominated Council, no attempt has ever been made (except on one occasion, which was an attempt not to stop Supply but to divorce from it a Bill tacked on to it), in all the turbulent history of this State, if one likes to put it that way, to do anything like we have seen being done in Canberra over the past few weeks.

The Hon. Hugh Hudson: By a tainted Senate, too.

The Hon. J. D. CORCORAN: By a tainted Senate: there is no doubt about that. Every member opposite must shiver a little. They and their colleagues in other States and in the Commonwealth sphere must realise it is over the body of a dead Labor Senator that they were able to do what they did, and nobody could deny that. The Leader of the Opposition can stand up in this House and say what he said this afternoon with a great deal of security, because he knows that, with a Labor-dominated Upper House, we would never refuse Supply to the popularly-elected Lower House. He knows that, and he also knows that we would have no hesitation in moving to take away the power that exists currently with the Legislative Council, the Upper House, to refuse to pass Supply.

Mr. Allison: It is in your platform to abolish it.

The Hon. J. D. CORCORAN: We would have no hesitation in putting that proposition forward, not to abolish it but to remove that power from it. Why is it that money Bills can be initiated only in this Chamber? Why is it that the Upper House cannot move amendments to money Bills but can only suggest them? It is because the people who founded the Constitution in this State said this was the prerogative and responsibility of the Lower House. It is true to say that the Lower House grants Supply, because it would never be introduced if it was not brought in here.

Mr. Dean Brown: You want to abolish the Upper House.

The Hon. J. D. CORCORAN: The people of the State would abolish the Upper House. The honourable member knows we cannot abolish it, because it is entrenched. He knows that. I do not want to see it with the power it has if the power is going to be misused the way it has been misused in the Senate in Canberra. We have talked of conventions, and it is interesting to read in the Notice Paper the motion so piously moved by the Leader of the Opposition, as follows:

> That this House—
>
> (a) is of the opinion that the choice of a senator to fill a casual vacancy is, by section 15 of the Constitution of the Commonwealth of Australia, the sole responsibility of the Houses of Parliament of the States, or, if the

Houses of Parliament of the States are not in session, of the Governor of the State acting upon the advice of his Executive Council.

I remind honourable members that the Government was quite prepared to support that motion, and I have read out only part of it. The Governor is acting consistently, because back in November, 1967, the Dunstan Labor Government appointed in the place of Senator Hannaford, who was then an Independent but who had been elected as a Liberal (and that makes it even better), the Liberal choice in Senator Laucke. So, we can stand on our record in relation to that convention, and be proud of it. We would do it again. So, do not let the honourable member talk about our values regarding conventions" as opposed to his values. Look at the conventions they have broken. As an honourable member behind me said, Mr. Fraser, the Leader of the Opposition, as he then was, yesterday lost a vote of confidence in the House of Representatives. By convention he should have resigned, but he did not: he stayed exactly where he was. because he knew the plum was just around the corner. It seems to me unbelievable that these people can now stand up and say, "We have to protect these institutions. We have to do this, that and something else." They are being absolutely hypocritical.

The Hon. Hugh Hudson: They can rationalise anything if it's to their advantage.

The Hon. J. D. CORCORAN: That is right. If it is to their advantage, no matter what the circumstances may be, they can do it, but nobody else can. The points that have been made in the Premier's motion are perfectly straightforward. As the Premier has said, it is our belief (and I am sure most of the time it is the belief of the members of the Opposition) that it is not for the Upper House to go further than to scrutinise and suggest amendments to money Bills. An Upper House should not frustrate the elected Government by refusing to pass or deferring Supply. As the Premier has said in the second part of his motion, the Governor, in accordance with letters patent, should act on the advice of his Ministers. The reports which we have seen and which I have heard indicate that this was not the case yesterday. Whilst verbal advice was given by the Prime Minister some time during yesterday morning to His Excellency, when the Prime Minister presented himself in person to His Excellency, with that advice in writing, a question was put to him without His Excellency's even looking at that advice. This information came not from the Prime Minister's mouth but, I understand, from Mr. Smith, the principal Private Secretary to the Governor-General. The Governor-General asked, "Do you intend to hold a general election?" The answer by Mr. Whitlam was, "No." He was then handed the notice of the withdrawal of his commission.

Mr. Venning: Fair enough.

The Hon. J. D. CORCORAN: And the honourable member says, "Fair enough". He would actually believe it to be fair enough, too, in these circumstances. Is that acting on the advice of his Ministers? People of the political persuasion of members opposite claimed Mr. Whitlam to be an arrogant person because he said the Governor-General would act on his advice. That situation has existed for as long as we have had vice-regal representatives in this country. They act on the advice and with the consent of their Ministers. The Prime Minister of this country up to yesterday was evidently not even afforded that opportunity.

Mr. Chapman: Nor did he deserve it.

The Hon. I. D. CORCORAN: The member for Alexandra says, "Nor did he deserve it." Have you ever heard such a statement from the mouth of an elected member of this House? He ought to be ashamed of himself. The only time a Governor or Governor-General should act to dismiss a Ministry would be when there was a breach of law, not an apparent breach of law. The Leader has moved an amendment which means, in effect, that even if there is a suspicion the Government should be sacked. Surely no man is guilty until proved guilty, nor is a Ministry guilty until proved guilty. Surely this delicate fabric we call democracy is not so delicate we can just out of hand say, "We think you are doing that, therefore you are sacked." That is not good enough and it is not the way justice works in this country; it has not been the way it has worked and I hope it will not be the way in the future.

Thousands of words have been and will be written and spoken about the events of yesterday. I have heard and read all the points made. As a fair-minded person (and I am a fair-minded man), I have looked at the position without bias. As an ordinary Australian I am disgusted by what happened yesterday. I am absolutely disgusted to think that members of the Party opposite and of the National Country Party in Canberra are such that they would take advantage of the decision made yesterday. I think it is a disgrace, as the Premier has already said. It is outrageous, and in future this country will suffer because of it. If honourable members opposite think they can be smug because things have gone their way and say we are complaining because it did not go our way, they are wrong. "As you sow, so you shall reap." I give that warning to members opposite because they will live to rue the day.

Dr. Eastick: What did you—

The Hon. J. D. CORCORAN: The member for Light will live to rue the day that this has happened.

Mr. Goldsworthy: Why?

The Hon. J. D. CORCORAN: I do not have to go into that. I will not go to great lengths to explain it to the honourable member, because he knows full well what I mean. If, after the election on December 13, the situation is reversed and there is a Liberal-Country Parties coalition with a majority in the Lower House and a Labor-dominated Senate, I wonder what the situation will be then?

Members interjecting:

The Hon. I. D. CORCORAN: Should we turn them cut at the first possible opportunity when their ratings drop because they had to take a responsible decision that was unpopular, or will they say, "Things are different; don't do as we do, do as we say." Members realise the repercussions that will flow from this; they will not have to imagine them—they will see them. They will rue the day that that decision was taken yesterday. Fair-minded citizens throughout the length and breadth of this nation will, in my view, respond to what really is a serious challenge to our way of life, and will see that they defeat that challenge by returning to Canberra a Labor Government on December 13. That is the only answer that will solve this problem, and if that does not occur we are in for it in the future. I strongly support the motion, and reject the amendment.

Mr. GOLDSWORTHY (Kavel): I take up immediately the sentiments just expressed by the Deputy Premier. They have been in the nature of a threat.

The Hon. Hugh Hudson: Nonsense! That's not true.

Mr. GOLDSWORTHY: The Deputy Premier has said that if the Labor Party is re-elected in December everything will be all right, but if the Liberal-Country Parties coalition is elected we will rue the day. What is he saying? Is he taking the line of the left wing communist elements and saying that there will be violence in the streets? What is the threat? Let him be more specific. Is he saying that he is not willing to accept the judgment of the people, the final arbiters in a democracy? Just what is the Deputy Premier saying? I do not think he knows or, if he does know, he is not game to tell the House.

Mr. Wells: We would be subjected to bad Liberal Party government.

Mr. GOLDSWORTHY: If that is all we have to fear, I am not afraid. This motion is an insult to the Governor of this State, and also to the Queen's representative in the Federal sphere. I suggest that what the former Prime Minister has been saying goes a long way towards being in breach of the oath he took when he became a member of Parliament. This motion and the utterances made by the former Prime Minister are an insult to the Crown and the Queen's representative. What is this fatuous advice in the motion? It is an insult to the intelligence of the Governor of this State. It is the Governor's function to interpret the Constitution of this State: it is not for the Premier to preach to the Governor. I understand that the Governor is not thrilled with the Labor Party Administration in this State. I doubt whether he will get much joy from this motion, with the Government seeking to tell him what he has to do as the Queen's representative.

The third part of the motion is an insult to the Governor-General. The Government is trying to hang a censure motion on the Governor-General via the South Australian Constitution. The Commonwealth and South Australian Constitutions are not identical, although they are similar. One of the features of the Commonwealth Constitution is that, under it, the Senate is a powerful House, and deliberately so. The smaller States would never have agreed to the federal system if the Senate were not deliberately powerful. The representation from the States was made equal so that the smaller States in population would be safeguarded. The Constitution is specific on the powers of the Senate in relation to money Bills. Section 53 states:

> The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government . . . Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

We are dealing with a bicameral system of government, and I quote from the Constitution again, as follows:

> Except as provided in this section the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

What is the nonsense the Premier is going on with about the Lower House being all powerful? The power is there, and the Senate sought to exercise it. What have some of the prominent Labor spokesmen had to say on this matter? Some of the legal spokesmen for the Labor Party have sought to delude the public from time to time. The following is a report of what the former Minister for Manufacturing Industry (Mr. Bowen) said:

> It's about time the Senate was put in its place. Earlier, Mr. Bowen repeated claims that uncertainty in the economic and business climate was resulting from the possibility of the Senate's rejecting Supply. Mr. Bowen, a Sydney solicitor before entering Parliament, said last night that, under the Constitution, only the House of Representatives had exclusive powers over appropriation Bills. The Senate did not have the same power as the Lower House over money matters.

That is completely inaccurate. The following is what Senator Everett, Q.C., another prominent Labor man had to say:

> The Senate had the straight legal power to reject a Bill appropriating revenue.

That is in complete conflict with what I have just read. The report of Senator Everett's statement continues:

> "But that power is very much a reserve one which should only be used in the most extreme circumstances," he said.

Nevertheless, the power is there, so the basic argument is about the circumstance. The Prime Minister sought to carry on by any device on which he could lay his hands (devices which in the end were not specified) and govern Australia without money being appropriated by the Parliament. That is a unique circumstance. Something has been made of the fact that, during the past 200 or 300 years, a Prime Minister has not been sacked. However, I suggest that we have never had a Prime Minister or Government since Federation of the ilk of the former Prime Minister and his Ministry. Their record of falsehoods, connivance and deceit is well known. What other Government in the history of Australia have we had with a record such as this Government's? Now, the Government seeks to dispute the umpire's decision, and the umpire is the Queen's representative. This is nothing new, because I well recall that the Government set up a Royal Commission and, because it did not like its findings, it attacked the Royal Commissioner. I suggest, in contradiction to the Deputy Premier's point of view that, when the heat of the argument settles and this matter is viewed in the cold light of history, Australians and people in other parts of the world will view the Governor-General as having been a courageous man who was willing to do his duty as he saw it, in defiance of those who put him in his high office and then sought to manipulate him. I will quote briefly the statements of the Governor-General which, I believe, put the matter in its correct perspective, as follows:

> The deadlock which arose was one which, in the interests of the nation, had to be resolved as promptly as possible and by means which are appropriate in our democratic system. In all the circumstances which have occurred the appropriate means is a dissolution of the Parliament and an election for both Houses. No other course offers a sufficient assurance of resolving the deadlock and resolving it promptly.

Who disagrees with that? Were we to let Mr. Whitlam bring the country to its knees? What was his solution? It was to carry on without money. That has never happened before. Where can we point to a Government in the democratic world seeking to carry on without money being voted by Parliament? He would bring this nation to its knees and cause untold hardship only so that he could use this issue as a political ploy to blame the Senate, which had exercised its undoubted right to refuse Supply. Regarding the Constitution, the Governor-General said:

> The Constitution combines the two elements of responsible government and Federalism. The Senate is, like the House, a popularly elected Chamber. It was designed to provide representation by States, not by electorates, and was given by section 53, equal powers with the House with respect to proposed laws except in the respects mentioned in the section. It was denied power to originate or amend Appropriation Bills but was left with power to reject them or defer consideration of them. The Senate accordingly has the power and has exercised the power to refuse to grant Supply to the Government.

The constitutional position is clear, so what is the motion all about? It is an attack on the Australian Constitution and an attempt to denigrate the Governor-General and, by implication, to preach to the Governor of this State in an attempt to subvert the Australian Constitution. We know that the Labor Party does not want an Upper House, and the motion is its chance to say as much. The Labor Party's platform states:

(b) that a second Parliamentary Chamber in South Australia is unnecessary and wasteful of public funds.

There is also a like provision in the Party's Federal platform. If that is the Labor Party's belief, let it seek to abolish those Chambers, but do not let it seek to deny those Chambers the power which they constitutionally have and which they were constitutionally given for good reasons. I should have thought it would be more appropriate for the Premier to get up in the House and defend the rights of the Senate, because it is one of those bodies that is a bastion against the centralist policies which have so relentlessly been pursued by a centralist Government. When it has suited the Government to be honest, it has acknowledged that fact. The Government believes in the transfer of power from State Parliaments to the centralist Government, and the Senate is one of the bastions against that centralist policy. The instances of this are innumerable. What is the record of the former Whitlam Government? It is a record that is second to none since Federation in regard to deceit and misleading of the public. I referred in a debate only two or three weeks ago to the occasion when the Premier himself found the actions of the former Prime Minister a reason for great shame and dishonour to him, when the Prime Minister lied to and misled the Premier.

Mr. Coumbe: Didn't he give way during the election?

Mr. GOLDSWORTHY: It suits Government members' purposes at the moment to line up alongside their Commonwealth colleagues, but the language was in the strongest of terms. The Premier said, in effect, that the Prime Minister had lied to him.

Mr. Venning: Do you think they'll have Whitlam here for the campaign?

The SPEAKER: Order!

Mr. GOLDSWORTHY: What about the Government's activities in connection with the loans scandal? Such a scandal is unprecedented in Australia's history. The Government sought to plunge Australia into a colossal debt of $4 000 000 000.

Mr. Evans: That was only the loan. What about the repayments?

Mr. GOLDSWORTHY: To avoid the constitutional requirement that all loans except for temporary purposes had to be referred to the Loan Council, the Prime Minister and his senior Ministers perpetrated the enormous deceit of describing the loan of $4 000 000 000 for 20 years to finance gigantic projects as a loan for temporary purposes. To avoid the legal requirements of the Parliamentary appropriation of funds, the Prime Minister and his Ministers decided that, instead of paying commission, they would pay a much higher rate of interest. They were deliberately seeking to subvert the Australian Constitution. When has that happened before in Australia's history? We also have the Australian Council of Trade Unions and Solo scandal. As extraordinary circumstances existed, the Governor-General had the undeniable right to act as he did. I believe that history will record the Governor-General as a man of courage who was willing to exercise his undeniable right to dismiss a Government, and he was not willing to be bulldozed by the former Prime Minister. I believe that the judgment of history will be that Sir John Kerr has proved to be one of the great Governors-General of this country. When have we had another Government as corrupt as this? The Government has made much of the fact that no Prime Minister has been dismissed for about 300 years, but we have not previously had the circumstances that exist in this country. The difference between this case and how things transpired in Germany was the eventual centralisation of power in one man, when elections were abolished.

What has the Labor Party to fear? The people will be the arbiters. Who are the final arbiters in a democracy? What is the great onslaught on the Constitution? Does the Labor Party fear the people? The Governor-General has acted with great courage and propriety and in accordance with the Constitution of this country which decrees that there be a bicameral system, with the Upper House having equal powers with the Lower House. The Upper House has chosen to exercise those powers. I submit that this motion is an insult to the Queen's representatives in this State and in Canberra. I commend the amendment.

Mr. MILLHOUSE (Mitcham): The Liberal Movement supports the motion, and I propose to vote against the amendment. Like the Deputy Premier, when I heard the news yesterday that the Prime Minister's commission had been withdrawn, I did not believe it at first. I was absolutely stunned. Then, when I came to know that it had, in fact, happened, I described the events of yesterday as deplorable, and I certainly do not resile from that description.

In supporting the motion, I do not propose to go over the ground that the four other speakers who have preceded me have covered, nor do I propose to indulge in what I heard described last evening by a constitutional lawyer as "Crown bashing", because until now I have always believed that nowadays the Crown has been above Party politics. I am not quite sure of that after what happened yesterday, but I do not propose to go into anything that has not been published. I propose to base what I shall say in support of the motion on a few points from the statement that Sir John Kerr has seen fit to make public. The first point in the report in this morning's *Advertiser* states:

The decisions I have made were made after I was satisfied that Mr. Whitlam could not obtain Supply. No other decision open to me would enable the Australian people to decide for themselves what should be done.

The Governor-General went on to say that he came to the conclusion that no compromise between the two Parties or Houses was possible. I find that incredible, in view of what is now common knowledge, namely, that the Governor-General did not give Mr. Whitlam any opportunity to accept the terms which the Opposition had been laying down before he was dismissed. As the Premier has said, in 1932 Sir Phillip Game warned Mr. Lang as to the course he would follow unless Mr. Lang took certain action. Mr. Lang did not take it and he was dismissed but, apparently, on this occasion the Governor-General gave Mr. Whitlam no warning as to his fate if he did not do as the Opposition had said, namely, grant an election, on which condition the Opposition had said that Supply would be granted.

I should have thought (and I believed it even after I heard the news yesterday) that the Governor-General must have done this, at the very least. The Governor-General should have warned Mr. Whitlam of what he proposed to do if Mr. Whitlam would not back down. It is a big

advantage to a man to go into an election as the Leader of the Government rather than as Leader of the Opposition, and it can at the very least be argued that, because that warning was not given to Mr. Whitlam, he has been put at a disadvantage now at which he should not have been put, that is, that he is the Leader of the Opposition rather than the Leader of the Government as we go into the election campaign.

There is no doubt that the Governor-General did not give him that warning, yet the Opposition knew yesterday morning that Mr. Whitlam was to be dismissed. I do not believe that the Governor-General is justified in saying what he has said in his statement, in view of the fact that he omitted to warn Mr. Whitlam of what he proposed to do and therefore gave him no chance to give in and remain Prime Minister. The Governor-General continued:

> In consequence, it has been generally accepted that a Government which has been denied Supply by the Parliament cannot govern.

That is not correct, and I say that with great respect to His Excellency. If Supply is denied by the Lower House of Parliament, **a** Government is not entitled to stay in office, because it has lost the support of the House in which Governments are traditionally made and unmade, but in that statement the Governor-General has twisted the convention of the Constitution. The Leader of the Opposition has mentioned the first text book on the Australian Constitution, and that is still one of the most authoritative. It is by Quick and Garran and was published in 1900, before the Constitution even came into effect. Both Quick and Garran had taken a leading part in drafting the Constitution, and they were to play a leading part in Australian public life thereafter. At page 705 of their book, they state:

> In the choice of a Prime Minister, the discretion of the Crown is fettered; it can only select one who can command the confidence of the majority in the popular House.

That was written not in 1975 but in 1900.

Mr. Nankivell: Before the Senate came into being.

Mr. MILLHOUSE: That is right, but it was dealing with the situation that has arisen of a disagreement between the Houses. I propose to go on to that point next, because that is the next one I had picked out of His Excellency's statement. He states:

> The Constitution must prevail over any convention because, in determining the question how far the conventions of responsible government have been grafted on to the Federal compact, the Constitution itself must in the end control the situation.

The Constitution does not control the situation, and it was known before it came into effect that it would not. I propose now to quote from the book by Quick and Garran at page 706, where they canvassed precisely this situation of a conflict between the two Houses in these circumstances. They say:

> This brings us to a review of some of the objections which have been raised to the application of the Cabinet system of Executive Government to a federation.

They go on to quote other people who have raised these matters, and they set out the arguments. Amongst them they say:

> That the same principle of State approval as well as popular approval should apply to Executive action, as well as to legislation action; that the State should not be forced to support Executive policy and Executive acts merely because Ministers enjoyed the confidence of the popular Chamber; that the State House would be justified in withdrawing its support from a Ministry of whose policy and executive acts it disapproved; that the State House could, as effectually as the primary Chamber, enforce its want of confidence by refusing to provide the necessary supplies. On these grounds it is contended that the introduction of the Cabinet system of responsible Government into Federation, in which the relations of two branches of the legislature, having equal and co-ordinate authority, are quite different from those existing in a single autonomous State, is repugnant to the spirit and intention of a scheme of Federal Government. In the end it is predicted that either responsible Government will kill the Federation and change it into a unified State or the Federation will kill responsible Government and substitute a new form of Executive more compatible with the federal theory.

In other words, before the Constitution came into operation it was known that there was this fundamental conflict possible between the two Houses. That was 75 years ago. Why have we not had such a conflict up to date? The answer is that the convention of a Lower House prevailing in financial matters in Commonwealth politics has been observed from that day until yesterday. I venture to suggest that, after three-quarters of a century, that convention should have been so strongly grafted into our political thinking that it would not now be broken, yet that is the convention which the Opposition has flouted for a month and which the Governor-General is now prepared to allow to be broken. I do not believe that that should have been allowed to happen.

As the Deputy Premier has said, if it is done once it will be done again. What would happen if, on the night of an election or immediately following an election, the Prime Minister or the Leader of the Party who prevailed in the Lower House did something that offended people? Perhaps he might have picked his nose on television, or something like that. Would a majority of Opposition Senators be entitled on the first day of the sitting of the new Parliament so to obstruct the Government's business as to vote against Supply and force an immediate election? That would be absurd. If we look at the Governor-General's statement, and take it literally, that is what he would allow to happen, because he says:

> Because of the Federal nature of our Constitution and because of its provisions the Senate undoubtedly has constitutional power to refuse or defer Supply to the Government.

Literally, it has. He continues:

> Because of the principles of responsible government a Prime Minister who cannot obtain Supply, including money for carrying on the ordinary services of government, must either advise a general election or resign.

Is that going to happen in a few weeks or a few months of an election? In that statement, the Governor-General did not graft on to his assertion even what the Opposition would put in its amendment today. I suggest that that shows the fundamental weakness of what has happened. It will lead to great instability in our governmental system. The Deputy Premier was not making a threat when he said this would happen in reverse; he was simply prophesying what could well happen, even in 1976. I deplore what happened yesterday. I believe it was entirely and utterly wrong. For the reasons I have given, I believe the action taken will react against the Liberal and National Country Parties in days to come. Members of those Parties have participated in the destruction of one of the most important conventions of our Constitution, a convention which has been observed for three-quarters of a century and which is essential to the stability of our Government. We should all want stable government.

So much for the constitutional aspects of what has happened. I must say to my friends on the other side that I do not give them any comfort in this situation. Although I deplore what has been done to force an election, I acknowledge (and I will say on the election platforms, if I get to them) that I am utterly opposed to the Labor Party. I condemn as strongly as I have done the actions

of the Liberal Party and the National Country Party. I also condemn the actions of the Commonwealth Government, which I believe is a centralist Government—a socialist Government with a republican outlook. I believe that the fools in the Liberal Party have given fuel to that movement. What does the *Financial Review* say about this aspect this morning? Its editorial states:

> Sir John Kerr has precipitated what has the hallmark of being the nastiest election campaign in Australia's history and one in which his own office, and the future of the Queen's role in Australia, not to mention the future of the Senate as an Upper House, will come under heavy challenge.

That has been caused by the former Opposition Parties in Canberra. I do not hold any brief for what they have done, nor do I hold any brief for the Whitlam Government. I believe the Whitlam Government was a bad Government, and that its Ministers, if not its Leader, were guilty from time to lime of the grossest dishonesty. Where does the Liberal Movement stand? It stands between the Labor Party and the Liberal and National Country Parties. Members of the Liberal Party can laugh, but they are laughing uncomfortably because, as the election campaign proceeds, I believe many people not only in this State but also throughout Australia (people who are sick and tired of what has happened in Canberra and what has been done by both Parties) will look for another Party in which they can have trust, a Party that tries to be honest and honourable in its dealings. I believe that that will be to the L.M.'s advantage in this State and elsewhere in Australia.

One of the tragedies of the present situation is that the election campaign will not be fought on the issues on which it should have been fought—the economy of Australia and the record of the Government. If it were fought on those issues, I have no doubt about the result. However, the election will be fought instead on this constitutional issue, an issue that should never have been allowed to arise in this country. As a matter of tactics, it will have been a fundamental blunder on the part of the Opposition Parties, because it will react strongly against them. Let me illustrate what I mean when I say that the Liberal Movement stands between the two Parties by quoting from a short resolution that was passed about a fortnight ago at a recent meeting of the L.M. Standing Committee. The resolution relates to this matter but, at that time, we could not foresee what was going to happen. I do not suppose that anyone in Australia could have foreseen what was going to happen. The resolution states:

> The L.M. is dedicated to the defeat of Socialism as practised by the discredited Whitlam Government and acknowledges the damage caused by the Labor Government's gross mismanagement and lack of integrity. However, the L.M. believes that responsible Government depends on observing civilised and accepted conventions and therefore deprecates the way in which another election is being forced on the country. The conduct of both major parties to achieve their aims has been contrary to the public interest. Therefore, the L.M. will vigorously contest this or any other election to defeat Labor and promote an honest system which recognises fair play.

That is precisely what the L.M. intends to do. The irony of the situation is that, because we now have a double dissolution, the likelihood of the L.M.'s holding the balance of power in the Senate is increasing greatly. The L.M. is likely to be in a similar situation in the Commonwealth Parliament as that which applies in South Australia.

Mr. Rodda: Why not—

Mr. MILLHOUSE: Let the member for Victoria look at the *Sydney Morning Herald* this morning and see the forecasts of seats likely to be won. If Mr. Gorton wins one of the Senate seats in Canberra, as is conceded by all to be quite likely, the Liberal Movement will hold the balance of power in the Senate, and that, I venture to suggest (although I do not expect anybody but my colleague from Goyder to agree with me), will be a damn good thing in the interests of the integrity of Australian politics because, whichever Party then forms the Government, we will be able to keep an eye on it. Whatever else may be said about us by anybody in this place, at least I hope it is conceded that we try to be honest in our beliefs and in our statements, and we will continue in that way. So the irony of the situation is that this double dissolution, which has been forced by the Liberal and National Country Parties on Australia, will react to our advantage, if to that of nobody else. Alas, I regret the situation that has arisen because it is not to the advantage of the people of Australia.

The Opposition Parties (as they were until yesterday) believed that by allowing the means to justify the end, they would gain a short-term advantage. Their greed for power was so great that they were prepared to do this. They did this cynically, knowing (as they must have known in their heart of hearts) that it would react against the long-term advantage of all Australians. Yet they have done it. I believe it was disgraceful, and I believe, as was said by the Deputy Premier, that they will live to rue the day, and that it will not be long before they do that.

Dr. EASTICK (Light): In the very short time left I make the point that the Premier this afternoon has overplayed his hand. He used guile, not logic. He acted his way through, instead of approaching this matter on a common sense basis. He tried to suggest sincerity by feigning seriousness. The Deputy Premier sought the concurrence of the members of this House to uphold convention. I fully agree with the upholding of convention, as has applied in this State over many years, and as is expressed in the motion on the Notice Paper in the name of the Leader of the Opposition. The Government destroyed its case completely by appending to its motion the third part, which seeks to involve the Federal sphere and to throw brickbats at the Hon. the Governor-General.

The Hon. Hugh Hudson: He's not entitled to "Honourable".

Dr. EASTICK: He is certainly very honourable and I take that statement by a Minister in this House as a fair indication of the manner in which they look upon the Crown itself. It has been stated by the Deputy Premier and the member for Mitcham that the action taken yesterday was unknown to Mr. Whitlam. I doubt that. Who said that it was unknown to Mr. Whitlam? We have the Deputy Premier's word. The Deputy Premier probably looked at the same television show as I did last evening wherein, when asked by reporters late yesterday afternoon what was the situation in respect of the various discussions that he had had with the Governor-General, he declined to comment, saying that those discussions were rightfully private and would remain so. I will give Mr. Whitlam full marks for making that statement, particularly after the abominable statement he had made earlier in respect of "Kerr's cur", and the various other statements in relation to Mr. Donald Smith, the Governor-General's private secretary, coming through the back door. The situation clearly is that the Governor-General has not been, nor is he, in a position to state his position in this matter. He has not been asked, nor has he been able to give precisely the form of advice that he had given to Mr. Whitlam over a period of time.

The SPEAKER: Order! As the suspension of Standing Orders requires that this motion be put to the House before 4 p.m., I intend now to put the matter to the vote.

The House divided on the amendment:

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

Noes (25)—Messrs. Abbott, Boundy, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Majority of 4 for the Noes.

Amendment thus negatived.

The SPEAKER: The question now before the Chair is the motion—

Dr. TONKIN: I rise on a point of order, Mr. Speaker. It is now after 4 o'clock.

The SPEAKER: We have attempted to take the vote; we are allowed to carry on.

Dr. TONKIN: I rise on a further point of order, Sir. Can you tell me what is the relevant Standing Order?

The SPEAKER: There is past practice. Before the amendment of the honourable Leader of the Opposition was put to the House, I said that I must start to put these questions before 4 o'clock, and I put the first question at 3.55 p.m. The question now before the Chair is the motion moved by the honourable Premier.

The House divided on the motion:

Ayes (25)—Messrs. Abbott, Boundy, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

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

Majority of four for the Ayes.

Motion thus carried.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

FAMILY RELATIONSHIPS BILL

Returned from the Legislative Council without amendment.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

COMMUNITY WELFARE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

GUARDIANSHIP OF INFANTS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

INHERITANCE (FAMILY PROVISION) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LAW OF PROPERTY ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

WILLS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

WRONGS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LIBRARY COMMITTEE

The Hon. J. D. CORCORAN (Deputy Premier) moved:

That the Hon. G. R. Broomhill be appointed to the Library Committee in place of the Hon. Peter Duncan.

Motion carried.

SOUTH AUSTRALIAN HEALTH COMMISSION BILL

The Hon. R. G. PAYNE (Minister of Community Welfare) obtained leave and introduced a Bill for an Act to establish the South Australian Health Commission; to provide for the administration of hospitals and health services; to repeal the Hospitals Act, 1934-1971, and the Health and Medical Services Act, 1949-1974; to amend the Institute of Medical and Veterinary Science Act, 1937-1974, the Occupational Therapists Act, 1974, the Criminal Law Consolidation Act, 1935-1975, the Age of Majority Act, 1971-1974, and the Health Act, 1935-1975; and for other purposes. Read a first time.

The Hon. R. G. PAYNE: 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 people of South Australia today enjoy access to and the protection of a wide range of efficient health services provided by Australian, State and local government, private enterprise, and voluntary organisations, many of which receive substantial Government assistance. There are hospitals for the care of the sick, nursing homes and other facilities for the elderly, and centres for the rehabilitation of the sick and the handicapped. People have easy access to general practitioners and specialists, if necessary, now that Medibank has overcome any financial constraints. The number of community health centres is increasing rapidly in both country and metropolitan areas; these provide a wide range of integrated health and welfare services close to where people live and work. There are services for the protection and the improvement of the health of mothers, babies, school children, workers, Aborigines, the elderly and the physically and mentally handicapped.

Domiciliary care, home nursing, and other services support the elderly and the sick in their homes and work

to improve their quality of life. The range of health services is very wide indeed and it is impossible in the time available to mention every one of them. In ending this coverage, reference should be made to health education for the improvement of family and community health, immunisation and other programmes for the prevention and control of diseases, and action to improve the quality of the air we breath, reduce noise pollution, ensure the safety of our food, and generally to remove dangers to cur health and well-being.

Over the years the Government health services have developed according to prevailing health problems and needs and in ways considered best at the time. Today there is a Hospitals Department, Public Health Department, Mental Health Services, and other organisations all governed by a multiplicity of Acts. Consequently, there is no uniform degree of control over the various Government, or Government-funded, health services and no control at all over the community health projects that receive Australian Government finance. The Bright Committee of Inquiry into Health Services in South Australia reported to the Government in January, 1973, and recommended that there should be a single authority external to the Public Service to bring within a unified control all health services provided or subsidised by the Government, to bring the activities of voluntary bodies in the health field into a unified pattern of health care delivery and to administer and control every service provided by Government agency at a point as close as possible to the place where that service is provided. Following a detailed study of the recommendations contained in that report, the Government accepted the broad principles of the recommendations and has, since that time, attempted to implement some of the recommendations relating to community health and the expansion of Mental Health Services.

In 1974 the Government appointed a steering committee with terms of reference to plan for the establishment of a Health Commission with the primary responsibility of co-ordinating Health Services in South Australia. The Bill now before you reflects the work done by that committee. The Bill establishes a commission comprised of three full-time commissioners and not more than five part-time commissioners; a provision which ensures a commission with the expertise and experience necessary to ensure a continuing improvement in the efficiency and effectiveness of the health services and, as a result, better health for the people of South Australia.

The powers and functions of the commission listed in the Bill are wide-ranging in the health field and the health system of South Australia and cover well-being as well as health. The establishment of a commission and other provisions in the Bill are designed to facilitate productive and co-operative relationships between the commission and other elements of the health system and to overcome problems stemming from the fragmentation of the health services generally. The object is to ensure, in terms of the health and well-being of the people of South Australia, the largest dividend possible from the total investment in health services. The achievement of this objective requires many things. Adequate data and information about the health and sickness status of the population, the utilisation of health services, and health manpower, among other things, are essential for planning the development of health services. Research is necessary to find better ways of delivering health services to the people. Health services need to be related closely and realistically to the health problems, needs, and wishes of the people; something which cannot happen fully without community participation in the running and development of their health services. As well, areas without an adequate range of health services must be provided with those services, and individuals and families needing help located.

The Bill requires the commission "to promote and encourage voluntary participation in the provision of health services" so as to ensure the continuance of the valuable contribution to the health services in this State by voluntary health organisations and the public. One commission function deserves special mention, namely "to plan and implement the provision of a system of health services that is comprehensive, co-ordinated and readily accessible to the public". Co-ordination is essential for continuity of care and support as people move from one area to another of the health services for help appropriate to their needs. Without co-ordination there is a danger of care and support being prescribed without a knowledge of all the known problems or circumstances of an individual or family. The development of community health centres not only allows the provision of a wider range of services, but ensures co-ordination of care through a health team approach and a close working relationship between the health and welfare services in the area. Co-ordination is necessary also to prevent any duplication of services and facilities and to make the "health dollar" go further. To be comprehensive, due emphasis must be given to activities for the prevention of disease and the improvement of health, as well as to those services aimed at allowing the sick and handicapped to lead happy and productive lives in their homes and in the commission.

The powers and functions of the commission extend to all areas of the health services of South Australia. Organisations providing health services can be incorporated under this Bill; a process which formalises their relationship with the commission. Government hospitals and health centres will be incorporated, other organisations must consent to incorporation. The benefits of incorporation will outweigh any associated obligations to the commission. For example; there will be wider career opportunities for the staff of incorporated health organisations because of portability of service and this must benefit not only the staff but the health services generally. There are adequate safeguards for the existing staff of Government health services.

The powers of delegation in the Bill will allow the decentralisation of health services and possibly the establishment of regional health organisations. The aim here is to ensure that the administration and control of health services is located as close to the delivery point as possible. Perhaps the four most important commission functions are the development of broad health policies, the setting of standards, the allocation of resources, and health planning. In other words, hospitals, health centres, and other health organisations will have the autonomy necessary to manage their own day-to-day affairs. There is provision for the appointment of committees to advise the Minister of Health and the commission. Three areas only are mentioned specifically in the Bill, namely, voluntary participation in the provision of health care, education and training, and research and planning. This provides an avenue of direct contact between the voluntary health organisations and the commission. It should be noted that these committees can investigate and report on matters of their own choosing, subject, of course, to their terms of reference.

The development of the Health Commission is viewed as essentially a phasing-in process. On the day of establishment the commission will not take over all existing Government health services. Several months of detailed planning will be necessary so that the commission can work out the most efficient and effective ways of co-ordinating, integrating, and improving health services and for the day-to-day conduct of internal affairs. Therefore the Bill provides for any specified provisions to be brought in on dates to be proclaimed. In this introduction I have attempted to indicate the span of health services in South Australia. Ask people about the health service and they talk about "ill health" services . . . hospitals, doctors, nurses and the other facilities and personnel providing care for the sick. The emphasis is swinging away from treatment services towards services to prevent disease, and protect and promote health. The commission will not neglect in any way the care of the injured, sick, and handicapped in our society for it is committed to providing comprehensive health services. However, the commission will accord greater priority to those positive areas of the health services which, in the long run, lead to better health for individuals, families, and communities.

Our state of health results from the interaction between our genetic inheritance and the environment in which we live, play, and work. Health is influenced not only by the physical, chemical, and biological environments but also by the social environment; that is, relationships between people. Economic and educational status, housing, occupation and many other factors influence health. A health problem often has roots in the environment or way or life of a person. The commission will have this broad view of health which requires the working together of health and welfare personnel and a health team approach to the problems of clients. The commission will unify the Government health services and ensure productive and co-operative relationships within the health system of South Australia. The commission will work for the rationalisation and co-ordination of health activities and the provision of comprehensive health services related to the health problems, needs, and wishes of the people. The commission will strengthen programmes for the prevention of disease and the protection and improvement of health. The establishment of a commission will lead to better health services and better health for the people of South Australia.

Clause 1 is formal. Clause 2 provides that the operation of certain provisions of the new Act may be suspended for a time. For example, the part of the first schedule that repeals the Hospitals Act will be suspended until such time as all hospitals to which that Act applies have been incorporated under the new Act. Clause 3 sets out the arrangement of the Act. Clause 4 refers to the various Acts that are repealed or amended by this Act. Clause 5 provides the necessary definitions. It should be noted that the expression "health centre" means the body that provides a health service. The definitions of "Government health centre" and "Government hospital" are needed because any institution that comes within those categories will be compelled to become incorporated under the new Act. "Health service" is given a wide meaning, so that virtually any of the diverse and different health services in this State may apply to become incorporated under this Act.

Part II deals with the Health Commission. Clause 6 establishes the commission as a body corporate with the usual powers. Clause 7 provides that the commission shall, to begin with, be comprised of three full-time members who shall hold office for seven years. Part-time members holding office for three years will be appointed as the need arises. There are to be no more than five such part-time members at any time. All members, whether full-time or part-time are eligible for reappointment. The Chairman and his deputy are to be chosen from the full-time members. Clause 8 provides for the appointment of deputies.

Clause 9 entitles a full-time member to a salary as well as other allowances and expenses determined by the Governor. A part-time member is entitled to those allowances and expenses only. Clause 10 sets out the usual grounds for removal of a member from office and provides for the filling of casual vacancies. Clause 11 regulates the conduct of meetings of the commission. There is no quorum of the commission unless at least one of the full-time members is present. Clause 12 provides that acts of the commission are valid despite vacancies of office, etc., and also provides the members of the commission with the usual immunity. Clause 13 provides that a member of the commission must disclose any personal interest in contracts of the commission and that he must not take part in any decisions made by the commission in relation to such contracts.

Clause 14 places the commission under the control of the Minister. Clause 15 sets out the general functions of the commission. It can be seen that the commission is essentially a body that will organise continual research and inquiry into the whole field of health and, on the basis of its findings, plan and implement a health system that will meet, as far as possible, the health needs of the public. Clause 16 permits the commission to delegate any of its powers or functions. Clause 17 provides that the Minister may appoint advisory committees to advise the commission on at least three important matters—voluntary participation by the community (I see this as a vital element of any health system), education and training in health care, and the research and planning function to which I have already referred.

Clause 18 provides for the appointment of staff to the commission. The terms and conditions of employment are to be as approved by the Public Service Board in all cases. Provision is made for the officers of the Department of Public Health to become officers of the commission at a future date. The same provision is made in relation to such of the officers in the Hospitals Department who do not become employees of an incorporated hospital. These provisions make it possible for the eventual abolition of the two Government departments involved. A public servant who becomes an officer of the Commission is given full protection as to terms and conditions of employment, accrued leave rights, superannuation, etc. Clause 19 provides that commission staff may become contributors to the South Australian Superannuation Fund. Subclause (2) provides for portability of service between the Public Service, the commission, incorporated hospitals, incorporated health centres and any other prescribed employment. Clause 20 relates to land that may be vested in, or placed under the control of, the commission.

Clause 21 requires the commission to submit annual estimates to the Minister, on the basis of which it will receive its finance. Clause 22 empowers the commission both to borrow money and invest any surplus money, with the approval of the Treasurer. The Treasurer may guarantee a loan at his discretion. Clause 23 requires the commission to keep proper accounts and empowers the Auditor-General to do all things necessary for the purpose of auditing those accounts. Clause 24 requires the

Commission to present to the Minister an annual report that is to be laid before both Houses of Parliament.

Part III deals with hospitals. Clause 25 provides that a hospital may be incorporated under this Act by proclamation of the Governor. The governing body of a hospital (except a Government hospital) must consent to incorporation before a proclamation is made. Any prior incorporation (that is, under the Hospitals Act or Associations Incorporation Act) is thereby dissolved. Liabilities (including of course liabilities under any contracts of employment) are transferred to the incorporated hospital. A hospital will not be incorporated under this Act unless it has a constitution that is approved by the commission, and no incorporated hospital may change its constitution without the prior approval of the commission. Where an incorporated hospital wishes to be dissolved, this may be effected by proclamation of the Governor. Clause 26 gives an incorporated hospital the usual powers of a body corporate, but such powers must be exercised in accordance with its approved constitution. Clause 27 provides that an incorporated hospital shall be administered by a board of management that is constituted in accordance with its approved constitution. The board is given the power to delegate any of its powers.

Clause 28 provides that an incorporated hospital may appoint its own staff, subject to three important restrictions. First, the terms and conditions of employment are to be fixed by the commission and approved by the Public Service Board. Secondly, appointments may not be made unless they are in accordance with a staffing budget that has been submitted to and approved by the commission. Thirdly, the commission has the right to designate any office as an office to which an appointment may not be made unless the commission has first approved the appointment. It is intended that this right will at least be exercised in relation to the top administrative position in a major hospital, as it is obviously essential that the best person possible should fill such a position. Subclause (5) provides that, upon incorporation, certain Hospitals Department officers and Ministerial employees working in the hospital become hospital employees. Some of course may already be commission employees and will remain so. Clause 29 provides that hospital staff may remain or become contributors to the South Australian Superannuation Fund. Complete portability of service is again provided. Clause 30 empowers the Governor to vest any property that was held in trust for the hospital prior to incorporation to be transferred to the incorporated hospital.

Clause 31 provides for land that may be vested in, or placed under the control of, an incorporated hospital. Clause 32 requires an incorporated hospital to keep proper accounts and to have them audited at least annually. Clause 33 requires an incorporated hospital to present an annual report to the commission, which will in turn present the report to the Minister. Clause 34 requires an incorporated hospital to submit estimates, staffing budgets and other specified information to the commission at least once in every year. Clause 35 empowers an incorporated hospital to make its own regulations as to matters of internal administration, etc. Such regulations have to be approved by the commission before they are laid before Parliament.

Clause 36 enables an incorporated hospital to make by-laws in relation to maintaining order and discipline within its grounds. Fines may not exceed $50. Again, by-laws must be approved by the commission before confirmation. Provision is made for expiation fees in relation to traffic offences. Clause 37 is substantially a re-enactment of Part V of the Hospitals Act, which presently empowers the Governor to fix hospital fees, by regulation. Clauses 38 and 39 also re-enact the provisions of Part IV of the Hospitals Act that deal with rating for hospital purposes. The commission may, with the consent of the Minister, direct a council to contribute towards an incorporated hospital. A council must pay any sums so required to the commission. Clause 40 empowers the commission to recover council contributions as a debt due to the commission. Clause 41 requires the commission to apply council contributions to the incorporated hospitals for which the contributions were required.

Division VIII applies to all hospitals, whether incorporated or not, and virtually re-enacts Part VI of the Hospitals Act. Clause 42 supplies the necessary definitions. Clause 43 requires both the Commissioner of Police and an insurer to furnish the commission with particulars of any vehicle accident that involves bodily injury. Clause 44 provides that hospitals may give notice to an insurer that the hospital is treating a person involved in an accident to which this Part applies. Clause 45 gives such a hospital first claim on any moneys to be paid by the insurer in relation to the accident. Where two or more hospitals have a claim and the moneys to be paid by the insurer are insufficient to meet all claims, then the moneys must be divided in proportion to the respective claims.

Part IV relates to health centres and the provisions in this Part are substantially the same as the corresponding provisions in Part HI. Clause 46 provides for the incorporation, by proclamation, of health centres. Government health centres may not refuse incorporation. Property and rights and liabilities (including liabilities under contracts of employment) of the former body corporate are transferred to the incorporated health centre. A health centre must have a constitution approved by the commission before it can be incorporated under this Act, and may not change its constitution without the consent of the commission. Clause 47 gives an incorporated health centre the usual powers of a body corporate, subject to its approved constitution. Clause 48 provides for the administration of an incorporated health centre by a management committee. Clauses 49 and 50 provide the same provisions as to staff as are provided by this Bill in relation to incorporated hospitals, so I do not propose to explain these provisions in detail. Clauses 51 and 52 deal with the property of an incorporated health centre. Clauses 53, 54 and 55 place the same obligations upon an incorporated health centre as an incorporated hospital with respect to accounts, audit, annual reports and estimates and staffing budgets.

Part V provides for sundry miscellaneous matters. Clause 56 provides that the Governor may, by proclamation, step in and assume control of an incorporated hospital or health centre where the board or management committee has acted in contravention of this Act or its approved constitution, or where, in the opinion of the Governor, the board or committee has failed to discharge its duties and responsibilities. The Governor may either appoint new members of the board or management committee, or appoint a manager to assume the powers and functions of the board or committee. Clause 57 provides that the Registrar-General may make the necessary notations on the certificates of title, without any formal transfers, in relation to land that is vested in the commission, an incorporated hospital or incorporated health centre pursuant to this Act. Clause 58 requires the commission to maintain a public office in which all approved constitutions shall be filed. Constitutions are to be available

for public inspection for a small fee. Clause 59 provides for the summary disposal of proceedings under this Act. Clause 60 provides for the making of regulations. It should be noted that paragraphs (b) and (c) of subclause (2) provide for regulations to be made that enable the commission to require any hospital or health centre (whether incorporated under this Act or not) to collect certain data and conduct certain enquiries, and to furnish the commission with the results. This is an essential power.

The first schedule repeals the Hospitals Act and the Health and Medical Services Act, both of which will eventually become redundant. Part III amends a variety of Acts by deleting all references to the Director-General of Medical Services and substituting references to the Health Commission. Part IV amends the Health Act by substituting the Health Commission for the Director-General of Public Health. The second schedule provides a list of Government hospitals, all of which will be incorporated under this Act. The third schedule provides a list of Government health centres, all of which must eventually be incorporated under this Act.

Mr. EVANS secured the adjournment of the debate.

INDUSTRIAL COMMISSION JURISDICTION (TEMPORARY PROVISIONS) BILL

Adjourned debate on second reading.

(Continued from November 11. Page 1816.)

Mr. EVANS (Fisher): My Leader was to speak at this stage but he has some business out of the Chamber at the moment. I have doubts about the provisions contained in this Bill. As much as I believe in wage indexation, I do not believe in any Parliament's attempting to lean on the courts, particularly the courts in this State. In this Bill, the Full Commission is required to take certain action. I believe we should be cautious about this. The Minister shakes his head and suggests that is not the case. Maybe I interpret the English language differently from the way in which the Minister interprets it. I recall one committee in this place hearing legal argument for 15 foolscap pages of transcript about the interpretation of "may" and "shall". One argument was that the words were obligatory, and the other was that "may" was discretionary.

I would have preferred this Bill to be in the hands of members for a longer period. On Monday a decision was made by the Minister or his department, and possibly his Party, that for Government purposes this Bill should be introduced. I do not believe legislation such as this relating to wages and industry should be passed so quickly through this House. It is no good when a problem is discovered on a Monday morning to take the easiest way out by having the law changed by Thursday of that week, because we all know from experience that once the law is changed it is difficult to get the Government of the day to change it again unless it totally suits its philosophy. The Opposition has no hope of instituting amendments, because there will be no private members' time until July next year. The Minister has made this rapid move, I believe unwisely. I do not believe that he has satisfied all members, let alone people outside, that he is not attempting to lean upon the system of courts or commissions as we know it. After listening to what has been said, I am not sure that there has not already been some interference or some attempt to interfere with the decision that those people believe they should make.

The Hon. J. D. Wright: Rubbish!

Mr. EVANS: I am not convinced, and when the Minister replies he can say that no approaches along that line have been made. That would clear my mind.

The Hon. J. D. Wright: That's an accusation.

Mr. EVANS: I have not accused the Minister of lying. I suggest that when he replies he clarify the situation. His attitude suggests that somewhere along the line there has been an attempt to lean on members of the commission or others who help make the decisions. I do not say it was the Minister. At this stage the Bill does not have my support. I await the Minister's reply to see whether the word "required" does not mean that this Parliament is binding the commission, because that is my interpretation. When I hear the reply I will make a decision. At this stage I oppose the Bill.

Dr. TONKIN (Leader of the Opposition): At the outset, I thank the Minister for agreeing to my request last evening that this matter be adjourned. Several matters raised during the debate escalated as the evening wore on, and they were causing concern not only to Opposition members but to members in the outside community who were worried about the effects the Bill could have. Because of the extra time we have been allowed as a result of the Minister's courtesy, we have been able to examine the matter more thoroughly.

The Hon. J. D. Wright: I'm always co-operative.

Dr. TONKIN: Yes. If only the Minister were more inclined in another direction, I would consider him to be an ideal Minister. I was one of those who was disturbed when the Bill was introduced at such short notice. The Bill was introduced hastily. Although there was some prior notice, it was certainly not the usual amount of notice. It was an unsatisfactory atmosphere in which to debate the issue, because I agree with the Minister that this is a most important matter. One wonders why the Bill should be hurried through so rapidly, because it seems to me to be a matter that affects the whole life style of the community. For that reason, everyone should be given an opportunity to consider the Bill, because I understand that people in industry (not only in management but also in the trade unions) are most concerned about the effects it could have. As members know, the Bill has arisen basically because of the dentists' case, judgment in which was handed down this week, and it provides a power that is likely to set guidelines. That is the long and short of the whole matter.

We know of the Minister's attempts in the past to set guidelines. I think that he has used a test case that has been found wanting: it certainly has not provided the necessary guidelines. I was disturbed to see the faint suspicion of criticism of the court (I do not know whether or not it was intended). There is the vaguest suspicion that the Minister is critical of the court's activities, because it has not provided what he wanted. I hope that that is not what he meant.

The Hon. J. D. Wright: Where?

Dr. TONKIN: In the second reading explanation. Perhaps I misread it, but that comes through. One of the two items that cause us major concern is the definition of "remuneration" in the Bill. This applies particularly in clause 5, because, with any order where the conditions are varied, we want to know what "remuneration" means. Does it apply to over-award as well as to award payments? It will make a big difference to anything the commission may do. The Minister will probably reassure us on this matter, but to make certain that this matter is absolutely cleared up I intend to take action in Committee to define it more

closely so that there can be no misunderstanding. It is not possible to redefine "remuneration" as it is defined in the Bill because, if we did that, and limited the definition, we would seriously hamper the application of clause 8.

It is an interesting situation where we have a need for two definitions of "remuneration". The normal definition must stand for clause 8 in relation to agreements, but I do not believe that it is in the best interests of the community to have that wide interpretation applied to the rest of the Bill. I am also concerned (as are other members who have expressed their concern) about subclauses (1) and (2) of clause 6, particularly as regards the words "and required". Undoubtedly the Minister will be able to reassure us on this matter. I do not think the words need to be there. I have made extensive inquiries into the matter and, while I can see that the Full Commission is by force of these subclauses authorised of its own motion to reopen its decision, I am not so sure that it need be required to do this of its own motion. It could do so if it wished. As I understand it, if "and required" was struck out—

The Hon. J. D. Wright: What happens if legal points are taken on the argument to reopen?

Dr. TONKIN: Yes, if legal points are taken as to the reopening, I believe they should be taken. If a legal argument is put forward it should be heard at the time this is reopened. We do not know to what extent conditions may have changed; they probably will not have changed. We could probably rely on precedent or on argument put forward previously, but I do not believe that it is Parliament's duty to tell a court what it shall do in this regard. I have always believed that Parliament tends to intrude far too much into the responsibilities of the Judiciary. If we can avoid such an instance wherever it is written in, we should attempt to do so. For that reason, I intend to take action in Committee. I think it is clear that this legislation is necessary as long as we have an inflation rate running as high as it is. Indexation is of great importance in times of high inflation, and these are such times. As long as we are seeing no action taken (until now) to contain inflation, indexation is a must.

I go even further and say that, if indexation for wages is a must, indexation for taxation is also a must. That is only fair and reasonable, and I am extremely disappointed that the Matthews report has not been given more attention or been implemented in many of its recommendations. To me, that seems only a fair proposition. I do not see why any Government instrumentality should gain additional taxation simply because of inflation. Only too frequently during the past three years we have seen large sums of tax revenue coming in because of inflation, and because of the increasing taxation scales the amount of that money has been far in excess of anything that could be gained under indexation. The Bill will be of use in setting guidelines only if it is accepted in spirit, not just in law. There needs to be a great sense of responsibility abroad in the community; that applies not only to the average rank-and-file unionist but also to union officials. It is imperative that we contain excessive wage claims.

I do not always care for this kind of legislation, and I have made my position clear on two of the matters with which I disagree. However, on balance, I support the Bill. I will now raise another matter, namely, a real fear among some sections of the community that they will be seriously disadvantaged by the Bill, both on the question of indexation and of catching up, which is a matter to which the Minister will have to pay great attention, because serious anomalies exist at present. I refer particularly to the position of full-time salaried medical officers, and I am sure that the Minister well knows their situation. Currently, a full-time salaried medical officer who is a Director of a hospital department is receiving about $6 000 less than his counterpart in any other State. That difference and anomaly should not exist, but such a person is in a peculiar situation because he does not receive much more than a senior registrar. I think the last increase granted to this position was in February or April, 1974. The last application has been rejected, and the latest application is set down for hearing on December 18. Presently, the Public Service Association has a Jog of claims for resident medical officers that will give them about $19 000 a year, whereas full-time salaried medical officers as heads of departments are receiving only $22 000. I will not go into the pros and cons of who is receiving what and what they should receive, but the degree of experience, training and responsibility of those men is not being adequately recognised, compared with what their colleagues, who are less highly skilled, experienced, and well trained, are receiving, or hope to receive. There probably are several other examples, and I should like the Minister to tell us what they are. The question is largely one of letting these various groups know that they have not been forgotten and that something can be done to help them to catch up, because indexation will perpetuate an anomalous situation unless that occurs.

Mr. McRae: You should be careful: you may be called as a witness.

Dr. TONKIN: I would not be the first member of this House to appear in court and win cases, but I do not think the member for Alexandra is listening to me. I should like the Minister to reassure me and, more particularly, members of the public on what will be done on these issues and how those anomalies can be straightened out. It is a matter of grave concern to the people involved. I do not normally approve of retrospectivity, and there is some element of retrospectivity in this Bill, but in these circumstances, where we are dealing with court decisions and bringing down findings, it is inevitable that we should approve it. With the proviso that I shall be taking action in the Committee stage on the matter I have raised, I support the second reading.

Mr. GOLDSWORTHY (Kavel): On balance, I support the Bill. It is a grave discourtesy to the Opposition to expect Bills to be put through at such short notice. In his second reading explanation, the Minister states:

> It has been necessary to introduce the Bill today and try to ensure its passage this week because Parliament will not be sitting again until February . . .

We have already had that matter out. The reason why the House is not sitting until February is that the Government has chosen to shorten the sittings. The Government is doing this Parliament a grave disservice in seeking to push through Bills on this kind of time scale. Last week a Bill dealing with the Cooper Basin had to be put through in a hurry, and we have become accustomed to this treatment from the Minister of Mines and Energy. When he was Minister of Education, Bills would turn up at the end of a session and the Government would expect to get them through in a day or two. There is no reason why this Bill should have to go through at such short notice.

I think the Minister realises that Opposition members have queries, and I would not be surprised if some

organisations with which the Labor Party is closely allied have queries. It ill behoves the Minister to try to use the argument that he has used as a lever for the quick passage of the Bill. As we have said several times, the democratic process may be slow, but it should be slow enough for all members to come to terms with Bills. It is the democratic right of the citizens of this country that their elected representatives have time to come to grips with Bills. We know perfectly well that the House will not be sitting until February because the Government is scared stiff of the evenly-divided House.

The Hon. J. D. Wright: There's nothing about that in the Bill.

Mr. GOLDSWORTHY: That is true. Some points emerge from the Minister's explanation. He asserts that the Bill is quite clear and that its terms are simple. However, some terms will lead to controversy. I agree with him that it is necessary to come to terms with inflation. This is an attempt by the Labor Party, in the first instance by the former Government in Canberra, to try to come to grips with inflation. I think that much sterner medicine will be needed before we come to grips with inflation, but this is a step in the right direction. Indexation was initiated by the former Government in Canberra, and the State Government has followed suit, believing that it should try to come to grips with the sweetheart agreements that have been doing much damage. The Bill is a genuine attempt to do that.

It is acknowledged that the Premier believes he has now prevailed on other State Governments to do likewise. I do not know whether he prevailed on them, but agreement has been reached. I should be surprised if other State Governments were greatly influenced by any economic argument that the Premier of this State could advance, in view of the sorts of measures he has introduced. We know that legislative action has been taken to repeal some provisions regarding the living wage and quarterly adjustments that would flow from wage indexation being applied to employees. A disturbing part of the second reading explanation is the Minister's reference to the efforts by the commission to seek guidelines. That part of the explanation states:

> Rather than resort to legislation, the Government then sought to have guidelines determined by the commission by way of test case. However, this has proved abortive. A number of points of law has been referred to the Full Bench concerning the jurisdiction of the commission in this matter and, rather than continue in this state of legal confusion which is preventing a proper assessment of cases on their merits, the Government has decided to introduce this Bill to put the power of the commission beyond doubt.

The reason why what was sought to be done has proved abortive is not clear from that vague statement. However, the Bill is an attempt to come to grips with leap-frogging wage increases, and I trust that the Government will be able to subdue or pacify the left-wing unions, which are gaining more power and influence in this country. I hope we can get more information from the Minister in the Committee stage.

The Hon. I. D. WRIGHT (Minister of Labour and Industry): Most speakers from the other side have supported the Bill. Some have said that they will not support it, but that is their decision, not mine. I hope that it will be possible to clear up the contentious points that those members have raised. Then they may change their minds. This is an important Bill, and it has not been prepared hastily. Wage indexation has been with us for some time, and it has been necessary to examine what has been happening in the commission and in other wage-fixing tribunals. We have had to keep a watchful eye on the situation. I admit that the Bill was introduced in some haste, but at least I was good enough on Monday to tell the Opposition Whip about its introduction at about the time when the Government knew it was going to introduce the measure so that he could arrange for a pair for the member for Mount Gambier. Therefore, there cannot be much complaint from the Opposition about that matter, although all members have referred to it.

Tn general terms, there has not been much to reply to in this debate, except matters raised by question. The Bill has not been criticised too much, and not much real opposition has been expressed about it, except in legal terms by some members. As I pointed out in the second reading explanation, the Bill was introduced in the last week of this part of the session because it was unavoidable not to do so. Although it is true that on October 2 the Full Commission suggested that it did not have jurisdiction in this matter, as referred to by the member for Mitcham, it was limited to the section 36 situation. The test cases aimed at establishing guidelines commenced, and the legal point that there was no jurisdiction at all was raised and referred to the court only in the past week or so. That is part of the explanation.

It then became a question of the Government's acting this week to correct the jurisdiction problem, because the Government could not afford to allow the situation to drift on into February when Parliament will meet again and when the next wage indexation case will be under way. One can see from that citation that the wages situation in South Australia could have been in a rather drastic situation at that time. What would have happened is that some people's cases would have been heard in the court without any indexation guidelines being applied. If, when the consumer price index increase was granted in the February quarter, it was decided to introduce this legislation, people would have been caught in a period between the last consumer price index and February, as it would have been difficult to put figures in relation to the catch-up areas, and that would have further extended an anomalous situation.

The present situation is that the processing of applications has virtually stopped, waiting for questions of guidelines to be determined. Not acting until then would result in an unjust wage freeze situation or in the resort by unions to a pre-indexation approach to secure wage increases, neither of which could be tolerated. The late introduction of this measure is not vital, because the Bill is short and should be completely understood by everyone. I do not believe that the Bill is vague. Anyone who has had an opportunity to read it will understand it. We tried to draft it as simply and clearly as we could so that members opposite, members of unions and the general public could understand it with complete ease.

The question of over-award payment was raised by the member for Davenport and referred to by the member for Playford and also by the member for Hanson, who raised doubts and queries about the definition in clause 3 of "remuneration", referring to over-award payments, etc. Basically, two questions have to be answered regarding these queries, and the answers are simple. First, can the Full Commission recommend or apply indexation to over-award payments? Secondly, does the Government think it should? In the first place, the court has recently ruled that the commission has power to make paid rates awards, which include an over-award element. If such an award were before the commission at present it would be automatically indexed. I have commented on this situation

either in replies to questions or in debate. I have always believed that it applied, and no-one has contested that situation. The commission has now made a decision in that regard.

Mr. Coumbe: You're talking about the State commission now?

The Hon. J. D. WRIGHT: We are dealing with the State commission, which, according to legal advice, has the power to index over-award payments if they are before it, but only in the paid rate context. The power is not altered or affected by this Bill. Regarding the second point, the Government's policy on over-award payments is clear, because we say that such payments should be indexed. That policy is applied to Government employees. It will be recalled that the Government made this decision and made it retrospective following recommendations of the Full Bench on September 18. In its judgment the Full Bench said:

> There is cogent argument in justice that at least some over-award payments should be indexed.

The Full Bench went on to say that it would not be inconsistent for the principles for individual commissioners to recommend indexation of over-award payments. That is, that Commonwealth guidelines allow for the indexation of over-award payments. The Government agrees with that policy. It is not possible that I will authorise an advocate on behalf of the Government (as I was asked to do by the member for Davenport last evening) to appear before the commission and tell it not to index over-award payments. In fact, the Government would do the reverse, otherwise it would be totally inconsistent and acting in defiance of the observations made by Justice Moore and his colleagues in the Commonwealth case.

The member for Torrens raised the matter of the proclamation of wage-fixing authorities to be made retrospective. This power is contained in clause 4 (2), which provides for the possibility of our having overlooked any wage-fixing authority in this State. Such an authority would have the same power conferred on it as would those specifically referred to. The Government believes it has covered all authorities; however, it is logical that one could have been missed. If this happened, the Government would be in an invidious position if it did not have the power to name a wage-fixing tribunal that could apply the wage indexation concept.

Mr. Coumbe: You don't think the explanation at the top of page 2 covers that situation?

The Hon. J. D. WRIGHT: No. Questions were raised by the member for Torrens and the member for Light about the retrospective effect of the Bill, why the Full Commission is required to have regard to the Commonwealth Conciliation and Arbitration Commission's guidelines, and why it is required to reopen the section 36 application (matters also referred to by the member for Davenport). I point out that the Act requires the Full Commission to look at any Commonwealth guidelines, but it is not bound by any course of action in relation to them. It is proper to ensure that a tribunal consider a certain decision, especially in relation to an application under section 36 which, after all, is completely related to the Commonwealth decision. However, there is no direction or dictation to the commission on what its decision must be. In my opinion, that is how the situation must remain.

The words "and required" in clause 6 (2) are not intended to overrule the commission's discretion. It is not intended to take any power away from the commission or for Parliament to control the decisions of the commission or, in fact, in any way to direct the commission. These words are inserted to avoid the preliminary point being taken that the case should not be reopened. The whole purpose of this Bill is to reopen the matter with a minimum of delay in order to get the guidelines considered on their merits. To leave this preliminary point available will simply delay proceedings and force the commission to waste time dealing with it. The commission will be grateful to have this matter disposed of in the legislation. Any amendment deleting these words goes to the whole substance of the Bill. It would be an impossible situation to pass this legislation if the words "and required" were not contained in it, because that would delay the whole procedure, and it is now important that there be no delay to the procedure.

Finally, the Bill must apply retrospectively to the application of September 18, because the whole point of the Bill is to allow the establishment of guidelines that can be brought into immediate effect on the cases already before the commission. The commission did not and, as they saw it, could not deal with the industrial merits of the application. It is clearly in the interests of all parties, the Government and the people of the State (referred to by the member for Light), that the commission be able to do so if it wished. I understand that only a very small number of cases has been decided since September, because the commission and the parties are naturally keen to have the guidelines situation clarified. Those cases that have been decided are not affected; those in progress or pending will certainly be affected.

The member for Davenport raised the situation about the State Government's recommending the federal guidelines. I want to make a policy statement on that for the Government, so that no-one in this House or outside (the unions, the courts, the employers, or anyone else) is under any misapprehension about where the Government stands on this matter. In my second reading speech I stated that the Government firmly supported the Commonwealth guidelines. The Government appeared before the Commonwealth tribunal and put its views, and it accepted the Commonwealth tribunal's decision. The wording of the section 36 application of the Minister of Labour and Industry makes this clear. The Government will continue to support the guidelines before the Full Commission. However, the Government sees the question of anomalies in the guidelines as being something that should be looked at as a matter of urgency by the commission, and it will be urging that the general question of anomalies be part of any guidelines laid down.

One does not have to have a great knowledge of the industrial scene at the moment to recognise that, because (and for no other reason) there are certain sections of the community whose wages have been depressed, there is little doubt that in most cases (I do not suppose I can say in all cases) this is due to the cut-off point because of wage indexation. I do not think any Government would be acting in good sense or in good conscience if it did not do something to try to eradicate that situation. I believe that the submissions by the Government's advocate, when he goes into the commission to assist it to determine what the guidelines should be, can help the commission in understanding that there are problems. These anomalies ought to be set into proper areas so that the organisations, the unions, and those people representing their members, can then have the task of coming back and establishing that they are in that anomalous area of catch up, or the community, or the firm base, whatever the commission

decides to call it. I think that is imperative to the success of, and the continuing maintenance of, wage indexation.

Clause 8 was mentioned by the member for Davenport and the member for Hanson in relation to agreements. It was strange and gratifying to me to hear the member for Hanson concerned about whether union rights would be infringed. However, I prefer to ask the unions direct and not to rely on their new-found advocate. In fact, the basic intention is clear: agreements, in order to be registered, must be certified as being not against the public interest, and subclause (2) makes it clear that this is related specifically to how they measure up in relation to any guidelines of the Full Commission. Once again I stress that it is a matter of discretion for the commission, and for no other instrumentality.

I think I have done my best to answer all questions raised by members of the Opposition. There may be some other matters that they want to bring up in Committee. I will do my best then to clear their minds, because I believe everyone should be clear on the legislation. It should be made clear in the debate so that people following the debate will completely understand it. I have been given an indication from members on the other side that they intend to raise certain matters in the Committee debate. The Bill, so far as I am concerned, is in its proper form. It has been given much consideration, and I hope that the House will accept it in its present form.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Proclaimed Wage-Fixing Authority."

Mr. McRAE: There has been some confusion about the phrase "over-award payments". I think members would appreciate that, when we have been using the words "over-award payments", we mean those words in the sense in which they are commonly used, that is, amounts that are over the minimum set by the commission. This is a circuitous and difficult sort of situation to try and explain, it is a technical, legal one, but I will do my best, because I feel that herein lies the key to many of the difficulties mentioned by honourable members. Some unions have argued, "We will not seek over-award payments between ourselves and our employers, but what we want is a going rates award," in which case, of course, the Bill will catch that up. There is another situation in which the unions have said, "All right, we will accept a minimum rates award and then we will negotiate over-award payments" (in the usually accepted sense and old accepted sense of that term).

First, let me say that these paid rates awards are few in number. They are a tiny percentage of the total number of awards and conciliation awards of the State Commission, and furthermore, of course, they do not apply in the public sector at all except to the extent that there is the agreement between the Government and its weekly paid employees relating to over-award payments.

Mr. Coumbe: Service pay?

Mr. McRAE: Yes. Service pay again is a loose term designed to embrace a number of concepts which would be received outside the public sector and in the private sector that, but for this provision, would not be received in the public sector. Therefore, we end up with this situation: if we are looking at a paid rates award, by definition the employer and the employee have said to each other, "Right, that is it; there are no further claims." Therefore, by logic, it follows that we must index that provision. If we are looking at the situation of an over-award payment in the strict or usual sense of the word, indexation would not normally cover that situation: I stress that. It would in various situations where the commission has already indicated it to be appropriate (service pay might well be an example), but that is a matter of agreement between the trade unions and the Government.

There are other instances where the commission has indicated that some over-award payments, because they have become a matter of historical consistency in the industry, ought to be taken into account; so, there are two situations there. I gathered last night, both from what was said on the floor of the House and from what was said outside, that in that very technical area there is some confusion. If the worry of honourable members is that in some way this will open the floodgates and have indexing of a minimum rate structure followed by an indexing across the board of whatever over-award payment one union can gain from one employer, that certainly is not envisaged by the Bill. That situation, then, has been looked at on its merits by the commission, and it would not normally apply, although in special cases it would apply. I do not think there is more that I can add except to say that in the public sector, except in relation to the weekly-paid employees, the 40 000 bulk of Public Service employees are on going rates (full paid rates, minimum rates awards), and indexation will not cause any problem. In the public sector, in the largest areas I can think of, I cannot really envisage any problem. I do not know whether all that legal technicality has helped people or whether it has merely added to the confusion.

Mr. Coumbe: Do you want an opinion?

Mr. McRAE: I know it is always a matter of opinion on the one hand or on the other. Perhaps honourable members will accept this as a genuine attempt on my part to do what I undertook privately to do (to try to put the matter across in an honest and reasonable way). That is the best I can do, as it is a very technical area.

Clause passed.

Clause 5—"Powers of Full Commission under s.36 of principal Act."

Dr. TONKIN (Leader of the Opposition): I must thank the member for Playford for the explanation he gave. I am not sure to what extent it has helped, but it has clarified the situation for me in a number of respects. Because it is so much clearer, there is even more reason to move the amendment I have now circulated. I move:

After "5", to insert "(1)", and to insert the following new subclause:

(2) Notwithstanding anything in the principal Act contained, section 36 of that Act shall, for all purposes, be read and construed as if nothing in that section authorised or empowered the Full Commission to vary over award payments, penalty or overtime rates, shift premiums, industry allowances or like or other additions to ordinary time rates.

That amendment, as I explained during the second reading debate, came about because there was a need for two separate definitions of the word "remuneration". "Remuneration" in respect of the agreements, which comes in another clause, should be wide; this should be narrow. The honourable member for Playford said that we should not expect, and that the Bill certainly did not envisage, that indexation would be applied to over-award payments or to the payments which he outlined. He said (and they were most significant remarks) that the court should be allowed to exercise its full discretion to examine each case on its merits. That is something which I have always believed any court should do. For that reason, I think it needs to be spelt out quite clearly, and I

think this amendment spells out quite clearly that section 36 of that principal Act shall apply to award payments, and nothing else. I think it was the Minister who said that the over-award part of payments was becoming a smaller percentage all the time.

The Hon. J. D. Wright: I didn't say it.

Dr. TONKIN: I am sorry. Whoever said it, I think it is necessary to spell it out to make sure that indexation applies under section 36 to just the award rate.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): The Government is opposed to the amendment. I was hoping that the amendment would not be moved, because I explained when I replied to the second reading that the amendment was unacceptable. The effect of that amendment is to amend section 36 of the Industrial Conciliation and Arbitration Act by cutting down the basic jurisdiction conferred on the Full Commission under that section. That is an intolerable situation to me. In a recent decision of the court, on reference, the Full Commission held that it had power at least to consider over-award payments and the power to deal with penalties, overtime rates, shift premiums, industry allowance or the like, or other additions to ordinary time rates already clearly existing in section 36. Aside from the other considerations, this amendment should be opposed, as it goes far beyond the intention of the Bill in that it would cut down on a power the Full Commission already has.

Mr. DEAN BROWN: I support the amendment. The member for Playford has just clearly enunciated that the Government intends that indexation will apply only to the award and not to over-award payments. The effect of this amendment is to restrict the power under section 36 of the principal Act. Under this section there is power to consider not only the award rates but also over-award payments, overtime rates, penalty rates, etc. There is obvious conflict between the member for Playford, who has said it is Government policy that it will not apply to over-award rates, and the Minister, who has just clearly enunciated that clause 36 contains power for the commission to apply this to over-award rates. I am sure the Minister will see the conflict between him and the member for Playford and will accept this amendment. Justice Moore recommended that over-award payments should have wage indexation applied to them, but it was on a voluntary basis. I see no reason why it cannot be on a voluntary basis here so that the guidelines in South Australia would be the same as the federal guidelines. It seems that the Government does not quite understand what its policy is.

The Hon. J. D. Wright: The Government has made its position very clear.

Mr. Dean Brown: Members can see that the Government does not appreciate what its stand is. We simply seek a guarantee that indexation will not apply to over-award payments.

Mr. McRAE: I think the Leader and the member for Davenport have not fully grasped what I was putting. This is a very technical area. As I explained, and as the Minister explained, there are two concepts of over-award payments. Penalty rates, overtime rates, shift premiums, industry allowances, etc., are not over-award payments, as they are contained in the award and have been contained as components of awards since awards were first made.

Mr. Dean Brown: The amendment does not say that.

Mr. McRAE: I am trying to help. As I understand it, the amendment says that section 36 of the Act shall be read and construed as not authorising the Full Commission to vary over-award payments, penalty or overtime rates, shift premiums, industry allowances or other additions to ordinary time rates. If we put aside over-award payments, all these other matters have been for generations part of awards. If we cut them out, the indexation principle falls flat. There is no conflict between me and the Minister if it is understood that we are both talking about over-award payments in the commonly-used sense, prior to the confusion that has arisen over the three sets of awards we now have: minimum wage rate awards, with bargaining as well; the so-called going rate awards (that is, averaging out the over-awards in the industry and then fixing an award which incorporates those, and that then becomes not an over-award but a minimum rate); and other situations that can arise.

I am sure it is not the intention of the Leader to cut down the jurisdiction of the commission; in fact he said the contrary. He said he wanted the commission to have proper jurisdiction. That is exactly what we have given the commission. The commission can say any one of many things: it can adopt the federal guidelines, it can reject them entirely, or it can take a middle course. Knowing our commission and the recent judgment, I suggest that possibly the middle course will be taken. I also have the faith in the commission that the Leader has that, in dealing with these matters, it will certainly include penalty and overtime rates, shift premiums, industry allowances and other things, because if it does not it will not move ahead the workers' take-home pay and the whole fight will start again. That is an ordinary component in an award, anyway.

We are dealing with a most technical area. I ask members opposite to refrain from suggesting that the Minister and I are at odds. We are not at odds. This is a conceptually difficult area, and a legally difficult area. If the Leader persists with this amendment he will achieve the opposite to what he intends; instead of giving the commission flexibility, he would take that flexibility away. I hope the Leader will reconsider the amendment.

The Committee divided on the amendment:

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

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

Pair—Aye—Mr. Evans. No—Mr. Jennings.

The CHAIRMAN: There are 22 Ayes and 22 Noes. There being an equality of votes, I give my casting vote in favour of the Noes. The question therefore passes in the negative.

Amendment thus negatived; clause passed.

Clause 6—"Application of this Act to Matter No. 164 of 1975."

Dr. TONKIN: I move:

In subclause (2) to strike out "and required".

I have already given the reasons for taking out the words "and required", and I accordingly move the amendment.

The Hon. J. D. WRIGHT: I oppose the amendment, and I have already canvassed my reasons for opposing it. The words "and required" in subclause (2) are not intended

to overrule the commission's discretion. They have been inserted to avoid a preliminary point being taken that the case should not be reopened. The whole purpose of the Bill is to reopen the matter' with a minimum of delay in order to have the guidelines considered on their merits. To leave the preliminary point available would simply delay proceedings and force the commission to waste time in dealing with it. The commission would be grateful to have this matter disposed of by the legislation. Any amendment deleting these words goes to the whole substance of the Bill.

Dr. EASTICK: On whose authority has the Minister made the statement that the commission would be grateful to have the words included in the Bill?

The Hon. J. D. WRIGHT: A person with any experience in industrial affairs would realise that the commission would be pleased in the circumstances to have authority to move in this regard.

Dr. Eastick: Answer the question!

The CHAIRMAN: Order! The honourable Minister has the floor.

The Hon. J. D. WRIGHT: I am answering the question. One with any industrial experience would know that the commission would be pleased to have this provision so that the case could proceed without any points of law being argued. I have no authority to speak on the commission's behalf: I am merely relying on my experience in industrial matters.

Dr. TONKIN: The idea that anyone who had had considerable experience in this field would know that **a** court would not want to hear argument one way or the other on such a matter is totally contrary to my experience. Although I have had no experience in the industrial field, I have had some experience in the law. My learned lawyer friends have told me that a court should always be willing to hear argument. It may not be more convenient, but I believe that the provision would muzzle argument, and that is undesirable.

Mr. McRAE: I support what the Minister has said. I think that, again, we are getting unnecessarily up-tight on this matter. What the Minister has said comes not only from his industrial experience but also from recent judgments of the commission itself as a result of difficulties in which it has been placed. Some people are saying that the well-known phrase "equity, good conscience and the substantial merits of the case," means "my case" and no-one else's case, ignoring the whole structure of inflation and the monetary system in which we find ourselves. They say, "Look at magistrates' cases throughout the Commonwealth and bring down your judgment in that way, and to hell with everyone else." That is what it means. I have not spoken to any member of the Judiciary (and it would be improper for me to do so) about whether they would like it or dislike it.

Mr. McRAE: We should not regard the Minister's statement in any light other than that it is honest and reasonable and comes from recently enunciated decisions and the problems in the magistrates' case. If that case goes on without this legislation being passed, we will break the system totally, and I should hate to see that happen.

Amendment negatived; clause passed.

Clause 7 passed.

Clause 8—"Agreements."

Mr. DEAN BROWN: The Committee should appreciate the limitation of the clause, but I see no way around improving the description that must apply. Obviously, sweetheart agreements so far effected are only those that have become registered agreements. However, many other agreements need not necessarily be registered, and they might possibly be against the public interest. This provision is virtually the whole keypoint to Government policy in this area. The Premier has said time and again that he would outlaw any industrial agreement that was against the public interest, and we should appreciate the severe restriction that now applies to that. It applies only to agreements that are registered.

The Hon. D. A. Dunstan: I said that in my first statement.

Mr. DEAN BROWN: I am pointing out the severe restriction on your policy but, if you go back to some of your statements, you will find that that does not apply.

The CHAIRMAN: Order! The honourable member knows that he must not refer to another honourable member by the expression " you".

Mr. DEAN BROWN: I could point out to the Committee numerous instances relating to this specific clause, in which industrial agreements were not called registered agreements. Any agreement that is not to be registered could still be a sweetheart agreement and against the public interest, and there is no way—

The Hon. J. D. Wright: Tell us how to stop it.

Mr. DEAN BROWN: It would be impossible to register every agreement.

The Hon. J. D. Wright: It would not.

The CHAIRMAN: Order! The honourable member for Davenport has the floor. The honourable Minister will have the chance to reply.

Mr. DEAN BROWN: I appreciate the difficulties in forcing every agreement to be registered; I believe that that would be an impossible task. I point out the severe restriction in this area with regard to the operation of wage indexation and I bring that matter to the Committee's attention, because of the Premier's previous statements on this matter.

The Hon. J. D. WRIGHT: The Premier, at the outset, was referring to registered industrial agreements; obviously, one cannot talk about unregistered industrial agreements. There are two types of agreement: one for registration by and recognition of the commission; the other, which is registered outside between the employer and employee, is not registered. For the life of me, I do not know what anyone should do about that. There have been numerous discussions in this regard, and the member for Davenport must surely know that there is no control over forcing people to register agreements. Obviously, there will still be unregistered agreements operating outside the commission's power, and the Bill does not accommodate that situation. Anyone who wants to register an agreement will be able to do so. The Premier was referring to registered industrial agreements, and he would know better than not to do that.

Clause passed.

Clause 9 and title passed.

The Hon. J. D. WRIGHT (Minister of Labour and Industry) moved:

That this Bill be now read a third time.

Mr. DEAN BROWN (Davenport): Despite the fact that our amendments have not been accepted, we still support the Bill as it has come out of Committee. I believe that wage indexation will be a big advantage in trying to hold down inflation in this State arising from wages.

Dr. EASTICK (Light): That was an unfortunate use of the word "we", because I cannot accept the Bill as it has come out of Committee. I believe that several features of it are undesirable. I am not against proper wage indexation: I believe it is a necessity, and there should be an indexation process, but I am completely against the method in which the matter has been introduced and I am completely against the attack on the Judiciary inherent in the way the Bill has been introduced. I do not want a situation where sweatheart agreements can completely destroy the wage structure of the State, but I cannot accept that the House has done the best it could with the measure. I intend to vote against it.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I want to take the member for Light to task about his allegation that the Judiciary has been attacked in this Bill. I have much respect for the Judiciary and I am on very good terms with all members of it. I hope that that continues. Nothing in this Bill or nothing said by the Government in the debate reflects on the honesty or integrity of the Judiciary. I want that made perfectly clear as far as the Government is concerned.

Bill read a third time and passed.

LONG SERVICE LEAVE (CASUAL EMPLOYMENT) BILL

Adjourned debate on second reading.

(Continued from October 30. Page 1586.)

Mr. DEAN BROWN (Davenport): The Liberal Party supports this Bill through the second reading stage to enable a Select Committee to examine it in greater detail. In looking at the philosophy behind this Bill, I support the consideration of long service leave for employees who, because of the nature of their industry, have little or no chance of ever becoming entitled to such leave. However, in making allowances for these people, it is important that the existing concept of long service leave is not totally destroyed. It is also important that existing employees under the Long Service Leave Act are not at a grave disadvantage in comparison with these new provisions.

The Bill as presented to this House does not fulfil these requirements. This is one reason why I have asked that it be referred to a Select Committee. Unless substantial amendments are made to the Bill during the Committee stage, the Liberal Party will vigorously oppose the third reading. It would appear that the actuarial basis of the Bill is grossly unsound. The report of the committee to the Minister of Labour and Industry states:

> In particular, the Public Actuary (Mr. Stratford) states that in his opinion the recommendations regarding contribution rates and the financing of accrued credits are unsound.

It would be irresponsible not to heed such a warning, particularly as it came from the Public Actuary. The report presented was not a unanimous report. A minority report also was presented. It is logical that the reasons for this minority report should also be considered. The administration of the fund and the collection of the moneys appears cumbersome and inefficient. Again, the report states:

> He (Mr. Stratford) expressed concern at the methods suggested for recording contributions and entitlements, unless the system for checking inputs is very carefully designed.

The regulations to the Bill prescribe a contribution rate of 2.5 per cent of the wage paid to the employee. This appears to be quite inadequate. In New South Wales the rate is now over 3 per cent (I understand it is 3.75 per cent, but a voluntary scheme applies in that State, and therefore it is not truly comparable). The initial investigations into a long service scheme for casual workers involved a study of the building and construction industry. However, the Bill as presented allows any other industry to be included by means of new regulations, which may not come before Parliament until six months after the new industries have been committed. It would be negligent to pass such a Bill without considering the effects on other industries. I understand that workers in other industries already wish to come under the provisions of this Bill. Even part-time workers could be included.

The effects of this legislation on the building and construction industry have been considered. However, that is a unique industry, as increases in costs can so readily be passed on to the consumer. In many industries, and particularly with small businesses, the inability to pass on the additional cost of this service leave provision would threaten economic viability of such companies. Yet another disincentive to employment would be established, even though intolerable unemployment levels already exist throughout this State.

The Bill refers to workers rather than employees, and that is an important aspect. My understanding is that subcontractors (including partnerships) would therefore be included in the provisions. That would be quite unnecessary and against the concept of self-employment. Several members of the working committee have complained that the Bill as drafted does not match the recommendations of the committee. The time of the committee has therefore been at least partly wasted. No doubt specific examples of such discrepancies will be given to the Select Committee, and I hope this will be considered closely, because I believe that, when a working committee is established by a Government, what is presented should match the recommendations of the committee. The Bill encourages employees to move from company to company, continually seeking the highest salary without any disadvantage being suffered by the employee. There is now no incentive for an employee to remain with the one company. That will have adverse effects on productivity and is against the whole concept of long service leave. This is another aspect that must be carefully examined by the Select Committee.

Two years ago this Parliament passed a Bill on workmen's compensation, which has had adverse effects on the entire community and has been the object of constant criticism in and outside this Parliament. The competitive position of companies in the State has suffered severely as a direct result of that legislation. This Bill, as presented, will have similar or worse adverse effects. This Bill, when applied to other industries, will justly attract even greater criticism than the legislation regarding workmen's compensation. The other States, New South Wales, and Tasmania, which have schemes already operating, and Victoria and Queensland, which have schemes under consideration, do not have legislation so far-reaching and as generous as this legislation. Why should South Australia again suffer as the exception because of the policy failures of the Dunstan Government? I support the Bill to the Select Committee stage and hope that the committee will have the common sense to recommend drastic amendments to the Bill so that Parliament can then ratify and accept it.

Mr. COUMBE (Torrens): I support the Bill to the second reading stage. The title of the Bill is a little misleading. Although we are talking about casual employment of a semi-permanent nature, this could be confused with what are called casuals who attract a 15 per cent loading and, in return, do not attract holiday or other

benefits. I do not know of any other possible title for the Bill, but the present title confuses me and probably confuses some members of the public, too. The Bill relates to people who, for some reason or another, perhaps through no fault of their own, are denied long service leave benefits as applicable under the Metal Trades Industry Award, or some other award. It must be remembered that, unlike the various Commonwealth awards that work on a 15-year basis, we are talking about a 10-year basis in line with the provisions of the State long service leave legislation. Therefore, this type of employee will have that added advantage.

If this type of long service leave benefit is to be made available (and I am not opposed to that) let us get it right in the first place. That is why I want the Bill to go to a Select Committee, because I believe there are some bugs in it that need to be ironed out. I am concerned about some of the differing opinions that arose among members of the committee that was set up by the Government to investigate this matter. According to the Minister's second reading explanation, it was a representative committee. However, there were some differing views and doubts expressed about the efficacy of certain aspects of the draft Bill. I understand that certain doubts were expressed about the 2½ per cent contribution laid down in the Bill. I doubt whether 2½ per cent is adequate at this stage. Certainly, it could be altered by subsequent amendments. The Select Committee can take evidence to see whether it is a realistic contribution. If an employer who employs people entitled to long service leave is prudent he will put away a certain amount in a trust fund each month so that he is not caught short when one or more of his employees are suddenly eligible for long service or terminate their employment of their own volition.

The principle behind the Bill relating to moneys being paid into a fund assumes that same proportion. To overcome the heavy impact on certain employers where an employee has a certain number of years' service but has not yet qualified for long service leave, the employer can pay the employee by up to 16 equal payments. That is a good concept. Although I have read the Bill carefully, I do not know what is the position in the building industry regarding subcontractors. That is an aspect the Select Committee could consider. Although we have been referring to the building industry, it must be remembered that the Bill applies not only to that industry but also to any declared industry which is not covered by any other Act and which is encompassed under the title "casual employment".

It appears that other industries will be included from time to time by regulation. I have studied the regulations that relate to the building industry. A clause of the Bill provides that the board shall cause separate accounts to be kept relating to each declared industry and that those accounts are to be maintained within the fund. If that clause is to work properly, any accounts relating to the building industry or, say, storemen and packers, must be separate. Clause 17 (2) deals with the relationship between master and servants, and provides:

> A declaration under subsection (1) of this section may be made and shall have effect according to its tenor in relation to persons notwithstanding the fact that the relationship of master and servant does not exist between those persons.

That matter needs to be clarified. In principle, I support the concept of this measure, but believe that, on the one hand, we should consider hardship that may be caused by benefits being denied to certain workers in the community and, on the other hand, the costs that could be involved by implementing the scheme. I have raised one or two major points now, so that they can be considered by the Select Committee. I therefore support the Bill to the stage that it goes to a Select Committee.

Mr. MILLHOUSE (Mitcham): I support the Bill. It is only justice that people who do not work continuously for one employer should not be penalised by losing long service leave benefits. Over the past 18 years, long service leave has come to be regarded as a right rather than a privilege, and we must accept that fact and make appropriate arrangements for it. The only problem I see is that the Bill imposes yet another cost on a section of industry which has not faced this cost before but which has faced grievous other costs and is in real trouble. I am talking about the building industry. However, that is a matter that should be considered by the Select Committee, as I understand the Bill is likely to go to a Select Committee. I have discussed the Bill with Mr. Branson and another officer from the Chamber of Commerce and Industry, and apparently there are sufficient problems with the Bill as it stands to justify its reference to a Select Committee. I therefore support that action. I support the Bill in principle, but believe it should be considered carefully by a Select Committee before it is further debated in the House.

Mr. EVANS (Fisher): I support the Bill to the second reading stage, and offer a word of caution about the direction we are following. We are intending to provide long service leave benefits for certain casual workers. That is a broad term, because who are classified as certain casual workers? Australia (including South Australia) already offers greater long service leave benefits than are offered by any other country in the world. That is a matter worth considering. Industry in this country is struggling to sell its goods at a profit on oversea markets. We cannot compete. By moving into this area we will increase industry costs. I know that the main industry we are considering is the building industry, so that costs incurred there by offering these benefits will not necessarily affect our oversea trade position. Of course, it will affect exports of transportable houses.

The Bill does not say that the benefits will stop at the building industry. It seems that the provisions of the Bill can apply to any industry where there is a tendency for workers to move on from one job to another. It does not say that it has to be in an industry where there is no alternative for the workers other than to move on from job to job. I think that is an important aspect. There are people in the building industry who could, if they had wished, have stayed with the one employer without moving on and who will be caught up in this provision because they decided to move on. They could have enjoyed the benefits of long service leave if they had stayed with the one employer, but perhaps they received a better offer. There is perhaps no worse trade than the building trade for the bartering system for higher rates at a time when the industry is moving rapidly and there is much work around. I think I can speak with some experience in this field, because I was in it from 1945 to 1968. Many men who work in that industry (and I stress this quite strongly) have chosen to move from boss to boss not because they had to do so but because they got a better offer for their labour.

I do not deny them the opportunity to get better offers and to get more money for their labour if they can barter for it. If it is much over the award rates and if they can obtain that as individuals, good luck to them, but we should not place on the industry the burden of paying to them the long service leave provisions that they have not earned

by being with the one employer. I know the A.L.P. philosophy is that long service leave should be paid to them because they are in the trade or profession, but continuity of service to the individual employer is also important as regards cost to the industry. No matter what the person's trade is, different employers operate on a different basis, and it takes some time for an employee to orientate himself (or herself, although there will not be many women in the building trade) with the employers' methods, as there is a difference in the methods used by the various employers.

I can understand the Government's moving in this direction for the type of employee that is employed on a project similar to the one, say, opposite this building, on the site of the old South Australian Hotel, where, when the building is completed, all different trades will have completed the facet of the building in which they are participating, and I can appreciate that they may have to move on. I can understand the concern for that type of employee, but I believe that what we should do in those cases is make sure that they are covered by the amounts they are paid each week under the award, because really they do not give long service to the one employer. When one starts to give long service payments to a trade one opens up a totally new field that is dangerous to a country the economy of which is already in danger because of our cost of production and our lack of work effort. There is no doubt that Australia, and in particular South Australia, is in that position now.

We have heard quite prominent industrialists, economists and others say that the motor industry in this country, and in South Australia particularly, is in real danger of being non-existent by 1980. If we stop and think of the consequences of that sort of move to our economy, we should be able to realise and understand the dangers that exist to it. Our State already has a $2 000 000 000 State debt, yet the Premier talks of a $10 000 000 Budget credit that he hopes to have at the end of this financial year. In fact, our State deficit is $2 000 000 000. Where do we go from this point?

The A.L.P., through the Ministers, says it wants this legislation for certain casual workers, and it refers specifically to the building industry. But let us consider truck drivers who drift from one job to another, the earth-moving operator, the chap who operates the bulldozer, or the trench-digger. Will these people be caught up in the end? Do we reach the stage where we say, "In any industry, as long as the person stays in the industry, he can be caught up in this sort of provision," and then there is no incentive to stay with the one employer on a continuing basis after he has perhaps trained the person to operate under his methods of operation? So, the employer is placed in a situation where long service, permanency of service, or semi-permanency of service will mean absolutely nothing. There will then be no incentive for an employee to say, "I believe he is a reasonable employer, so I will stay with him.". The employees can be bought by another employer who may have, at the time, a boom in his workshop or field of endeavour. That boom may be a short-term boom, and then the employee will go back to the original firm, saying, "Will you take me back at the normal rate?" The member for Spence, I think, makes the point that many employees are sacked when the job is completed. I understand their situation. I think the project opposite is the sort of project where that could happen, but I believe those provisions should be covered in the awards by the amounts that are paid to them weekly, so that it falls back on the individual in that field to provide for his long service leave from the money he earns.

The day has to go in Australia where we have to nurse everybody. The day is here when people should be told, "In your award there is so much for your long service leave because you are in a trade or profession where you will move on from job to job, and we expect you to save it for your future." There is nothing wrong with that. It was what Australia was built on by workers. People had an ambition, and incentive and a desire to save, but now that has been killed. The incentive to save has been killed by the philosophy of the Labor Party. It does not believe that there should be an incentive to save. I believe that to place this burden on the industry that this legislation will place will cause considerable cost to many other industries.

The Hon. J. D. Wright: It applies in Liberal-governed States.

Mr. EVANS: In Liberal governed States also they will face the problem equally as much as we will in the long term. They already cannot export goods at a profit to other countries. In this State because we introduced workmen's compensation that was, I believe, too high, we placed industry in a difficult situation. Let any Government member stand up and say there is not a problem in South Australia because of our cost of production. There is a serious problem in that field, and it is no good denying it. We are placed in a situation where I believe many business men will not be interested in attempting to look for markets, because there is no incentive to do so. They cannot in any normal circumstances compete with their competitors in neighbouring countries to Australia, and they may be able to succeed by moving to that field, but we are pricing ourselves out of the market.

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

Mr. EVANS: There is not much more that I wish to say. I believe that I have made my point: as much as this Bill may be attempting to provide for certain casual workers, the definition of those workers is very wide. I hope I have made the point that South Australian industry is in some difficulty now in relation to competition. Another area that concerns me is the retrospectivity of the provision. I have spoken to persons within the industries affected in the initial stages, and they accept that there is some need to have this retrospectivity. That is an aspect that normally I do not accept, but if the Bill is to become an Act I can see the desirability of having that provision within the Bill, unless, of course, on the Bill going to a Select Committee, that Select Committee can see a way around the retrospectivity clauses within the Bill.

There is no doubt in my mind that some of the persons who are associated with the building industry in this State as well as in the Eastern States have reluctantly accepted the provisions for long service leave for certain casual workers. They have accepted it because union muscle has been used to a considerable degree over the years and because they realise that it may quieten some of the more militant groups in that industry. I say to those persons, industries or business men, so that it is recorded, that their term of non-strife (if I can use that term) will be short, because it has been shown that gradually, slowly but surely, business, particularly small business, is being crushed by union muscle. The Australian Labor Party in the main supports that philosophy, because it does not believe in private enterprise, in profit, and in a policy that encourages thrift and an opportunity for people to benefit from that thrift. I will support the second reading of the Bill, hoping that it will go to a Select Committee. If it comes back to this House to be finally accepted in its present form as a potential Act of Parliament, I will strongly oppose it.

Mr. GOLDSWORTHY (Kavel): I am not at all enthusiastic about this Bill.

Mr. Millhouse: That sounds like the electoral redistribution legislation!

Mr. GOLDSWORTHY: I am not on the same wavelength as the member for Mitcham, but that does not surprise me, as today he is a supporter of the former Prime Minister, Mr. Whitlam. I am prepared to support the second reading only to see that the Bill goes to a Select Committee, so that we can find out a little more about it.

Mr. Millhouse: Ha, ha!

Mr. GOLDSWORTHY: Let the member for Mitcham make a speech. He sits there, sneering and making odd noises; at least let me say what I want to say. As has been indicated, this Bill has come to the House as a result of an announcement in the 1973 policy speech of the Labor Party.

The Hon. J. D. Wright: It came into the House as a result of the recommendations of the tri-Party committee.

Mr. GOLDSWORTHY: It was initiated in the first instance by the Labor Party.

The Hon. J. D. Wright: Don't forget the tri-Party committee.

Mr. GOLDSWORTHY: I will get around to the committee shortly.

The Hon. J. D. Wright: Your bosses were on that, too.

Mr. GOLDSWORTHY: I do not think so; my bosses happen to be people who elected me to this place. I do not recall any constituent of mine being on the committee. In fact, they were not on the committee, so that interjection by the Minister is inappropriate. They are the people I represent in this place and to whom I am answerable, and I am proud of it. The Government then saw fit to set up a committee, and the personnel were from the union movement, the Master Builders Association, and the industry. Mr. Stratford, the Public Actuary, was also on that committee. It is interesting to note some of the comments in the report of that committee. It states:

> In particular the Public Actuary (Mr. Stratford) states that in his opinion the recommendations regarding contribution rates and the financing of accrued credits are unsound. He expressed concern at the methods suggested for recording contributions and entitlements, unless the system for checking inputs is very carefully designed. I believe it presents the best practical way to honour the Government's election promise and yet give some chance of the recommended scheme remaining viable.

I think the next sentence in this report is highly significant. It states:

> There is, however, a strong feeling among some Committee members that without Government assistance the fund may not remain viable. Time and experience is needed before that view can be substantiated.

That reason leads me to have grave misgivings about this whole scheme. The member for Fisher has mentioned some very real problems which we face in this State and, indeed, in this nation when we view our competitive position in relation to the other States of the Commonwealth, and, as far as Australia is concerned, in relation to overseas countries. To my knowledge, this is the only country that goes in for long service leave at all, and certainly to the extent which has been enacted in some of our legislation. There is interstate precedent for this Bill, but there is nothing in it to give us comfort in the way in which it works. I understand that in Tasmania there has been long service leave for building and construction workers for some time. In New South Wales the scheme is operative, but few of those who are eligible to participate do participate. Victoria has been working on it for a long time, but that State has not yet enacted legislation. Do not let us get too up-tight about the very grave misgivings we have about this Bill. We see quite clearly that, under the five-year regime of the Labor Government, this State's competitive position has been severely eroded.

The Hon. J. D. Wright: How do you equate that with the position in the five other States?

Mr. GOLDSWORTHY: When we take it alongside the other pace-setting legislation the Government has enacted, this is simply another area where we will lose the advantage that we enjoyed for many many years under succeeding, wise, Liberal and Country League Governments. Our competitive position has been eroded. We now have, for example, workmen's compensation legislation that is causing grave difficulties, as workers are paid to stay home (where they are better off) under that legislation, which was enacted by a Labor Government. Let us not fool ourselves about this State's competitive position compared to that of other States. We have grave grounds for concern when we look at the economy of Australia and the pace-setting legislation that has been forced on Governments by militant left-wing unions, and when we consider our position in world trade. I believe that it is the left-wing militant and communist-controlled trade unions in Great Britain that have brought that nation to its knees, and we are well on the way to seeing the same thing happen here. Who are the people talking about violence in the streets when they do not get their own way? They are the Carmichaels, the Halfpennys and the Scotts of this world. We have grave misgivings about the legislation.

The committee established as a result of Labor Party policy certainly had grave misgivings, and the Public Actuary did not believe that the 2½ per cent levy would nearly finance the scheme. If that statement is not a damning statement from the committee member who would be best placed to assess the basic soundness of the scheme, I do not know what is a damning criticism. What is even more worrying to us is that the Government may even have to subsidise the scheme. There was a strong feeling among some committee members that, without Government assistance, the fund might not remain viable; so is this to be another impost by the Labor Government on the long-suffering public of South Australia?

Mr. Becker: We're over-taxed now.

Mr. GOLDSWORTHY: The level of taxation imposed on South Australians during the five-year term of the Labor Government runs into several hundred per cent. The Premier is not taxing the tall poppies but the average citizen of the State, and he knows that he must do so. We had an example last week of the promotion by the Minister of Works of a film made by the Film Corporation in connection with water filtration. The member for Fisher said to me, "I'll bet you, Roger, this is to announce some tighter restrictions in the watersheds in the Hills." I said, "I don't know what it's about, but there is certainly some ulterior motive." The film announced that water rates would double soon. That is what the soft sell was last week.

The SPEAKER: Order! I must call the honourable member back to the Bill under discussion.

Mr. GOLDSWORTHY: Yes. I am pointing out that the long-suffering public of South Australia is likely to have another impost levied on it as a result of this Bill, in terms of the statement by some members of the committee. The Bill is a sign of the times and of continuing Labor Administrations encouraging people to get more and more for less and less effort. The Bill will have an

adverse effect on our economy. We cannot live in isolation. Whether or not we like it, we are in a competitive world and, if other people can produce more cheaply than we can, we will lose our markets. We have had flaunted before us the inflation level in Japan, but the Japanese have come to terms with their inflation. They buy iron ore from us, ship it to Japan, turn it into steel, manufacture motor vehicles, ship them back to us against a high tariff barrier, and they can still beat us.

The Hon. D. J. Hopgood: They have a higher inflation rate than ours.

The SPEAKER: Order!

Mr. GOLDSWORTHY: The Bill will do nothing for the general weal of the community of South Australia. However, we are willing to support it for one reason, namely, so that it can be referred to a Select Committee to take evidence and we will be better informed than we are as a result of the Minister's second reading explanation. I am proud to stand up, despite the protestations of the member for Mitcham, and say that I have grave reservations about the Bill.

Mr. MATHWIN (Glenelg): I, too, support the Bill merely to enable it to be referred to a Select Committee, because I think it important that the Bill proceed to that stage. Unless I support the second reading, I am afraid that the Bill may not be referred to a Select Committee unless the vote is carried in the House. The Minister and other members have said that this type of legislation operates in some of the other States. As has been mentioned by some of my colleagues, this State is already handicapped by this Government's workmen's compensation legislation and its effects on industry in South Australia, particularly the building industry, at which this Bill is mainly directed. I need not remind members of the situation in the building industry, because that trade in this State is in a poor position, so the Minister in charge of housing has much to worry about. The State's young people realise just how bad the situation is, because they are particularly worried about the chance they have of ever owning their own house by obtaining a deposit sufficient to build a house. I agree with the member for Fisher, who said people's incentive would be affected if the legislation was passed. There will be no incentive for workers, particularly those in the building trade, with which I have been connected for many years, to stay with an employer. If an employer employs a tradesman in the building industry, and if the employee is a good worker and the employer is a good boss, they will stay together for many years.

Mr. Abbott: I wonder why they don't stay.

Mr. MATHWIN: If an employer is a good boss, the employee will stay with him. However, under the Bill there will be no incentive for the worker to stay. In the past and in a certain section of the trade workers wandered around from job to job asking and, in some cases in the building area where employers were busy, getting casual work to complete a job and, immediately the job was finished, the workers would be put off. Members of the trade tended to stay with a good boss and a good company for many years. However, many pirates offered higher incentives merely to have the job completed, and the many employees who were taken in by that employment were left on the heap when the job was finished.

It is interesting to see the pamphlet that has been handed out outside this House. It is signed by Mr. Gallagher, Federal Secretary of the Australian Building and Construction Workers Federation, and it is the nearest thing to a red rag that I have ever seen. There is no doubt that it would be endorsed by the Communist Party. It incites members of the federation to strike immediately, and it links the Governor-General with the United States multi-nationals.

The SPEAKER: Order! I must call the honourable member back to the Bill, which is the Long Service Leave (Casual Employment) Bill.

Mr. MATHWIN: These people are concerned particularly in this Bill. The Bill also makes provision regarding retrospectivity, and that is not good. Industry would have to provide for the past service of employees, and they would not have budgeted for that. They would be faced with long service leave payments for persons who had worked for them for several years. An apprentice who serves his time is due for long service leave a couple of years after he learns his trade, yet the employer has employed him at cost.

It is not easy to train an apprentice. By this Bill, the apprentice would be due for long service leave shortly after he had completed his apprenticeship, and the industry would not have budgeted for the expense. Probably, this legislation will affect the industry more than the workmen's compensation legislation introduced by this Government did, and that legislation has brought the building trade to its knees.

However, people have benefited from that legislation and are better paid by staying at home on workmen's compensation than by going to work. The people who have produced the pamphlet that is being issued outside the House inciting people to strike links the Governor-General and the U.S. multi-nationals. The pressure that has been put on the Minister has come from the left-wing unions.

Mr. Gunn: They're the same people as are handing out pamphlets outside.

The SPEAKER: I warn the honourable member for Eyre that, if he keeps on interjecting, I shall be forced to take action.

Mr. MATHWIN: I ask the Minister to enlighten us regarding the many firms in South Australia that now do all the administration work regarding long service leave. They are providing the facility under their own administration. If all this work is to be done by Government administration under this Bill, who will pay the administration costs? Until the large administration costs are covered within the scheme, one assumes that the taxpayers will face that burden.

I also ask the Minister whether the State Government has examined the situation in depth. If it has not, I ask why it has not. If an examination has been made, why has not the information been given to members? We must be businesslike, and it is imperative that we know who will pay the administration costs. I understand from some reports of the committee that dealt with the matter that some people were concerned about it. These people are well versed in finance in this State, and they have serious doubts. I support the Bill to enable it to be referred to a Select Committee, which will seek information from industry and the unions and then report to Parliament.

Mr. McRAE (Playford): I praise the Minister for introducing the Bill and for introducing it in its present form. I also praise the work of his department and of the committee that was chaired by Mr. Eglinton, and I give the persons concerned every credit. I draw to the attention of honourable members, particularly those whom

the member for Glenelg may have confused, that, far from left-wing unions being involved in this matter, people who regard themselves as moderate and decent trade unionists are involved. I wish to mention one person's name. I refer to Mr. Jock Martin, as he is commonly known, of the Amalgamated Society of Carpenters and Joiners.

About 20 years ago he prepared a similar Bill in a form that was not completely as a Parliamentary Counsel would have prepared it, and he has fought for the legislation ever since. I will not be distracted by remarks made about left-wing unions and the like. I have told my colleagues on this side (and this is why there are so few speakers) that it is extremely wise, if the Bill is being referred to a Select Committee, that we do not say too much before we know what evidence is given to the committee. Otherwise, we could find ourselves in a dubious situation after the evidence had been given. I content myself now by saying that I strongly support the Bill and regard with admiration the work that has been done by the Minister's officers and the Minister himself. I regard with tremendous admiration Mr. Jock Martin's perseverance, because he has for 20 years fought for this measure and will eventually get the justice he deserves for the workers of this State. **I** thank the member for Davenport as shadow Minister of Labour and Industry for the reasonable way in which he has approached this matter, and I look forward in the Select Committee to a calm, dispassionate and rational assessment of any evidence that is called by any party, so that when the House reassembles in February we can look at the evidence in the same calm, dispassionate and reasonable fashion. After all the evidence has been called, I am sure there will be no doubt about the fate of this Bill and its success here and in another place.

Mr. GUNN (Eyre): This Bill is a rather interesting document to read. It has been interesting to listen to the member for Playford tell the House that it is a direct result of overtures made by moderate trade unions. I am rather amazed by that statement, because the Minister's second reading explanation (page 1584 of *Hansard)* refers to construction workers and states that the building and construction industry is such an industry that is affected. It is obvious that this legislation has been introduced under pressure from the left wing and communist controlled unions. The people we saw at the front of Parliament House today are the type of people who control this Government. That is why the Government has introduced this legislation. It is well known that the Labor Party in South Australia is under the control of the extreme left wing. Look at Caucus and at certain decisions the Labor Party has made. It has put in a man as Attorney-General at the behest of—

The SPEAKER: Order! I remind the honourable member that we are discussing the Long Service Leave (Casual Employment) Bill, and I demand that he keep within the terms of that discussion.

Mr. GUNN: Certainly, Mr. Speaker, because this Bill will have a wide effect on the community at large. It must increase the cost of housing and have a detrimental effect on small businesses in the community. In the past 12 months more than 3 000 small businesses in this country have gone out of business, with the creation of large scale unemployment—the direct result of the disastrous policies of the Whitlam socialist Government. Let us consider clause 16, which provides:

> The Governor may by regulation, in relation to declared industry, declare that any specified person or person of **a** specified class shall be a declared worker in relation to that declared industry.

Mr. Whitten: What's wrong with that?

Mr. GUNN: If the honourable member wishes to break the silence, he should speak in this debate. However, he is not allowed to do so because he is under the control of the left wing and must do exactly as he is told. This clause and other clauses mean that industry after industry will be picked off. What will happen? Is South Australia to have a similar situation to that which has occurred in relation to workmen's compensation? When that legislation was before the House I predicted that premiums would increase by at least 120 per cent to 130 per cent. That prediction has come true. When that legislation was introduced, the then Minister of Labour and Industry (Mr. McKee) said that I was talking in riddles or had been reading *Alice in Wonderland.* What has happened? Premiums have become so exorbitant that many people cannot pay them.

Mr. Whitten: Did you say "absorbent"?

Mr. GUNN: We know that the member for Price does not believe that the Opposition has any rights in this place, and that almost 50 per cent of the people of this State should not have a voice in this House. That is typical of the dictatorial attitude of the Labor Party.

The Hon. J. D. WRIGHT: On a point of order, Mr. Speaker. The honourable member is not speaking to the Bill, and has not done so for the past five minutes.

The SPEAKER: That is correct. I warn the honourable member for Eyre for the last time that he must keep within the terms of the discussion as confined to this Bill.

Mr. GUNN: Fortunately, this Bill has not yet become an Act, and let us hope sincerely that, before that, industries and people to be affected by it have an opportunity to give evidence before the Select Committee so that the Government will then look logically at this matter and will make certain amendments to it. I fear what the end result will be if this present legislation becomes law. We must look at the matter realistically. If we are to have this type of legislation, what protection will we have for small employers who just cannot afford to pay the extra burden that will be placed on them? What the Labor Party and this Government must understand is that industry is in such a situation today that it cannot afford to meet any more imposts. If it has to do so, it will go out of business and will create more unemployment.

Mr. Venning: The Government couldn't care less.

Mr. GUNN: True. I am concerned about the effect this measure could have on those small business enterprises that are not in a position to pass on the additional costs that will be created. What will happen to the struggling rural industry if it has to carry this impost? Under the provisions of this Bill I predict that, before long, rural industry will be declared, too. Can the Minister assure the House—

The Hon. J. D. Wright: What assurance can I give when the Bill is going to a Select Committee? Be sensible!

Mr. GUNN: Since the Minister introduced the legislation, surely he knows what his Government has in mind.

Members interjecting:

The SPEAKER: Order! There are far too many interjections.

Mr. GUNN: Thank you, Mr. Speaker. It is interesting to note the Minister's interjection, because it is obvious that he is only carrying out instructions and is proceeding under those instructions. Surely, when he replies to this debate, he should be able to tell the House what industries he will include. He has indicated by the Bill that he will start with the building and construction industry.

Will he include the shearing industry and other people employed in rural industries? What other industry does he intend to include?

It would be a disgraceful state of affairs if the Minister could not tell the House what industries he intended to include. If he cannot tell the House, he is incompetent and should not hold the portfolio he does hold. If the Government has not decided which industries should be included, it should withdraw the legislation until it knows where it is going. It is not good enough for the Minister to make such foolish and snide comments and to treat the matter as a joke, because this legislation is not a joke. I predict this Bill will have an effect on employment in the community similar to that which the Workmen's Compensation Act had, with the result that good loyal employees will have to be stood down because employers will not be able to carry the financial impost to be put on them. It is no good the Labor Party's saying that people are entitled to this benefit. If industry could afford it, I would support it. This provision is all right in an industry that is able to pass on costs, but this measure must increase the cost of housing.

The Labor Party has a disgraceful record in that industry, the worst anywhere in Australia. In the current situation South Australia has the worst housing situation in the country, and the Minister knows it. This legislation will make that situation worse. I am concerned that loyal employees will be stood down as a result of this measure. When the Minister replies he will rant as usual and attack the Opposition (me and the member for Glenelg in particular) for being anti-worker. That is not the position. We are concerned that, instead of having 400 000 unemployed people as forecast by Senator McClelland, we will probably have 450 000 unemployed. This Bill will help create the conditions that will help bring about that situation. I am most perturbed about the effect of the legislation. Clause 42 states:

> No employer shall dismiss any employee with intent to avoid any obligation to make a contribution in respect of that employee to the fund under this Act.
> Penalty: Five thousand dollars.

That means, on my interpretation, that people will be put in gaol. What happens in a situation when a small business is battling to make ends meet and suddenly this Government, under the direction of people like Mr. Carmichael and Mr. Halfpenny—

Members interjecting:

The SPEAKER: Order! I must recall the honourable member to the Bill. He is getting too far removed from the terms of this Bill that is being discussed.

Mr. GUNN: I was endeavouring to give an example to the House of what will take place. Under clause 42 an employer can be fined $5 000 if he fails in his obligations under this Bill. I want to know the position from the Minister when he replies in this debate, as I hope he will. I hope he can explain exactly what he has in mind, because I am concerned to know, when the Government decides to select industry after industry to be brought under the umbrella of this legislation, just how those people will meet their obligations if they are not financially able to do so. I was giving the example of a small business battling to make ends meet. If suddenly forced to meet this levy, it may not be able to meet its obligation, so it will have to stand down one or more employees. What will take place? Are we to have the Minister's big brother under the direction of the communist unions, led by Mr. Carmichael or by Mr. Halfpenny—

Members interjecting:

The SPEAKER: Order!

The Hon. J. D. WRIGHT: On a point of order, Mr. Speaker. The member has been continually referring to the fact that the Australian Labor Party is under the control of Mr. Laurie Carmichael. This is not so, as he well knows and as other members of the House know, and I ask the member to withdraw that remark.

The SPEAKER: I must ask the honourable member to withdraw that remark. He has no proof that any gentleman is dictating to the Government.

Mr. GUNN: Mr. Speaker, I never said that anyone was dictating to the Government; I said the Government was receiving instructions. Under the previous rulings that you have given in this House, members are not compelled to withdraw and therefore I do not feel inclined to do so.

Mr. Coumbe: It is not unparliamentary.

Mr. GUNN: True. It is obvious by the reaction of the Minister that what I said is completely true.

The SPEAKER: The honourable member keeps implying that people other than honourable members of this House are pressuring the Government or Ministers of this Government. While it may not be unparliamentary, I do not think it is necessary. I do not think it is necessary within the terms of the discussion of this Bill to keep inciting honourable members in this manner. So I would ask the honourable member to keep closer to the discussion regarding the Bill.

Mr. GUNN: Mr. Speaker, I will not follow that line. Obviously, by the reaction my remarks have aroused, they were very close to the mark. I want to say in conclusion that I hope that the Minister can assure the House that people will not be put out of business because of the effects of this legislation. I sincerely hope when he replies he can give those assurances to the House because, if he cannot, the legislation should not be proceeded with.

Dr. EASTICK (Light): I understand that the Minister will reply to the second reading debate. If that is not so, it is unfortunate, because I believe that, as this matter is going to a Select Committee and it will be some months before it is again aired in this place, there are two or three questions which are of vital importance to the people in the community who have some knowledge of the contents of the Bill and who would want to know something of the Government's intendment. I will not embark on a lengthy discussion, or canvass the subject that several other members have canvassed, but I do believe that the work force within the community that will be affected in the long term by this measure, assuming that it receives the passage of this House when we come back in February, should have some indication of what is the intendment of the Government in respect of the determination of the term "ordinary pay". I notice that this term is defined in clause 4, as follows:

> The board may, by notice published in the *Gazette,* from time to time declare in relation to each declared worker and each declared worker of a class, a rate of weekly pay to be the ordinary pay applicable to that declared worker and may by notice published in a like manner amend or vary any such declaration.

I accept the situation that this final determination will be that of a board, and I would believe that, in the setting up of that board and, having regard to the basis on which the board will be commissioned (going back to the initial introduction of this measure), the Government or the

Minister has at least some idea of whether it will be a current wage, whether it will incorporate over-award payments, or exactly what the situation will be. The only further question that I would ask of the Minister, because I believe that it is pertinent to the understanding of this matter in the public arena, relates to clause 7 (2), which states:

> The board shall be constituted of three members appointed by the Governor:
>
> (a) of whom one who shall be the chairman of the board shall be appointed on the nomination of the Minister.

Now it is not unusual in this House for the Minister initiating legislation to be able to indicate to the members who it is intended will become the Chairman of a particular board, having regard to his expertise and knowledge of the industry. I know it is not necessarily always the case, but I would ask the Minister in closing the debate on this matter whether he could give some indication to industry generally as to the type of person he is considering to fulfil this position.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I did not intend to reply at great length on this debate, because the Bill is going to a Select Committee. Therefore, I wanted to give a considered reply at the end of the work of that committee. However, there are a couple of things that have been said that I think ought to be replied to. Initially, being the initiator of the Bill, I opposed the idea that it should even go to a Select Committee, because I did not believe at that stage that it should. I am now, however, positively convinced that it ought to go to a Select Committee and I want to explain my reasons. First, I join the member for Playford in congratulating the member for Davenport on his speech, because an agreement was reached once the Select Committee was decided upon, that we would keep the speeches brief and to the point. I also congratulate the members for Mitcham and Torrens who did likewise and who will be members of that Select Committee. I will reply to the member for Light because I think his were the only rational points that were brought up in the debate.

I want to say that I have listened tonight to the worst pro-fascist, anti working class speech I have ever heard in this House. That was made by the member for Eyre, and it was made for a special purpose.

Mr. GUNN: On a point of order, Mr. Speaker. The Minister has accused me of being pro-fascist. I ask for a withdrawal, as that is a reflection on my integrity.

The SPEAKER: The honourable Minister said the honourable member's speech was pro-fascist.

Mr. Millhouse: It was a fitting reply to what he said, too.

The SPEAKER: Order! The honourable Minister of Labour and Industry.

The Hon. J. D. WRIGHT: I have never, since I have been in this place, heard a speech in which workers were denigrated to such an extent as this member tried to do tonight. He ought to be ashamed of himself and, if that is the attitude of the Liberal Party, it will not survive. It will become a nonentity, if that is the sort of representation given to people in this State. If I were the Leader of the Liberal Party, I would reprimand him for that speech tonight, because he said the most shocking things in that speech that we have heard here for a long time.

The member for Light made a rational contribution and asked for several things to be explained. The rest of the matters that were raised can be finalised quite properly after the Select Committee has met, done its work, and decided on which course it will take. We do not know where we are going until that committee meets, hears the evidence and determines its attitude. I believe that now the matter has gone to a Select Committee it will be protracted, because everyone who wants to give evidence in South Australia will have the opportunity, irrespective of his walk of life. We will take evidence and prove to members opposite the true position in relation to working-class people, who have been battling for this for 21 years. These are the great left-wing militants the member for Eyre speaks about! They are good honest unionists who have been more than tolerant in reaching this situation. It has taken 21 years to get a hearing for this Bill, and yet the honourable member has denigrated them tonight.

I have never heard a more disgraceful outburst in my life. I do not think, in answering the member for Light, it is proper I should name the proposed Chairman of the board at this stage. I am willing to tell him privately whom I have approached, if that will satisfy him. That person has not yet accepted the position, but he is a very well-known member of the community. The Chairman will obviously have to have a very good head for figures. He will have to have some knowledge of computer work to his credit and generally be able to conduct himself in a very useful manner in relation to this committee. If he had accepted, I would not be backward in naming him. I envisage, to answer the second question raised, that the pay will be made up of average weekly earnings. As far as implementation is concerned, it is applying now to the building industry.

I was asked to state the Government's intentions regarding the Bill. We intend to proceed into all casual industries. Why should a casual worker be at a disadvantage and be deprived of long service leave because he works in a casual industry? I do not hesitate to say that the next industry we will be looking at is the pastoral industry and, from there, the timber industry. I hope that, from the evidence we will receive from the Select Committee, we will gain knowledge of matters of which we have no knowledge at this stage.

Finally, the committee's work, as I said, will be very protracted. It will try to find all the evidence available. I hope the committee can work in a sane and rational manner. I believe the House will be pleased with the selection of members of the committee. For reasons I will not explain tonight, the committee will be large. The normal Select Committee of this House has five members, but this committee will have seven members. I am looking forward to working with that committee and bringing back a satisfactory report.

Bill read a second time.

Mr. DEAN BROWN (Davenport) moved:

> That the Bill be referred to a Select Committee consisting of Messrs. Abbott, Dean Brown, Coumbe, McRae, Millhouse, Wells, and Wright; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on February 3, 1976.

Motion carried.

SURVEYORS BILL

Adjourned debate on second reading.

(Continued from November 6. Page 1763.)

Mr. MILLHOUSE (Mitcham): The object of this Bill is to protect the use of the word "surveyor" and to restrict it to people who are, in the opinion of the Government and the board, properly qualified to be called

surveyors. Unfortunately, we do not know from the terms of the Bill what those qualifications will be. However, we know that there is one group in the occupation (and I use that term broadly) of surveying that is most disturbed about the provisions of the Bill. Representations have been made to me, and I imagine to all other members, about this. Those people are the technician surveyors, who are perturbed about the provisions of clause 25 of the Bill, the relevant part of which states:

(1) Subject to this section, after the expiration of the third month next following the commencement of this Act, a person shall not—

(a) assume, either alone or in conjunction with any other words or letters, the name or title of "surveyor";

or

(b) do anything, or cause, suffer or permit anything to be done, that is likely to cause a person reasonably to believe that he is a registered surveyor,

There is a penalty of $500. That provision does not prevent people doing surveying work—it merely prevents them using the term "surveyor" as part of their job. I was disappointed to hear the member for Mount Gambier, who led for the Liberal Party, dismiss the protests that we have received about this. Let me deal first with those protests. The first was a letter dated September 8 from the Association of Technician Surveyors that states, in part:

The Council of the Association of Technician Surveyors hereby reaffirms its opposition to provisions of the proposed Act which restrict the use of the title "surveyor". As previously stated in our letter of March 17, 1975, we consider the definition of the title "surveyor" to be too narrow. The Act defines surveyors to be only professionally qualified members of the profession and ignores the majority of persons engaged in surveying who are technically qualified at certificate or diploma level.

Later, the letter states:

The assertion by the Surveyor-General (Mr. G. H. C. Kennedy) that technician surveyors are not surveyors is a contradiction of the facts. Technician surveyors occupy positions of responsibility in Commonwealth and State Government departments and in private industry. For instance, the Festival Theatre complex was constructed with a technician surveyor providing the survey control.

These people know that once this Bill is passed they will not be able to do what they have done previously, and that is to describe themselves as surveyors. That will not matter from a financial point of view to the many of them who are in Government employ, but it will matter to others financially, and to them all as a matter of status. I do not know why the Government and the Liberal Party are prepared to put these people, deliberately under this Bill, at a disadvantage. The Liberal Movement is not willing to do so, because we do our best to protect the rights of individuals and to ensure that this Parliament does not harm their standing in the community unless (and this is not the case here) there is some good reason for doing so. What did the member for Mount Gambier say about this matter? He said:

I have examined at great length the documentation from the various associations. It is my personal belief that the present legislation is a move towards professionalism, a move towards protecting the community—

I do not know that that gets us very far, but I will leave that on one side—

and that anyone who is a member of the Association of Technician Surveyors and who is capable of acquiring the qualification of surveyor would be quite able to do so. We have educational facilities within this State to enable him to progress, and I am sure the same facilities are available in the majority of other States. . . . The professional surveyors maintain that any person who is of sufficient qualification to be recognised as a member or senior member of the association should equally find it relatively straightforward to extend his qualifications so that he can, in fact, become a professional surveyor.

Several of those gentlemen have spoken to me since the member for Mount Gambier spoke in this debate, and what he has said is just not true. If there is any doubt about that, I will tell him of two of these people who have been to see me and who have explained to me their situation, and their cases demonstrate how impossible from a practical point of view it would be for them to get sufficient qualification to continue to use the term "surveyor". The first is Mr. Thomas, who is an officer of the Association of Technician Surveyors. He is a member of the Engineering and Water Supply Department, and is in charge of the surveying work at the Hope Valley treatment works and at the Anstey Hill treatment works. He has been in surveying for 21 years and has under him four assistants, as well as chainmen. He tells me that he simply could not get the time off full time to do the course that would be necessary to qualify him to continue to use the term "surveyor".

The other person is Mr. Graham Hooper, who is the lecturer in the subject of surveying at the Further Education Department at O'Halloran Hill and who applied last year to complete his qualification. He already has the certificates, and he was given three out of the 15 units by the South Australian Institute of Teachers. It would be impossible for him to give up his employment to study full time to get the sufficient qualification to go on doing what he has been doing, namely, to describe himself as a surveyor. Where the member for Mount Gambier got the idea that it would be possible for this to be done, I do not know: I suspect that it was simply a way of brushing off the representations that had been made, presumably to him and to his Party, because it takes on average eight or nine years for a person to obtain sufficient qualifications to join as a member the Association of Technician Surveyors; it is not something that happens overnight.

I have been through the various methods of obtaining qualifications. All of them appear in the September, 1975, issue of the *Technician Surveyor,* and they all require academic work part time for two to four years, followed by practical experience in surveying for four to six years. So, the minimum time is eight years to get the full qualification, I have been told, and usually it takes nine years to do it. Let us not hear any more of this nonsense about it being easy to get the full qualification that would allow of registration and, therefore, the continuation of the use of the term "surveyor". That is the matter to which I will speak. It is wrong to suggest that everyone connected with surveying, such as the senior officers of the association, etc., is against technician surveyors being allowed to continue to use this title.

I guess that all members have had the information from the association. It was not used by the member for Mount Gambier, and I think that it should be put before the House. I have a report by Mr. Barry, who is the President-elect of the Institution of Surveyors, Australia. I also have his comment on the Bill now before us. Mr. Barry reported to the meeting of the council of the Institution of Surveyors in Sydney last October as follows:

The committee has discussed the various matters mentioned above. The matter of the South Australian survey Bill is seen as a potentially explosive issue in its present form—

in which the Bill is now—

and one which may destroy much that has been achieved by rigid adherence to the present restrictive clause 25.

That is the clause to which I have referred. The document continues:

> It is the opinion of this committee that the council should use its best offices to persuade those who adamantly refuse to change clause 25 and who insist on its inclusion with missionary zeal of the doubtful wisdom of maintaining the current course of action. It is felt it better that this institution should quietly seek to have the inflammatory nature of this clause changed by substituting "title of registered surveyor" for the present wording than to proceed to confrontation with the current group of technician surveyors.
>
> For my part I have suggested to the council of A.T.S. that it would be desirable and prudent for its constitution and rules to be amended in such a way that the term "technician surveyor" could only be validly used by ordinary and senior members, that is, those with significant educational qualifications and adequate experience. This may do something to alleviate the fears of some who see the floodgates of malpractice being opened by allowing the use of the term "technician surveyor" to continue.

The A.T.S. is willing to adopt that suggestion. The document continues:

> The committee is concerned not only for the repercussions of setting colleague against colleague, by deliberate intent, but also upon the ultimate legality of such a restrictive piece of legislation. It would seem to be quite absurd to place a restriction upon a word in common usage like "surveyor".

That sums it up, and I have been told that not only has Mr. Barry made the recommendation but that the Surveyor-General of the Commonwealth (who, coincidentally, is also named Kennedy, as is the Surveyor-General in South Australia) believes that the suggestion which Mr. Barry put forward should be accepted. I acknowledge that one of the strong opponents to the suggestion is our own Surveyor-General (Mr. G. H. Campbell Kennedy) and that is one of the problems the Association of Technician Surveyors has encountered. I believe it is entirely unfair to these people to deprive them of the use of a title they have had for a long time and for which they have had to work both academically and practically, when there is no suggestion I can find that there has been any large-scale misuse or abuse of the word. I intend to move an amendment at the appropriate time. It has been circulated, and it would put right what I believe is a grave injustice in the Bill.

Mr. EVANS (Fisher): The member for Mitcham has done nothing to convince me that the member for Mount Gambier is wrong or that the Government is wrong in this proposal. The member for Mitcham may make points when he moves the amendment that may change my mind, but I am sure he would not accept the term "technical barrister" or "technical lawyer".

The Hon. J. D. Corcoran: Or "registered solicitor" or "registered lawyer".

Mr. EVANS: In this House I have noticed that members of the legal profession have attacked the cause that people other than qualified solicitors should be able to represent other people in the court, even though the defendant is willing to have someone who is not qualified act for him. Bills passed in this House have prevented that, and the member for Mitcham has told me that we cannot do what I have suggested, because it is his profession and it is a matter of professional jealousy. Technician surveyors who have or have not the qualifications to become fully qualified surveyors have been accepted and allowed to continue. Technician surveyors who have not obtained recognition will be disadvantaged in that they cannot use the word "surveyor".

I let the member for Mitcham know also that, in the architectural field, architectural draftsmen were stopped by the board covering that group from using the words "architectural designer". They had to drop the word "architectural", because the profession believed one had to be qualified to use it. We will be dealing later this evening with a Bill on that matter. The Bill before us does not prevent any technician surveyor from operating. He can survey land and submit plans to the Lands Titles Office involving a change of title. The only restriction is that he cannot use the word "surveyor".

If any member of this Chamber believed that he had the ability, he could draw plans and submit them to the Lands Titles Office and, if they were correct, they would be acceptable. There is no requirement that a person must be a surveyor to do land surveying, but a person who holds himself out as a surveyor must be qualified. They are the terms of the Bill. The member for Mitcham told me that a person needed to be qualified before he practised, and, if he does not wish to be a hypocrite or to have double standards, he will support that view now.

Bill read a second time.

In Committee.

Clauses 1 to 16 passed.

Clause 17—"Qualifications for registration as surveyor."

Mr. ALLISON: Regarding the proposed subsequent amendment, we are willing to consider something in the way of a grandfather clause being inserted. Perhaps this could be done in another place after we have had time to have discussions with the Association of Technician Surveyors and the Surveyor-General.

The Hon. J. D. CORCORAN (Minister of Works): It is a matter for the Parliament, not for the Surveyor-General or the Association of Technician Surveyors, whether we put anything in this legislation. I, as the Minister in charge of the Bill in this place, have not had any approaches from the Surveyor-General or the technicians on the matter. I should like the honourable member to clarify his statement, if he can. After all, we do not have to do everything that the Surveyor-General or the technicians say.

Mr. Millhouse: You're going a long way with them on this one, though.

The Hon. J. D. CORCORAN: Yes, we are. If the member for Mount Gambier wants to stretch a point, I will not give him an assurance that anything will happen in another place that will not happen here.

Dr. TONKIN (Leader of the Opposition): Possibly, the Minister has not understood. If, as the member for Mitcham has pointed out, anyone is seriously troubled by this matter and if there is a good case (and it must be a much better case than the member for Mitcham has put forward this evening), perhaps that matter should be considered. I realise that that can be done at any time, but I think the member for Mount Gambier was merely trying to point that out.

Mr. ALLISON: I was out of the Chamber when the member for Mitcham spoke, and when I returned I was under the impression that the Minister, the Parliamentary Counsel and the Leader had been conferring on this matter.

The Hon. J. D. Corcoran: I am sorry; I did not confer with anyone.

Mr. ALLISON: There was certainly no implication about the Minister when I was referring to the Surveyor-General or the Association of Technician Surveyors. I was under the impression that the Minister had been conferring with the Leader on the matter. It was obviously a misunderstanding.

Mr. Millhouse: They are obviously not as strongly against me as they pretended to be.

The CHAIRMAN: Order! The honourable member for Mount Gambier has the floor.

Mr. ALLISON: If there is any ground on which the Association of Technician Surveyors can be accommodated, I have already arrived at the conclusion that they are underqualified and that they have access to promotional studies. Therefore, I do not withdraw anything that I said in debate. However, if there is any chance that a small number of technician surveyors (I believe there are 10 members and 24 associate members) could be accommodated, we are willing to consider the matter if the Minister will accommodate us. That is simply what we were trying to say.

Clause passed.

Clauses 18 to 24 passed.

Clause 25—"Offence to hold self out as surveyor."

Mr. MILLHOUSE: I move:

In subclause (1) *(a),* before " 'surveyor' ", to insert "registered".

This will give effect to my intention that technician surveyors should be able to continue to do what they have done in the past, that is, describe themselves as surveyors. I know that I cannot refer to the second reading debate.

The CHAIRMAN: That is right.

Mr. MILLHOUSE: Therefore I would not dream of doing so. I am never put off an argument by personal abuse, and whenever I receive it from any member I ignore it. It is often significant that no attempt is made to rebut arguments that are put forward, but rather that reliance is placed by one's opponents in personal abuse. We had an example of that when the member for Fisher spoke in the second reading debate this evening. I pointed out then and I point out again that it is impossible for many of these men, if not for all of them, to do what the member for Mount Gambier so airily suggested could be done—that they could, after their years in the surveying game, easily have sufficient qualifications to be registered and therefore to use the term "surveyor".

Many of these people (and I cited in the second reading debate and will therefore not do so again the case of two people) cannot possibly afford the time or money to give up their jobs and go back to full-time study to obtain the qualifications. How on earth the member for Mount Gambier could have said what he did I do not know, unless he was mistaken, which he must have been. It is noteworthy that no-one who has spoken in this debate has tried to rebut the argument I put on behalf of technician surveyors. All that I was told was that on previous occasions I have championed exclusively (if I can use that word) the profession and, therefore, I should do it again and that I was hypocritical. Let someone rebut the arguments I have put on behalf of these people. Surely they are entitled to a voice being raised in their defence, and I am entitled to do it for them.

That is what I have done, and I believe I have rightly done it.

Why should we in this place prejudice these people? What wrong have they done? Why should we reduce their status in their occupation in the way in which we propose to reduce it? Let someone answer that question. Perhaps the Minister, the member for Mount Gambier or the member for Fisher, if he were here, could answer it. There is no need for me to repeat my argument. It was obvious from what the member for Mount Gambier said about clause 17 that, despite the member for Fisher's speech, he was at least rather more troubled about this matter than he and his Party were willing to admit. There is a large measure of justice in the case I have put on behalf of the Association of Technician Surveyors. I therefore hope that honourable members, despite their dislike of me and what has been said this evening, will be willing to consider this matter in a detached way and see that justice is done.

The Hon. J. D. CORCORAN: I oppose the amendment. I have no doubt that the technicians involved are concerned that they will not be recognised for the skills that they provide. However, the properly qualified surveyor is concerned that the profession to which he belongs could be misunderstood and misused as the result of the term "surveyor" being used. If the term "registered surveyor" is used, anyone engaged in any section of this profession could use the term "surveyor". The honourable member must admit that the operative word is "surveyor", just as it is lawyer, solicitor, doctor or barrister. That is the crux of the problem. I have some sympathy with the points raised by the member for Mitcham.

Mr. Millhouse: You've shown yourself to be more fair-minded than the Liberal Party has.

The Hon. J. D. CORCORAN: I am sorry the honourable member thinks that. The member for Mount Gambier also expressed concern that these people would suffer as a result of this legislation and that they might be written down as a result. Most of the technician surveyors are employed by Government departments, and they are under the direction of surveyors. I do not believe that the fears they have expressed are as real as they believe them to be. If we use the term "registered", these people can use it, and that is not completely honest. When people look for a surveyor they understand that the term means what I understand a surveyor to be. A technical man is not therefore a surveyor. I understand a licensed surveyor to be a person completely competent in every aspect of survey work. Perhaps that is not the case. Under the principal Act these people do not have such a protection. The honourable member knows that. They will not have that protection under this Bill. Just as the honourable member's profession would object to that situation, so would surveyors object to the misuse of a term that the public accepts.

Mr. MILLHOUSE: I appreciate at least the tone in which the Minister spoke on this occasion, as it was far more conciliatory than I have sometimes heard from him in opposing amendments, and certainly much more conciliatory than the tone of the member for Fisher. I agree that it is perfectly obvious from what he said on clause 17 that the member for Mount Gambier is troubled by this matter, and I should have made that concession when I spoke earlier. I do not think he will be troubled enough to be able to sway his Party but at least we know how he feels about it personally.

First, the Minister asserts (and he can do no more than assert) that, if members were to accept this amendment and protect the phrase "registered surveyor" the operative word would be "surveyor" and not "registered". I do not see why he believes that no regard would be paid by the public to the first word of that phrase—"registered"—and why he thinks that if the title that was protected was "registered surveyor" everyone would ignore the word "registered" and only think of the word "surveyor". That is an assertion that he makes and it cannot be proved; it is a matter of opinion. I think he is wrong.

Secondly, he says that most of these people are employed by the Government and therefore they do not suffer financially.

The Hon. J. D. Corcoran: They are under supervision, too.

Mr. MILLHOUSE: Yes, but one of the persons who came to me, Mr. Thomas, is employed by the Government and he is perturbed about this. He may be under supervision himself, but he is in a responsible position which should be, I understand, occupied by someone who has the qualifications to use this term "surveyor" under this Bill, but he is actually doing the work and it is for him a matter of his standing in his profession. So it is not true to say that those in the Government service do not care about this, because they do. Even if there were only one person in private practice who was being prejudiced by this (and there is more than one, even on the Minister's admission), Parliament should not do anything to trample on his established rights. It is no argument to say, "Oh well, this will only affect a few people." We are here to look after individuals and the mass does not make the argument against my amendment any better.

Thirdly, my own profession has been used somewhat obliquely by most of those who have spoken in opposition to the amendment. One cannot compare these two occupations at all. In the surveying occupation, there are obviously various gradations of qualification, whereas in the law there is only one qualification for us all. That argument was only thrown in for my personal discomfiture. I remind members on this side who claim to be Liberals that we should have regard for the individual. Therefore, I persist with this amendment, and hope that I will get some support for it.

The Committee divided on the amendment:

Ayes (2)—Messrs. Boundy and Millhouse (teller).

Noes (42)—Messrs. Abbott, Allen, Allison, Arnold, Becker, Blacker, Broomhill, Dean Brown, and Max Brown, Mrs. Byrne, Messrs. Chapman, Connelly, Corcoran (teller), Coumbe, Duncan, Dunstan, Eastick, Evans, Goldsworthy, Groth, Gunn, Harrison, Hopgood, Hudson, Keneally, Mathwin, McRae, Nankivell, Olson, Payne, Rodda, Russack, Simmons, Slater, Tonkin, Vandepeer, Venning, Virgo, Wardle, Wells, Whitten, and Wright.

Majority of 40 for the Noes.

Amendment thus negatived; clause passed.

Clauses 26 to 46 passed.

Clause 47—"Regulations."

The Hon. J. D. CORCORAN: I move:

In subclause (2), in paragraph (c) to strike out "the techniques to be used in the performance of" and insert "the accuracy of"; and to insert the following new paragraph :

(e1) provide for and prescribe any matter or thing relating to the establishment and custody of survey marks;

These amendments are intended to ensure that power exists to make regulations relating to the accuracy of surveys and the establishment and custody of survey marks, which are matters regulated under the present Act.

Amendments carried; clause as amended passed.

Schedule and title passed.

Bill read a third time and passed.

SUCCESSION DUTIES ACT AMENDMENT BILL

The Legislative Council intimated that it did not insist on its suggested amendments Nos. 2 to 7 to which the House of Assembly had disagreed.

COOPER BASIN (RATIFICATION) BILL

Returned from the Legislative Council without amendment.

FURTHER EDUCATION BILL

Adjourned debate on second reading.

(Continued from October 30. Page 1584.)

Mr. NANKIVELL (Mallee): The second reading explanation was notable as a historical report on the development of further education in this State. Much of what was said by the Minister did not have much bearing on the actual Bill, which is more notable for what it does not say, and for the important issues it passes over and tends to ignore as far as further education in this State is concerned. It is true that much of this Bill is almost clause for clause taken out of the Education Act. The sections of the Education Act that are not included in this Bill are those that I am most concerned about, because these are very relevant with regard to the total educational system in South Australia.

The particular provisions that have been left out of this Bill are in relation to the classification of teachers. I know that the Bill refers to the classification of primary and secondary teachers because, after all, that is what the Education Act is all about. At this moment, notwithstanding the fact that the Further Education Department is acting independently, it is still, until this Bill is passed, an integral part of the Education Department. I cannot understand why teachers who will teach in further education classes will not be required to be classified nor can I understand why they should be excluded from teacher registration, which is an important development in teaching and one for which the teachers have been asking. I find it difficult to understand why teachers who have been persuaded in some instances to come into this new department will not be required to register. There is no requirement for this in the Bill, whereas a section in the Education Act is devoted to this part. The Minister's second reading explanation refers to the Karmel report. I suggest that the Karmel report has become a bible on education not only in South Australia but is also a significant reference book throughout Australia.

I am mindful of the fact that my ex-colleague, Hon. Joyce Steele, was responsible for commissioning the Karmel report, and this has been mentioned before. It seems that for every new education Bill or innovation that is introduced a reference can be found in the Karmel report. It is notable that, regarding further education, page 335 of the report, at paragraph 12.51, states:

(a) The division of technical education at present within the Education Department should be established as a separate Department of Further Education under the Director of Further Education, responsible to the Minister of Education.

(b) During the transition period suitable arrangements should be made for the sharing between the Education Department and the Department of Further Education of such facilities as are considered desirable.

That is a recommendation of the Report of the Committee of Inquiry into Education in South Australia (the Karmel report). Now, in 1975, six years after the report was commissioned, we are debating a Bill that will implement this recommendation. Although the report was commissioned in 1969, its actual printing was not done until 1971. Therefore, four years after the report was tabled in the House and became a public document, we are seeing moves made to implement this recommendation.

I am concerned about what is not included in the Bill. Other people involved in education, particularly in the tertiary area, are also concerned, because the Bill gives the Minister considerably wider powers than those available to colleges of advanced education. "Further education" is

defined as instruction or training in any academic, vocational or practical discipline except any such instruction or training excluded from the application of this Act. The exemptions are listed in clause 5, as follows:

(a) instruction or training provided at any Government school maintained by the Minister under the Education Act, 1972-1974.

In other words, it does not apply to primary or secondary education. Clause 5 continues:

(b) instruction or training in primary or secondary education provided at any non-Government school that is attended by the students, or a majority of the students, enrolled at the school on a full-time basis;

(c) instruction or training provided by any university or college of advanced education established by statute;

or

(d) pre-school instruction or training.

The Bill specifically states that it does not apply to those areas. In other words, it excludes to itself a certain area and, in that area under the powers conferred on the Minister by the Bill, this department does not have to consult or collaborate in any way with, or act on the advice of or in conjunction with, other organisations or institutions that may be involved in parallel courses of education in South Australia. It is true that a wide field of subjects is covered—some professional, some para-professional, trades and other skills, and adult education. Further education is a wide field. According to the figures in the Karmel report, in 1969, 64 878 students were enrolled in the various categories in South Australia, whereas the most recent report of the Technical and Further Education Committee, at page 36, shows that, for 1974, it was expected that there would be 100 550 students on all streams and, in 1978, 155 935 on all streams. In other words, there is a rapidly escalating interest in the training and educational facilities provided by the State's Further Education Department.

It is interesting to notice that the area of greatest interest is in the para-professional area and in adult education. In his second reading explanation, the Minister referred to the need to provide interest and occupation for people to train in certain skills which it seems are essential in this modern day and age for people to be fully occupied in their leisure time. That is true, but my basic concern in the Bill is with regard to technical education, because the Bill sets out to bring under control and licence those private institutions presently involved in teaching technical subjects. I understand that these institutions are concerned principally with teaching dressmaking, millinery, and hairdressing, although that may be mainly in other States.

Mr. Coumbe: Apprentices are trained.

Mr. NANKIVELL: The Bill is concerned with training apprentices, but I refer specifically to institutions that the Bill seeks to license. They are private institutions, many of which have been set up for a long time, as the Minister has said. Concern exists about the standard of training, and recognition. There is concern principally that high-pressuie salesmanship might sell a doting mother a course for her daughter whom she wishes to see advance in a profession and earn qualifications that will get her gainful employment. Having spent between $200 and $300 on a business college course that was claimed to provide all kinds of advantage to the student after training, the mother finds that, although there might be a nice certificate embossed and signed, when the certificate is presented to an employer, it is hardly worth anything. This is one of the concerns of the Minister and the Further Education Department. It constitutes Part V of the Bill, dealing with the need to define prescribed courses. It does not provide what these courses are, and I know that the matter is of concern to the member for Light. The provision states:

"Prescribed course of instruction" means a course of academic, vocational or practical instruction or training declared by regulation to be a course of instruction or training to which this Part applies but does not include instruction or training provided:

(a) in a school, or institution, exempted by regulation from the provisions of this Part; or

(b) in a manner, or in circumstances, in which unlicensed persons are authorised by regulation to provide prescribed courses of instruction.

That is all nice and vague, and it is a whole lot of words to the average person, but I believe that it is intended that in these prescribed courses certain standards will be set down and certain techniques will be required to be taught, and a person who obtains a certificate from one of these institutions will, if he has undertaken a prescribed course, have a certificate of some significance and value.

The thing that is concerning people involved in higher education in South Australia as a result of looking at this Bill has been that there is no requirement for the Further Education Department to collaborate in any way with colleges of advanced education. Yet, when one looks at the statutes setting up colleges of advanced education in this State (and the provision is mostly in section 15 of the statutes), one sees that the provision is that the council of the college shall, in the exercise and discharge of powers and functions under the Act, collaborate, and the provision lists those departments, councils, and commissions with which the council of the college will collaborate. The member for Playford, who is a member of two college councils, has expressed concern about the use of the word "collaborate", which he says has some unfortunate connotations. I refer now to the provision in the Roseworthy Agricultural College Act, which I know something about, being President of the council. That provision states:

The Council shall, in the exercise and discharge of its powers and functions under this Act, collaborate with the South Australian Board of Advanced Education, the Education Department, the Department of Further Education, the Department of Agriculture, the Australian Council on Awards on Advanced Education, the Australian Commission on Advanced Education, and any other body with which collaboration is desirable to the interests of promoting the objects of this Act.

The colleges of advanced education are required under their statutes to collaborate with the Further Education Department. One of the first Acts we passed earlier this year was the Kindergarten Union Act, 1974-1975. Section 7 of that Act deals with the powers of the Kindergarten Union, and subsection (3) provides that, in the exercise of its powers, the Kindergarten Union shall collaborate. It does not mention the Further Education Department, but the union is required to collaborate with the South Australian Pre-school Education Committee, the Education Department, the Community Welfare Department, and any other body or organisation with which collaboration is desirable in the interest of promoting the objects of the union. This is important. The Further Education Department is not required to collaborate with anyone, and it is not required to submit courses for accreditation. This is a matter of real concern to the institutions. Part VII of the Education Act, regarding courses of instruction, provides:

The Director-General shall be responsible for the curriculum and the courses with which instruction is provided in Government schools.

In other words, a prescribed course of instruction is set down and adhered to. When we consider the situation at colleges of advanced education we find that, when they need funds, they are required to establish a course of studies and to submit it to the Commission for Advanced Education. When that is approved, they are then in a position to obtain funds to implement the course. What do we find in relation to further education? Under clause 43, which deals with regulations, the Government can make such regulations as are contemplated by this Bill and as he considers necessary or expedient for the purpose of this Bill. Without limiting the generality of subclause (1), those regulations make provision with respect to the following matter:

(d) the courses of instruction to be provided by the Minister under this Act;

In other words, there is no need for any courses of instruction to be approved before funds are made available. The courses are set up, funds are provided, and pupils are attracted. I presume that that is the way these courses function. The Minister can correct me if I am wrong.

That is contrary to the practice that exists in colleges of advanced education, and that causes some concern, because one of the aspects of these courses is that the Further Education Department is now seeking accreditation. If accreditation and associate diplomas are to mean anything, they should be accredited by an appropriate body. That means there must be a course of studies approved by a group of persons other than the Minister on the recommendation of the Director-General. In the Act setting up the South Australian Board of Advanced Education, section 16 provides for the accreditation of courses. I respectfully suggest that, if these courses are to have any significance, they would need to be properly accredited, and the appropriate people with whom to accredit them would surely be at colleges of advanced education, which have all the appropriate powers and are affiliated to the accreditation bodies. Accreditations approved by a college of advanced education would be an associate diploma of some significance, just as associate diplomas issued by the Adelaide University in areas such as commerce, social science, or physical education used to be. A number of A.U.A.'s were issued, and they had value because they were accredited by the university. In other words, I believe there is a deficiency in the Bill, because the department is intending to set up courses.

There is nothing to say that the courses have to be approved by other than the Minister. They do not have to be accredited, yet, unless they are accredited by an appropriate body such as the board of advanced education, it would seem to me that the purpose of providing higher education in the fields concerned might not be as effective as it could be if there were some collaboration (a term used in Bills relating to colleges of advanced education) between the Further Education Department and the Board of Advanced Education and, through the board, with the colleges of advanced education in relation to establishing and accrediting many courses which are to be set up and for which it is intended that associate diplomas will be issued. Another area of concern relates to the general powers of the Minister under clause 9, which under subclause (3) provides:

The Minister may establish and maintain such institutions as he considers necessary for the education and training of those who are to give instruction in colleges of further education.

I am told that this is an area in which the Torrens College of Advanced Education has been specialising for many years and that it is only natural that, as a consequence of reading this clause, the Director of that college should ask me to clarify what is intended. I know he has written directly to the Chairman of the Board of Advanced Education. I also understand that the Directors of most colleges have written to him expressing concern about this area and about certain other areas, because the concept of establishing and maintaining an institution to train and instruct teachers is viewed with some concern by those people.

I would suggest many people in the community are concerned, as South Australia built and established far too many teachers colleges. There was a need, and there was a shortage of teachers. It was recommended in the Karmel report that we should proceed to establish these institutions with the object of reducing class sizes to 30 or even 25 pupils, depending on whether it was primary or secondary education. All sorts of other provisions were set down that should be achievable if possible for the betterment of education in this State. A matter overlooked in the development of these colleges was that there might have been a short-term need, but as far as I can ascertain no attempt was made to carry out projections, such as were carried out in the Borrie report, to indicate what the continuing need would be. We therefore built many of these magnificent institutions. When they became an embarrassment to the Government to fund them as teachers' training colleges, they were all made colleges of advanced education, because it was simple in this sense to transfer them to the Commonwealth Government. After all, it was that Government that originally provided the money, and we should give the Commonwealth the responsibility of maintaining them. I have stated that colleges of advanced education are experiencing much difficulty in maintaining their position, in maintaining courses, and in attracting students to those courses. In fact, they have become so competitive that this is one reason among many reasons that prompted the Commonwealth Government to call a halt to the triennium submissions made on behalf of C.A.F.E., C.A.E.'s, and universities. It was wise for the Commonwealth to do that in order to reassess the situation.

It was apparent to me that competition existed for no other reason than to justify their survival. That is completely wrong. I believe these institutions could be used for a better purpose. Perhaps the Minister is considering using some of them as community colleges for adult or technical education. There seems to me to be a real need to rationalise this whole area of education. What we are doing here is, I believe, superimposing another group of teaching, another group of colleges, another set of courses, and another set of instruction and instructors into the same limited area of demand. I can see problems arising in future unless something is done to rationalise the situation.

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

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

Motion carried.

Mr. NANKIVELL: Concern has been expressed regarding the proposed changes in the Bill relating to colleges of advanced education and the Further Education Department. I refer to the matter of higher secondary or subtertiary education that is provided as an adjunct to the education provided by colleges of advanced education, such as the Torrens college. I refer particularly to the Aboriginal community college. The Director is concerned that, as a result of the amendments, and because of the nature of

this course, it may have to be registered. He has expressed real concern that the removal of such a course from the Torrens College of Advanced Education could be detrimental to the community that the college was trying to help and believed it was helping towards self government. It was helping to provide, beyond the secondary level, an education that would not come within the set of courses set down under the Further Education Act. They would be in an area in which they might have to be treated as a special case.

I have considered the Bill and, as a consequence of the deficiencies I have seen in it, and what I have been able to raise in the debate, I am mindful of the fact that last year I asked the then Minister of Education (Hon. Hugh Hudson) a question in this House about the then proposed South Australian Council for Educational Planning and Research. I was concerned about what would be the functions of the council that was being set up as a result of the recommendations made by the Karmel committee. Indeed, if one looks at page 311 of that committee's report, one can see that the personnel of the council was almost identical to that of the Tertiary Education Committee.

There is on this council a wide and comprehensive range of persons and skills. When one looks at the Act that set up this council, one sees that the problem with which we are now confronted is one with which the council might well deal. I refer to section 14 of the Act, which was assented to on March 13, and under which one of the powers and functions of the council is to promote the development, rationalisation and co-ordination of educational services. That is a situation we have now reached with our colleges of advanced education. With the further growth and proposed independence of the Further Education Department, there is a definite need for rationalisation of courses and for co-ordination between the various tertiary institutions established within this State. When I asked the then Minister of Education what the functions of the committee would be, he assured me that in this area the committee would have undoubted responsibilities. In fact, he said he believed that the committee should act where there was a conflict of interest between tertiary institutions and technical colleges. It is appropriate in these circumstances that it should act, as the situation which we have reached and which I have tried to highlight is pertinent to the council's functions. It should therefore examine this situation.

I do not want to see any course of study restricted. I want to see all possible avenues of education left open. However, I do not want to see unnecessary expenditure and duplication occurring because of a lack of co-ordination and because we are setting up a new department that does not have to collaborate. This is a serious oversight in this legislation. The South Australian Council for Educational Planning and Research has as one of its members the Director-General of Further Education. It is therefore an integrated body. It need not be a comprehensive group that examines this problem, because I do not know that the problem involves the universities. However, there must be, among the 23 persons on the council, people who are highly competent to examine this whole matter. They should be invited to look at it so that we can rationalise the situation that is apparently causing concern amongst those who are currently engaged in this area of education in Australia and who consider that, as a consequence of the manner in which the Further Education Department is funded, it can pose a real threat io them in relation to many of their courses. This is because the colleges of advanced education must set up courses and obtain approval for them in order to attract finance. In these circumstances, a tremendous sum of money seems to be available for further education. Indeed, in the 1975 report of the Australian Committee of Technical and Further Education, a schedule of the proposed expenditure is set out. Of course, this expenditure has been deferred. However, it shows a sum of $48 145 000 that would have been made available to South Australia between July 1, 1976, and December 31, 1978, to support this area of education in South Australia. This would have been superimposed on the funds provided by the Commission for Advanced Education. This is a substantial sum of money, which will be spent on one aspect of education.

The Hon. D. J. Hopgood: Would have been.

Mr. NANKIVELL: The Minister is correct. This money has not yet been spent. However, it was proposed to be spent. That was the submission that was proposed and approved. The sum of $48 000 000 was to be spent in this area, and some of the courses on which it would have been spent are in direct conflict with those that the colleges of advanced education have set up or are trying to set up. I ask the Minister to confirm what he and I have been discussing, that is, the possibility of referring this whole matter to the South Australian Council for Educational Planning and Research, so that he can report back later on the outcome of its deliberations, which I sincerely hope will allay the fears of the advanced education group and, at the same time, rationalise this whole area of education, particularly in the diploma certificate field, as well as on the academic and tertiary sides.

I have not referred to the training of technicians or apprentices. In this area there is no conflict. I hope that the matter can be rationalised and that we can make the most effective use of our funds. As the Minister has suggested, some of these funds may not be available, so it is even more necessary that we should look at this whole area and rationalise it. I support the Bill.

Mr. McRAE (Playford): This is an area where, happily, there is frank and open communication between the Minister of Education and those of us in Parliament who are involved in this area. This is as the situation should be. The legal profession is often criticised for its multiplicity of Acts and regulations. I am bound to draw to the attention of the House the multiplicity of Acts, bodies, councils, advisory authorities and so on that exist in this area. The situation, as I understand it, is that the policy that underlines what the Government has done in the last three terms is admirable. In the field of colleges of advanced education (however one may define that term), there should be autonomy, just as universities have autonomy. There should be proper funding and an opportunity for the sort of flexibility that one would want. Credit is certainly due to the present Minister of Education and his predecessor for that philosophy and for the way in which it has been put into effect on the practical level. What concerns me is the methodology of the whole thing, in legal terms.

Members will recall that, in terms of legislation, the field of education does not have a happy history in this place, because much of the legislation has not been as one would have wanted and the Government of the day has had to replace it at short notice, and so on. I draw this matter to the attention of the Minister in this frank area of conversation where we are all agreed as to our eventual motives (that is, the best education possible within our financial resources for the greatest number of people), and it merely gets down,

in the end, to methodology. It seems to me that there must be some rationalisation of the legislation, because so many Acts affect so few people. I do not mean to offend the people who are affected, but I point out that the Public Service Act has a direct and immediate impact on about 40 000 people, yet in the field of further education we have a multiplicity of Acts (certainly in the double figure category) that deal with far fewer people. Therefore, serious consideration could, and should, be given as to how we can realign our structuring.

I listened with interest to what the member for Mallee said. There is no question of his bona fides in the area. I serve as one of his subordinates at Roseworthy Agricultural College and have learnt from his expertise and interest in this area. It would seem to me that, apart from the methodology of approach (and some might say that is just adopting a legalistic standpoint; I would say a practical standpoint, because a needless overlapping of Acts obviously leads to needless confusion), I would adopt what the honourable member said, because it seems to me there is a needless overlapping of activity between the various institutes of higher learning, colleges of advanced education (call them what you will), and that something needs to be done to bring this area into perspective.

The honourable member, in private conversation with me but in a conversation he does not object to my making public (and I think it is a valid assessment of the situation), has said that just as the Karmel committee laid the groundwork as to the aims of education, it could be said that the Bright committee report laid the groundwork of the structure of the health situation. In other words, what he is suggesting (and with respect I adopt this as a sound, logical approach to the situation) is that certainly a Karmel committee is needed to look at the end aims of education in the State but, having accepted that philosophy (and we have unanimously, there is no dispute as I understand it across the floor on that), we can similarly argue that the Bright committee, which looked at the structuring of the health services in South Australia, could well be regarded as pre-figuring another committee of some kind or another that would look at the structuring of educational services in South Australia.

The honourable member referred to some parts of the Act that cause him. concern. On the whole, I agree with him. I suspect, in some areas, that the Minister does also, although I do not purport to speak for the Minister. I agree with the member for Mallee about the part of the Bill relating to the use of the word "collaborate". First, I do not like the word "collaborate", because that is used in a certain historical context and whoever dreamt that one up ought to rethink the situation because, instead of "collaborate", why not have "co-operate"? Whether it is "collaborate" or "co-operate" may be academic. The reality of the situation is that if there is an obligation there must be a right, and if there is a right there must be an obligation. If not, there is a vacuum.

In the proposed Act there is a vacuum, because there is an obligation on the various colleges of advanced education to collaborate with the board of advanced education, but no corresponding right on the part of the colleges to demand a similar collaboration, or co-operation. Certainly, I agree with the honourable member to that extent. Secondly, I can foresee (although it has not happened to any great extent yet) that, in the kind of area in which we are involved, we can get a kind of competitive spirit whereby one institution tries to provide courses that others do not provide and in which public money can therefore be spent needlessly or perhaps not properly. I also draw attention to the extremely defective statutes and rules of the universities, colleges of advanced education, institutes of technology, etc., because the statutes and rules are deficient under decisions of the Supreme Court given during the past two years, and anyone with any legal training knows that they are deficient.

The statutes and rules will have to be revised, and it will be necessary at some stage to prepare a set of model statutes or rules, otherwise certain difficulties may arise. Apart from the disciplinary area and the person who is perhaps in difficulty for the moment, we also have the person who deliberately sets out to create difficulties, and that is where the statutes and rules become important. I have not attempted to cover the whole field any more than the member for Mallee did. I congratulate the Minister and the member for Mallee on the admirable co-operation they have shown.

In conclusion, I think it would be clear that those members who are involved in this area all agree that the basic principles of the Bill are sound but, at the same time, they also agree that some kind of investigation ought to be carried out into the whole field of advanced education. Having given the matter considerable thought, I put to the Minister the following propositions for his consideration: either that, first, he pursue the course advanced by the member for Mallee, or secondly, that he appoint an *ad hoc* committee that would have Parliamentary representation, or, thirdly, that he appoint a Select Committee. Those three options are open to him. I am not saying that I urgently request that he adopt one of the three propositions, since it seems to me that the three propositions could be well supported. The Minister may well give this matter some thought. It is of such importance that, whatever kind of committee is to consider it, there ought to be some Parliamentary involvement.

This is the kind of area in which it could be done informally. If the Minister is not attracted to the idea of a Select Committee, certainly he could take the idea of an *ad hoc* committee, or the suggestion of the member for Mallee, and superimpose on that a further *ad hoc* non-select committee representing various shades of belief and opinion in the House. I am sure that it would not be difficult to get a relatively small body of five or seven persons to co-operate and come up with some ideas which, in the long run, would have a favourable impact on further education in this State. I support the Bill.

Mr. GOLDSWORTHY (Kavel): Although I, too, support the Bill, there are some serious deficiencies in it, and I think it is a sorry commentary on the Minister and the Government for introducing the Bill with these obvious deficiencies. I do not know who promoted the basic ideas incorporated in the Bill, although it is obviously modelled on the Education Act, with certain notable omissions. However, if I were setting about building an autonomous educational structure insulated and isolated from the other major educational structures in the State, the Bill would suit me well indeed. If I were interested in embarking on the process of empire building (which is so near and dear to the hearts of some people engaged in public activities in this State), this Bill would suit me well. It is a source of considerable disappointment to me that the South Australian Council for Educational Planning and Research has obviously not had a large role to play in preparing the Bill.

The Bill, as the Minister has said, is largely historical; in fact, it seeks to validate what has been happening in

the State for some time. The Further Education Department is already in existence, and we are seeing in this case the procedure by which many of these educational bodies have finally come before the House for legislation. The colleges of advanced education had been operating for some time, and then we got a Bill to validate what they were doing. This Bill is more deficient than any of the others. I recall the debate on the Bill to establish the South Australian Council for Educational Planning and Research. Before the Bill was introduced, we spoke to the officer who was to be the chief executive officer. I was at the inaugural seminar of the council and, because I had the temerity to publicly express doubt about the functioning of the council, when finance obviously was becoming more and more difficult and when obviously there would be a squeeze from Canberra, T was given a nice backhander by the then Minister of Education, by implication, at the seminar. People were educational Philistines if they questioned any move the then Minister made!

I remember that the member for Mallee and I asked questions during the debate on that Bill and I remember the assurances we got from the Minister. It would be as well to remind the House what the then Minister (Hon. Hugh Hudson) said then about co-ordinating these major institutions in education in this State. In closing the second reading debate, he stated:

> We need to get more effective co-ordination of the kinds of development that take place at different levels, because what happens at one level (for instance, in relation to Spanish) affects what goes on at another level.

Because I am reading only part, I mention that the example given by the Minister was in regard to Spanish being taught at, I think, Flinders University. This decision was in isolation. The Minister also stated:

> If we wish, for instance, to teach the ethnic languages, such as Greek or Italian, the teaching of those subjects in situations involved in teacher training is fundamental to that sort of decision. Therefore, when one really gets into the area of co-ordination of the long-term planning and development that will take place within all our institutions, it becomes a much more complicated operation and extends beyond the boundaries that would have been imposed by the suggested Tertiary Advisory Committee. It seemed to me, therefore, that it was important to develop the concept a little further. May I now answer a question that has been raised by many members about why this organisation was first established on an interim basis. I believe that was necessary because I was unable to give more than the bare bones of an idea about the way we should go, and I wanted people to set to work, develop the idea and give it a little bit of flesh as well. It seemed to me that the most effective way of doing that was to establish an interim committee initially. Members should note that in the year before last they voted the money for that interim committee, and this year they have voted $250 000 for its effective establishment. I am indeed pleased that they did so.

He explained at length that they had to put some meat on the bones of this new council. In Committee, the member for Mallee and I questioned the Minister about what the function of the new body would be. This is part of the question I asked:

> The Minister set up an interim council before we had seen legislation, and now he has said that he wants to put some flesh on the bones. What will that flesh be? I thought this council would be heavily involved in the planning of physical facilities. Research activities seem to be on a sort of *ad hoc* basis. If someone wanted research of educational importance carried out the council would be given that task. Perhaps a fee could be charged . . .

In reply, the Minister stated, among many other things:

> From that point of view, the better we have done our planning and co-ordinated various plans the more likely it is that we will get our priorities implemented when it comes to getting the Commonwealth funds we want. I suggest that, when it comes to the point, the course development that should take place in our tertiary institutions and the provision of facilities or of additional institutions always turn out to be related. Furthermore, as between levels of institution, there are all sorts of other problems.

Referring to the council, the member for Mallee asked:

> Where does it stand in relation to the Board of Advanced Education, which deals with the colleges of advanced education? Where does it stand with the Universities Commission in the determination of priorities of work, the allocation of funds, and the recommendations involving the institutions in these respective groups? It must fit in somewhere if it is to function effectively and not be just a nice committee with good intentions but no teeth.

In reply, the Minister stated, among many other things, as usual:

> In so far as it is a matter internal to colleges of advanced education, the council, unless the board asked it to, would not have a role. It could have a role on matters arising between universities, because there is no State co-ordinating authority.

The theme of all that was that this new fledgling, this new creature of the Labor Government, would co-ordinate and plan, by long-term planning, all our educational institutions, in the interests of economy and rationalisation, so that we could attract Commonwealth funds in the most efficient way. This Bill obviously is deficient, and clearly the council has not been asked to do its job. When I was at the public relations exercise that the Government conducted, the initial seminar of the council, we had some top brass from other States, and the whole thing went off with a big bang.

I got a backhander, and then we broke up into seminar groups to discuss what the council would do and how it would operate. I saw that it had done some research into pregnancies in secondary schools, and into the use of community facilities at Monarto (which, I suggest, was very long-term planning). With a Bill like the one before us, where millions of dollars will be spent on education in the State, the council has not even considered it. I suggest that the council has not had a finger in the pie, because I have more confidence in the Director and his staff than to think that it would present a Bill like this to the Minister. The member for Mallee has made an excellent suggestion. Of course, the Government has been remiss in not getting the council in on this matter earlier.

The member for Mallee has canvassed the deficiencies in the Bill at length, and I will refer to only a few. The definition of "further education" is delightfully vague. The exclusions are primary and secondary education at Government and non-government levels. The definition is not at all clear. If tertiary courses are to be offered they must be accredited by the Board of Advanced Education if they are to have any standing at all. There is no reference at all to that matter that I can detect in the Bill. It is a fundamental omission from the measure. Clause 9 (3) provides:

> The Minister may establish and maintain such institutions as he considers necessary for the education and training of those who are to give instruction in colleges of further education.

I understand that that function is currently performed by the Torrens College of Advanced Education. Where is the co-ordination aspect in that provision? What is the Further Education Department going to do? Does the Torrens College of Advanced Education just give up its courses of teacher training? Will the Further Education

Department train its own teachers? There is no co-ordination and no reference whatever to existing courses, and that is a serious weakness in this legislation.

The member for Mallee referred to the Aboriginal community college, which I have visited and which was established in the Torrens College of Advanced Education. How will that be affected by this Bill? I suggest that it will have to be a registered body under the aegis of the Further Education Department. The Bill does not refer to courses of instruction. However, the Education Act does refer to them.

The Hon. D. J. Hopgood: It is—

Mr. GOLDSWORTHY: There is a passing reference to courses of instruction in the clause dealing with regulations, which provides that, notwithstanding the generality of certain matters, there is reference to courses of instruction. That is a major and vital function, and the very reason for the existence of colleges of further education. There is only a passing reference that the Minister will cause regulations to be made, together with regulations in relation to parking and other matters. The registration of teachers is another matter that is omitted; however, I do not know whether that matter is applicable. Another clause relates to long service leave benefits for officers. The Bill is grossly inadequate, and I assume that the Minister is well aware of its inadequacies.

I assume the Minister will take the sound advice given by the member for Mallee. I certainly do not give much weight to the alternatives suggested by the member for Playford. I hope that the Minister has the good sense to do what he should have done six months ago and refer the matter to the South Australian Council for Educational Planning and Research, because, after all, that is the purpose for which we were assured it was established. If that council can come up with something more sensible than this half-baked Bill, I should be pleased. The Bill seems to be an exercise in empire building in an uncoordinated fashion. In his second reading explanation the Minister refers to the report on the Public Service, which stated that it was deniable to have a separate and autonomous Further Education Department. If ever a horse took a bit between its teeth and bolted, this is it. The Government took that report more than literally. It has not consulted or considered worthy of consultation or consideration any of the other major educational institutions in this State, institutions such as the colleges of advanced education, the Board of Advanced Education and, indeed, the Education Department.

When other departments want to dispose of property, they do so after having consulted other departments to see whether they have any use for the property. That matter is not referred to in the Bill.

The Hon. D. J. Hopgood: Is there any in education?

Mr. GOLDSWORTHY: It can happen in other ways, too. The whole tenor and tone of the Bill is that it will be an empire in isolation without consultation with any of the authorities. I support the Bill in the expectation that the Minister will accept the advice of the member for Mallee and submit the Bill to the South Australian Council for Educational Planning and Research. I have been assured that the Bill will be whipped into shape before it becomes law, so I am willing to support it.

Mr. COUMBE (Torrens): I support the principle of the Bill, because, among other things, it legitimises the practice of the past few years whereby the operations of further education have occurred under the aegis of the Education Act. I have wondered for the past year or so why the former Minister of Education (Hon. Hugh Hudson) never introduced a Bill to legitimise the functions of the Further Education Department.

Mr. Millhouse: He would never get it through the House.

Mr. COUMBE: I think the honourable member is right. The Minister was notorious for introducing Bills at the death knell of a session. Perhaps someone should tell him what is the procedure for introducing and passing a Bill in this place. The Bill puts in order actions that should have been taken by the Government a few years ago. I strongly support the concept of further education in South Australia, a concept that was recommended by the Karmel report, which was commissioned by a former Liberal Government when the Hon. Joyce Steele was Minister of Education. Of course, the report did not hit the desk until the Hon. Hugh Hudson was Minister of Education.

Further education, as it is now called, is rather a clumsy generic term, but that is what it is called in other States, too. I have no doubt that it fills a much needed requirement in the community. It is interesting to see the number of enrolments and the way in which those enrolments have been increasing. It is remarkable that the department is fulfilling a need that is popular among members of the community. The department grew out of the old technical branch of the Education Department, which was for far too long the poor relation of the Education Department. No-one would doubt that for a moment. As I have been associated with education, especially technical education for many years, I want to see the Further Education Department fulfil its proper function (as we all do), as was recommended by the Karmel report. I want to make one or two criticisms about the Bill in the hope that we can make it a better Bill so that further education can proceed in the way it should proceed. I know from experience that the colleges of advanced education in this State are quite strongly concerned, and quite rightly so, about certain aspects of this measure, both in the method of operation and in the scope and content of certain of its clauses. I express my concern also. The member for Mallee canvassed the Bill in some detail, so I will limit my comments to three or four main heads. I start with the definition in the Bill of "further education". As the Minister has said in his second reading speech explanation, it is necessarily wide. It could not have been much wider, as I am sure everybody would agree. What does "further education" mean? The definition is as follows:

> "further education" means instruction or training in any academic, vocational or practical discipline except any such instruction or training excluded from the application of this Act:

That covers just about anything at all, except that clause 5 provides:

> This Act does not apply in respect of—
>
> *(a)* instruction or training provided at any Government school maintained by the Minister under the Education Act, 1972-1974;
>
> *(b)* instruction or training in primary or secondary education provided at any non-Government school that is attended by the students, or a majority of the students, enrolled at the school on a full-time basis;
>
> (c) instruction or training provided by any university or college of advanced education established by statute;
>
> or
>
> *(d)* pre-school instruction or training.

I turn to two matters which concern me. It seems to me a contradiction that, whilst advanced education (which has been the subject of considerable legislation in this

House over the past few years in relation to the establishment of various C.A.E.'s, and they seem to have proliferated) is quite clearly defined and is also very strictly controlled, the area of further education seems to be subject to no detailed controls except the regulatory powers and in relation to the funds that will be approved by the Minister. There is a distinct contradiction and a stark contrast here, because in the area of advanced education (and we are talking here about universities and C.A.E.'s) individual courses have to be approved for funding purposes. In this nation quite an elaborate machinery is set up for this purpose. This, among other things, ensures a wide consultation on course proposals and the use of resources. These are very proper in that area, but it does not seem to me that very much is provided in this Bill in the areas I have mentioned—consultation on course proposals, and the rational use of resources.

The Minister, by interjection, mentioned regulations, and he referred to the analogy he will draw from the Education Act. I believe we should have something more specific set out in this measure. Further education is, after all, a form of tertiary education; it is not university or C.A.E. education. Therefore, we are beginning to get into sub-professional or vocational courses, which are very popular and very important. If we are to make this department work, we have to see that the enabling Act is properly worded and the necessary provisions are properly set out. L believe the Act should set up, for the purposes of further education, what I would call a visible machinery of course consideration and approval. The Minister has set out in the Bill advisory committees for curricula. I believe we should have set up here, in a manner more apparent than is in the Bill, an advisory committee for course consideration and approval. This touches on the Council for Educational Planning and Research, which was mentioned earlier. That council was set up to obviate duplication between universities and C.A.E.'s, and between a C.A.E. and other C.A.E.'s.

I believe there is an obligation to consult with other organisations, as is set out in the Colleges of Advanced Education Act, and in particular with the Board of Advanced Education, chaired by Mr. Lyell Braddock. There should be more liaison between the proposed department and these other organisations. This was touched on by the honourable member for Mallee, but I emphasise that it is extremely important if these things are to work. Clause 9 (3) provides for the establishment of teacher education within the scope of further education. Surely, further education and the teaching thereof must come within a higher limit than teacher education; it is impinging on the area of advanced education. I am aware that some achievement or level is required in the teaching of further education. It may not be terribly academic, but I believe it is an intrusion and a retrograde step to consider setting up education for one group of teachers in further education in isolation from other forms of teacher education. I believe further discussion is absolutely necessary on this matter.

I have touched on the question of liaison between the other C.A.E.'s and possibly the Board of Advanced Education. We come now to the question of accreditation, and it would surprise and amaze members who are not intimately connected with education to know the lengths to which certain universities and colleges of advanced education have to go to get certain courses and degrees or diplomas accredited. It is necessary that we do not have this duplication, but one has to go first to the funding authority and then to the specific committee that handles accreditation. I mention that because it is envisaged in further education, among other things, that there will be an associate diploma, and it seems that there is no provision in this Bill for an accreditation committee to look at the matter. I believe this is a serious area of emission in this Bill.

I have no doubt there is a certain amount of duplication between this measure, which has my support in principle, and the existing colleges of advanced education, which are performing a remarkable job in this State. I believe, therefore, that the measure should be subject to further consideration. The suggestion that this be referred to the Council for Educational Planning and Research (Mr. Ander's committee) is a very worthy one, and I commend it. That council was set up to overcome this question of duplication. This duplication occurs not only between universities and colleges of of advanced education but also between other teaching institutes and organisations, of which the Further Education Department is one. I support the Bill and hope that consultation along the lines that has been suggested will take place.

Mr. MILLHOUSE secured the adjournment of the debate.

STATUTES AMENDMENT (RATES AND TAXES REMISSION) BILL

Returned from the Legislative Council without amendment.

ADELAIDE FESTIVAL THEATRE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

CONSTITUTION ACT AMENDMENT BILL (ELECTIONS)

The Legislative Council intimated that it insisted on its amendments Nos. 1 to 3 to which the House of Assembly had disagreed.

Consideration in Committee.

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

That the House of Assembly insist on its disagreement to the Legislative Council's amendments Nos. 1 to 3.

Motion carried.

A message was sent to the Legislative Council requesting a conference, at which the House of Assembly would be represented by Messrs. Allison, Duncan, Dunstan, McRae, and Tonkin.

Later:

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council conference room at 10 a.m.

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

That Standing Orders be so far suspended as to enable the conference on the Bill to be held during the adjournof the House and that the managers report the result thereof forthwith at the next sitting of the House.

Motion carried.

Later:

The Hon. J. D. CORCORAN (Deputy Premier) moved:

That Mr. Nankivell be a manager on behalf of the House of Assembly at the conference with the Legislative Council on the Bill in place of Dr. Tonkin.

Motion carried.

COAST PROTECTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 4. Page 1634.)

Mr. ARNOLD (Chaffey): The Opposition supports the Bill, except for some minor queries regarding some of its provisions. In the main, the Bill provides for an increase of one in the membership of the board, and gives it power to acquire and deal in land. The Bill also increases the maximum grants payable to councils for improving and restoring coastal facilities. The Bill is an improvement on a similar one presented last session, because it gives greater recognition to councils by seeking their approval, when necessary, to carry out certain works. That is an extremely important provision. Another area of concern is clause 4, which deals with powers of acquisition, subclause (1) of which states:

Where the board is satisfied that it is necessary or expedient to acquire any part of the coast—

(a) *for* the purpose of executing works authorised by this Act;

or

(b) for any other purpose consistent with the functions and duties assigned to, or imposed upon, the board under this Act.

They are far-reaching powers, and this concerns the Opposition. However, as substantial recognition is being given to councils and the Bill will enable, as the Minister has said in his second reading explanation, the payment of up to 80 per cent of the cost incurred by councils in repairing coastal facilities necessitated by ordinary wear and tear, the Bill will be of considerable benefit, as councils will know precisely where they stand. I am somewhat concerned at the powers of acquisition, as I think all members are whenever such powers are written into legislation. I believe that we should examine this provision closely. The Opposition in the main believes that the Bill is a considerable improvement on the original one, as the additional board member (who will be a biologist or ecologist) will provide the necessary balance to the board, thus improving it. I support the second reading.

Mr. MATHWIN (Glenelg): I, too, support the Bill, because it is a big improvement on a similar Bill introduced last year. The Government obviously paid considerable attention to the debate when this legislation was last before us. I am pleased that the Government has adopted some of the suggestions made during the debate, particularly the amendment with which I was concerned, because the acquisition of property has placed some councils in difficulty. The main problem existed at Koolywurtie, and the Minister said that that was the reason for introducing the original Bill. Local government must be consulted on land acquisition, because the cost involved could be astronomical, particularly in developing the coast and metropolitan areas under the control of the Coast Protection Board. The board might believe that it was advantageous to it to take over a property to be used as a car park, and that could cost the council a considerable sum if it was not consulted.

I am pleased that, under clause 2, which amends section 4, "storm repairs" means works for the repair of damage to the coast, or a coast facility, caused by storm or pollution. This added advantage has been introduced in the Bill now before us, whereas the Act provides that storm repair does not include the cost of a coast facility. I appreciate this new provision, which is important to local government. In common with the member for Chaffey, I draw attention to clause 4, which amends section 22 of the principal Act and which deals with powers of acquisition. I am concerned at this provision, and I shall be pleased to hear from the Minister whether he can assure me that local government will be consulted under the powers of acquisition provision. New subsection (3) (b), inserted by clause 4 to section 22, provides:

By agreement with the council for the area in which the land is situated, place the land under the care, control and management of that council.

This provision was also a problem, because we had a situation where no-one could explain who, when an area of land was acquired, would maintain and be responsible for it. Local government could have been placed in a position of having to carry out maintenance on a certain project at considerable expense in connection with the acquisition. With the agreement of a council, the land or property acquired could be put under the management of the council. Clause 5 increases the grants from half of the cost to four-fifths of the cost, and that will greatly assist councils. In clause 7, we have some definition, and the council will know where it is going. I welcome the fact that these matters have been cleared up, much to the satisfaction of the Opposition, and I support the Bill.

Mr. BOUNDY (Goyder): When this matter was considered previously, it was of much concern to me. The Minister's explanation shows that many necessary improvements have been made, and the legislation is more acceptable to members on this side. The point that concerned me most previously has been covered. That is that half the cost of purchasing an area would be recoverable only where the council had given prior approval to the proposed acquisition. Hitherto that could be recovered without the authority of the council. That change is certainly an improvement.

I express misgivings about clause 4, which refers to acquisitions. Much care should be taken in that matter, and I refer again to the area at Koolywurtie. This land is very attractive and is an excellent example of what natural dune land looked like before the coming of the white man. It is in that condition because of the stewardship of the owner. The Coast Protection Board needs to be careful before it acquires land, particularly land of this kind, because the people, especially tourists, would be better served, particularly in the case of Koolywurtie land, if the land was vested in the present owner, because he looks after it properly.

The only interest the Coast Protection Board needs to take is to give the people limited access, which they now have. The area is popular, and it has a rough bush track through it. I can imagine that, if 10 000 visitors went there on a weekend, they would ruin the area, but that number would not go there. I express misgivings about the power of acquisition in clause 4, because, in relation to the area at Koolywurtie, the board does not need to acquire it. It is available to the community to look at and use, and caution should be exercised in each case before this acquisition power is used.

I am also pleased that there are better provisions for repairs to storm damage and for the making of grants of up to 80 per cent of the cost of repair work done by councils to repair the coast. I refer to boat ramps on beaches in remote parts of my district. There have been unhappy situations about councils being refused the opportunity to install boat ramps, and I hope that, with the willingness to provide more money, the board will provide a few more ramps. However, that matter is hardly relevant, and I raise it only as a side issue. I support the Bill.

Mr. BLACKER (Flinders): Most of the basic points have been made by Opposition members about the interests

of council areas. Councils have raised queries with me, and they are concerned that excessive expenditure could be placed on them by the board. I am pleased that additional consideration has been given to councils and that they will be more involved with the board in relation to acquisitions. I note with interest and approval from clause 4 that agreement between the council and the board must be obtained before land can be placed under the care, control and management of that council. Regarding the contribution towards works performed by a council where it is delegated by the board, up to four-fifths of the cost will be covered by grant from the board.

This is an increase from 50 per cent to 80 per cent and, whilst this is an admirable contribution, where major works are required even 20 per cent is a considerable debt for a council. Whilst I and councils appreciate the assistance, it still can be a heavy burden. One difficulty in bringing about an effective Coast Protection Board has been that councils could not participate as much as they wished, because of the financial difficulty of trying to provide the amount involved. The grants to councils for the acquisition of land, where a council proposes to acquire (and this is the relevant point, because it is where a council proposes to acquire rather than it being a direction), mean that up to half of the cost can be covered by grant under the provision.

It is at the discretion of the council whether it involves itself in this matter but, because the councils would be involved in most cases in a heavy financial commitment to be able to take on any land, there is a restriction as to how effective councils can be in assisting the board to carry out the aims and objectives. Clause 7 deals with council approval and is a worthwhile addition inasmuch as it creates closer relations between the council and the board. I. fear that the co-operation between councils and the board is limited to the extent that councils can financially participate. I support the Bill because it is an improvement on what has existed previously.

Mr. BECKER (Hanson): I support the Bill. I hope it will have a speedy passage through Parliament, because I understand that the councils in my district (Henley and Grange and Glenelg) are most anxious for it to pass in the next day or so. The Coast Protection Board is also keen for the Bill to pass, because it has committed certain money to work that will commence as soon as the measure is passed. This measure removes certain fears we expressed when we last considered the legislation. It is a credit to the board and the Government that what was required by councils and by the Opposition has been done. The councils in my area have not criticised this Bill; they are happy with it. The fears expressed about clause 4 are not really warranted because, until now, the Coast Protection Board has not acted without close consultation with councils, and that will continue. It is a credit to the previous Minister and Les Buenfeld, the Chief Engineer of the board, that the dialogue established between councils and the board is such that they have a complete understanding and are co-operating well.

If the board moves into other areas, the member for Flinders can be assured that, from experience gained in the metropolitan area, the areas about which he is concerned will benefit. Naturally, the councils in my area are keen for the legislation to pass, because certain works are proceeding at the Patawalonga. That area has long been a bugbear in the system and has cost many tens of thousands of dollars. Next year work will be carried out to the extent of about $300 000. That work must be carried out as soon as possible, and we hope it will solve the problems that exist. Property acquisition is necessary to improve car-parking facilities near the Patawalonga. A property has been offered to the council, and the council and the board would be wise to accept the offer.

No-one can criticise the Government's generosity to councils to carry out the work they have carried out. The sum involved in work taking place between the Glenelg jetty and the Torrens outlet at West Beach is more than $1 000 000, and the councils concerned would not have been able to carry out that work without Government assistance. Had the work not been carried out in the past few years much of the coastline would have been lost, at least one road would have vanished, and possibly half the area of the only remaining sand dunes at West Beach would have disappeared. The damage that would have been caused to the coastline would have threatened residences along the foreshore. Apart from the generous concessions the Bill provides, it also increases the number of board members from five to six and provides that a person with experience in biological science and environmental protection should be appointed. This is worthwhile.

Not all experts have agreed about the reasons for the deterioration of the foreshore near the Glenelg North treatment works. One theory is that marine growth has been destroyed, and since its loss there is nothing to stop the sand drifting into the gulf and into its deep gullies. Marine growth acts as a buffer and holds the sand, which is washed back to the coastline. It is important that someone with experience in biological science be a member of the board. The board should refer back to the Culver report because it was that report that established the Coast Protection Board. The board should also look at regenerating marine growth off our coastline. Perhaps a replanting programme could be undertaken to protect existing beach sands. Hundreds of thousands of tonnes of sand have been carted from south of the Glenelg groyne to beaches to the north at Henley Beach, West Beach, and other areas.

It will be a continuing process to solve the problem of the two sand bars off the Patawalonga entrance. About the only solution is to extend the existing groyne into deep water, but that will cost hundreds of thousands of dollars. Sand that is being washed into the gulf near the Patawalonga entrance will have to be replaced. The only other possible solution would be to plant marine growth, which would be an experiment worth trying. The councils in my area welcome the. board being able to appoint an expert in biological science and environmental protection.

The Government and the board will accept, under the provisions of this Bill, certain maintenance costs for jetties, including Glenelg jetty. The board will assist by providing up to 80 per cent of those costs, whether or not the facilities are used commercially. The Bill opens up many new areas and covers what the Opposition wanted. As it provides a further opportunity to protect our valuable foreshore, I support the Bill.

The Hon. D. W. SIMMONS (Minister for the Environment): I will be brief, because I believe the Bill has general approval. It provides, as does the existing Act, that contributions up to a certain amount shall be paid. The 80 per cent contribution that is now payable will certainly relate to jetties, because of the particularly heavy expenditure on them. However, other coast facilities may well receive a lesser proportion of contribution, because it is up to the discretion of the board to allocate money,

depending on the importance of a project and the funds available. It is presently spending about $1 200 000 a year. There is a lot of coastline to deal with, so, necessarily, it has to assess some priorities.

Mr. Arnold: It is subject to negotiation between the board and the council.

The Hon. D. W. SIMMONS: Yes. As jetties pose a special problem for local government, we can expect, first, a big improvement relating to storm damage, as up to 100 per cent of the cost of repairing jetties will be met, and ordinary maintenance is met up to 80 per cent of the cost. Some members have expressed some misgiving about the power of acquisition provided in clause 4. All this does is extend the present power to acquire land for the purpose of executing work to acquiring land for any other purpose consistent with the functions and duties assigned to or imposed on the board under this Act. I believe that is a very worthwhile provision. I do not believe there is any cause for misgiving, such as the member for Goyder expressed. He said that the area at Koolywurtie is in the hands of an owner who exercises his stewardship responsibly. That may change whilst it is in private ownership, and it may well be necessary for the Coast Protection Board to acquire land to ensure that it will continue to be looked after correctly.

With regard to fears that the councils may be placed in an invidious position, I believe the new subsection (4) of section 33, as set out in clause 7, gives adequate protection to the councils. It was never the intention in the previous Bill that councils would be burdened with a commitment which they did not wish to make. This places the matter beyond any doubt whatsoever. I thank honourable members for their support. I am very keen to see this provision go through this week so that councils may have the benefit of the legislation and so that the board will have the increase in membership and in powers that I think it requires.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Membership of Board."

Mr. BECKER: Whom has the Government got in mind to appoint as the board member experienced in biological science?

The Hon. D. W. SIMMONS (Minister for the Environment): Two or three names have been mentioned to me of persons eminently suited for the position. No appointment has been made, pending passage of the legislation. I know two of the three persons suggested, and they would meet all the requirements.

Mr. Becker: Will he be responsible for any experiments?

The Hon. D. W. SIMMONS: Not that I know of. It is not the function of the board to carry out experiments; this is designed to provide this expertise on the board. A biologist would be able to add his knowledge to determine whether certain experiments should be carried out, for example, or help in assessing matters. The board will not carry out experiments. At present the engineering side is well covered and it would be desirable to have a biologist on the board because of the connection between the coastline and biological science.

Clause passed.

Remaining clauses (4 to 7) and title passed.

Bill read a third time and passed.

ACTS INTERPRETATION ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

STATUTE LAW REVISION BILL (HOSPITALS)

Returned from the Legislative Council without amendment.

STATUTE LAW REVISION BILL (GENERAL)

Returned from the Legislative Council with amendments.

LOTTERY AND GAMING ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

PAY-ROLL TAX ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 11.30 p.m. the House adjourned until Thursday, November 13, at 2 p.m.