

**HOUSE OF ASSEMBLY**

Wednesday, February 18, 1976

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

**LONG SERVICE LEAVE (BUILDING INDUSTRY)  
BILL**

At 2.1 p.m. the following recommendations of the conference were reported to the House:

*As to Amendments Nos. 1 and 2:*

That the Legislative Council do not further insist on these amendments but makes the following amendment in lieu thereof:

Clause 2, page 1, line 7—Leave out the words “a day to be fixed by proclamation” and insert in lieu thereof the words “the first day of April, 1977”.  
and that the House of Assembly agree thereto.

*As to Amendment No. 5:*

That the Legislative Council do not further insist on its amendment but makes the following amendment in lieu thereof:

New clause 22a.—“Misconduct on part of worker”—  
22a. Where the board is satisfied that a worker who has less than one hundred and twenty months effective service with a particular employer ceased to be a worker in relation to that employer in circumstances arising out of serious and wilful misconduct on the part of the worker, the board may, after affording an opportunity for the worker and the employer to be heard, direct that that worker shall not for the purposes of this Act accumulate any effective service entitlement in respect of his service with that employer and upon such a direction being given this Act shall apply and have effect accordingly.  
and that the House of Assembly agree thereto.

*Later:*

The Legislative Council intimated that it had agreed to the recommendations of the conference.

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

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the consideration of the recommendations of the conference.

Motion carried.

Consideration in Committee of the recommendations of the conference.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): The amendments are on file. Members can see that the first amendment is as follows:

Clause 2, page 1, line 7—Leave out the words “a day to be fixed by proclamation” and insert in lieu thereof the words “the first day of April, 1977”.

The previous situation was that it was the intention of the Legislative Council to write into the clause an amendment that would have meant that, unless the consumer price index reached a certain level, the Bill was not to come into operation. That was totally unacceptable to the Government because that c.p.i. level may never have been reached. After a long and protracted conference this morning, it was decided that it was best to reach a compromise and allow the building industry to settle down and to prepare itself for the legislation, although I believe most building contractors are already prepared because they have known about the matter for some time because of the committee set up by my department. In a conciliatory manner we have decided in the best interests of all concerned to make the operative date April 1, 1977, and I recommend that proposal to the House.

I wish to make an explanation about what happened this afternoon. I am not going to apologise, because I

did not realise I was breaking any tradition of the Parliament, and the one person who realised that was the member for Mitcham when he said that I probably was not aware that that position existed.

Mr. Mathwin: Your Cabinet must be at fault for not telling you.

The Hon. J. D. WRIGHT: The Cabinet is not at fault at all. Do you want an explanation or not? If the honourable member keeps on interjecting I am not going to give one.

The CHAIRMAN: Order! The Minister of Labour and Industry has the floor.

The Hon. J. D. WRIGHT: If Opposition members want an explanation of the situation, I am willing to give it. I have not been unwilling to give the explanation, but I am not willing to make an apology. The simple situation was this: about 500 members of various organisations were outside—

Dr. Eastick: Was their presence solicited?

The Hon. J. D. WRIGHT: Not by me.

Dr. Eastick: Or by your Party?

The Hon. J. D. WRIGHT: Not by my Party. They could have been summoned by secretaries of their unions and that is their prerogative if they so desire. I was keeping secretaries of the unions informed about what was happening about the Bill, and they may have decided to do this; I do not know. I believe Mr. Laidlaw, or someone else in the other place, was told yesterday that a meeting would be held, but I was not told. Even if I had been aware of the traditions of the House, I might have made the same judgment, because a situation was occurring outside the House that could have been drastic. There is no question about that. People were trying to get into the building, and police were trying to prevent them from getting in. Even on the first occasion I went down to talk to the trade union officials the situation was cooled somewhat. People had been on strike since about 11.30, and I am sure they would still be there clamouring for someone to give them information about legislation affecting them if I had not spoken to them. That was a judgment that had to be made in the best interests of the working of this place, whether it broke tradition or not. That is the decision I made. I make no apology for it because in my opinion it had to be done.

Mr. DEAN BROWN: I believe it was unfortunate that reference to the c.p.i. was not accepted by the conference. That may not be the sort of legislation the Labor Party in this State likes to accept but I believe it is responsible legislation. Australia has two major economic ills at present: one is inflation and the other is unemployment. I believe any amendment moved by the Legislative Council in an attempt to control the inflation rate in Australia should be supported by any responsible Government. I was disappointed to see the attitude of the Government towards that amendment.

Mr. Millhouse: Are you supporting the compromise or not?

Mr. DEAN BROWN: I am accepting the result of the conference.

Mr. Millhouse: It doesn't sound like it to me.

Mr. DEAN BROWN: I am saying that I was disappointed that the conference did not make that recommendation. I accept the suggestion as put forward concerning the misconduct, because I believe it takes this Bill—

The Hon. J. D. WRIGHT: I haven't moved to that yet.

Mr. DEAN BROWN: Oh, I see.

The Hon. J. D. Wright: Only doing No. 1.

Mr. DEAN BROWN: Just doing No. 1. As I said, I was disappointed that the c.p.i. was dropped out. I believe that at least by April 1, 1977, the Fraser Government will probably have the c.p.i. increase below the level mentioned in the proposed amendment. Traditionally, the c.p.i. increase for the June quarter is small. That was the case in 1974 and again in 1975 and it is a tradition accepted by economists, I believe the c.p.i. increase for this quarter will probably be about 3 per cent to 3.5 per cent, and therefore it is feasible that the suggested amendment of the Legislative Council could have been put into effect by July this year when the c.p.i. figures are published for the June quarter. What we have seen (and the Government will have to take full responsibility for this) is that now the Government has forced some sort of time limit on the Bill. I think the reasons for the time limit should still be clearly stated: that is, that by April 1, 1977, we hope that the increase will be well below that. I hope it is achieved much sooner than April 1, 1977. It is appropriate at this stage to comment on the behaviour of the Minister immediately after this conference concluded.

The ACTING CHAIRMAN (Mr. Keneally): I do not think it is appropriate to comment on the action of the Minister. The Chair has accepted the honourable Minister's right, as he saw fit, to make an explanation of his action earlier today, but the Chair is not going to accept this as part of the debate now before the House.

Mr. MILLHOUSE: I rise on a point of order, Mr. Acting Chairman. I suggest that, as you have allowed the Minister to make an explanation at this stage, it is grossly unfair of you not to allow any other member to canvass the same matter. After all, the Minister is speaking on this motion, and we must have an opportunity to answer what the Minister has said. It is a pity that he did not do it earlier this afternoon, but at least he has done it now. It would be wrong if other members could not comment on what the Minister has said on this motion. I put this not to try to make any political point but because this is a matter of fairness. I know that you cannot let us go too far, but I suggest that we should be able to say something about what the Minister has said.

The ACTING CHAIRMAN: I appreciate the way in which the honourable member has taken the point of order, but the Chair showed tolerance to the honourable Minister in allowing him to explain the reasons for his actions earlier. Earlier today, the House decided not to grant the suspension of Standing Orders to debate this very matter. As my ruling is consistent with the ruling of the House earlier today, I do not uphold the point of order.

Mr. MILLHOUSE: In that case, I must move to disagree to your ruling. I cannot just let it go.

The ACTING CHAIRMAN: The honourable member must put his reasons in writing.

Mr. MILLHOUSE: I will write them out.

The ACTING CHAIRMAN: Mr. Speaker, I have to report that the honourable member for Mitcham has disagreed to a ruling I made as Acting Chairman. The honourable member has stated in writing that he has disagreed to the Acting Chairman's ruling in not allowing any reference to what the Minister said in moving the present motion about his actions earlier this afternoon in disclosing publicly the result of the managers' conference before reporting to the House.

The SPEAKER: In accordance with tradition, I must uphold the ruling of the Acting Chairman.

Mr. MILLHOUSE: In that case, I must respectfully, and in accordance with tradition, move to disagree to your ruling.

The SPEAKER: The honourable member must bring up his reasons in writing.

Mr. MILLHOUSE: Yes, Sir.

The SPEAKER: The honourable member has moved to disagree to the Speaker's ruling in upholding, as the Speaker felt himself bound by tradition to do, the Acting Chairman's ruling against the honourable member's point of order concerning the Acting Chairman's refusal to allow reference to the remarks of the Minister of Labour and Industry when moving the motion before the Committee. Is the motion seconded?

Mr. GUNN: Yes.

Mr. MILLHOUSE: I have twice had to write out hurriedly my reasons for disagreeing to the ruling given by one of the Acting Chairmen of Committees a few minutes ago. The following are the facts so that you, Mr. Speaker, will know what has happened. You have upheld the ruling, acting on tradition, without knowing all the facts of what has happened. As the events of this afternoon in this place will not have faded from your memory, I do not need to go over those. When the Minister moved to accept the first of the points of agreement at the managers' conference this afternoon, he explained his action in disclosing publicly (apparently to a crowd outside the House) the result of the conference before the announcement was made in this Chamber and in another place.

In my view, that explanation should have been given some hours ago, but the Minister chose to give it when moving the motion to accept the first of the heads of agreement. He was not stopped by the Chair for doing that. I think that, in all the circumstances, having reached that point, he was properly not stopped by the Chair from making that explanation. The member for Davenport rose to speak to the motion and, in so doing, started to comment on what the Minister had said, and he was pulled up by the Acting Chairman, who said that he was not going to allow any discussion of that matter to take place. I then suggested to him that, in all circumstances, it was quite unfair for him to allow the Minister to make an explanation of what has become a matter of much controversy here this afternoon and then to say that other speakers on the same motion could not discuss what the Minister had said.

It seemed to me a point of most elementary justice, and I put it as calmly and moderately as I could. As you know, I am usually calm and moderate, and I was particularly so on this occasion. I thought and hoped the Acting Chairman would accept what I said. As I have stated, I was not making any political point. It was merely a matter of elementary fairness to members. I proposed to say something to the Minister about his explanation but I did not intend to get stuck into him, and I thought the member for Davenport and any other honourable member should be able to do the same thing, as the Minister himself had introduced the subject in moving the motion.

Dr. Eastick: Do you mean the inadequacy of his explanation?

Mr. MILLHOUSE: I will not canvass that now, but I was going to say something about it. The Acting Chairman was not prepared to change his ruling, I think more out of inexperience and obstinacy than anything else. Then I took the only other course that I could, and that

was to move to disagree to his ruling. As I said to the Minister across the Chamber, this is a storm in a tea cup, but the principle is there, and because of all that has happened this afternoon it is quite wrong that we cannot discuss this matter.

I therefore moved a motion and the Acting Chairman reported to you. You, without any thought, so far as I could see, of the merits of the matter and, as you stated, by tradition, felt bound to uphold the Acting Chairman, whether he was right or wrong. I think I have told you accurately what happened. The position now is the same as it was in Committee: it is a matter of elementary fairness. If the Chair allows the mover of a motion to introduce material into the debate (even though such material was perhaps objectionable and could have been stopped), if it is not objected to and stopped, it is grossly unfair not to allow other members in the debate to comment on what the mover has said. I am sure that the Minister, whatever he may say now, agrees with that and would not have minded at all whatever comments were made about it. It is a matter of elementary fairness and, therefore, a matter of principle, and I have moved the motion for that reason.

The Hon. D. J. HOPGOOD (Minister of Education): I ask the House to reject the motion. I consider that the action taken by the Acting Chairman and, through him, you, Mr. Speaker, has been entirely proper in referring back to this Chamber the matter of whether it wants to reverse the decision it took earlier today.

*Members interjecting:*

The SPEAKER: Order! The honourable Minister of Education.

The Hon. D. J. HOPGOOD: You will recall that earlier today this House took a certain decision in relation to the suspension of Standing Orders, and it was obviously the opinion of the Acting Chairman that to rule other than the way he did would not have been in accordance with that decision of the House and that by proceeding in the way he did he was, as it were, turning back for the decision of the House the matter of whether it wanted to overturn that earlier decision. If the majority of members in this Chamber believes that decision should be overturned, they have their remedy in the vote that is to take place.

I concede, of course, that a certain element of discretion was allowed when my colleague was speaking, but that is not itself the subject of this motion. The subject of this motion is whether, within the context of a debate about a specific matter coming back from another place, the debate should be allowed to get as wide as it has. The Acting Chairman ruled as he did when he thought it appropriate to do that, and you, Mr. Speaker, have upheld his ruling. I reiterate that earlier today this Chamber took a decision, and it is for this Chamber to decide whether that decision should be overturned. The person in the Chair at that time acted properly in leaving the matter for this House to decide rather than decide it himself. I therefore urge the House to reject the motion.

The SPEAKER: Order! There can be only two speakers in the debate.

The House divided on the motion:

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

Noes (21)—Messrs. Abbott, Broomhill, Max Brown, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood (teller), Jennings, Keneally, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Evans and Nankivell. Noes—Mrs. Byrne and Mr. Hudson.

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

Motion thus negatived.

In Committee.

Mr. DEAN BROWN: The Acting Chairman has stopped me from referring to the inaccurate and incomplete report of the Minister as to what went on outside the Chamber.

The Hon. J. D. WRIGHT: I rise on a point of order, Mr. Chairman, on the basis that the honourable member has referred to my report as being inaccurate.

The CHAIRMAN: There is no point of order.

Mr. DEAN BROWN: I have been stopped by the Acting Chairman—

The CHAIRMAN: Order! I want the honourable member to withdraw that remark, because it referred to a decision of the House.

Mr. DEAN BROWN: I accept that ruling, Sir. If anything I said was a reflection on the Chair, I certainly withdraw it, but there had been a ruling that I could not comment on the Minister's inaccurate and incomplete report on what went on outside the Chamber. However, I can refer to what went on during the conference, and this is worth noting. At one stage the conference stopped before agreement had been reached, when the Minister said that he would have to get approval of Caucus. In fact, the Minister had a conference with union secretaries involved under the legislation, and discussed with them the entire proposals that were being put to the conference. It is unfortunate that it seems that Caucus, for the Labor Party, is the union secretaries involved. The Minister said during his speech that he had a conference with union secretaries. It is also unfortunate that the laws of this country should depend on the Minister's crawling and grovelling to his masters, the union secretaries, down on the ground floor, during the middle of a conference.

Mr. Max Brown: You're getting pretty low.

Mr. Goldsworthy: I think he's right.

Mr. DEAN BROWN: That is exactly what happened. The Minister came down and consulted with the appropriate trade union secretaries.

Mr. WELLS: I rise on a point of order, Mr. Chairman. I ask the honourable member to withdraw his derogatory remarks, when he said the Minister goes crawling and grovelling. That is surely unparliamentary and a shameful statement and I ask that it be withdrawn.

The CHAIRMAN: I ask the honourable member for Davenport whether he wishes to withdraw.

Mr. DEAN BROWN: If the Minister takes offence at those words, I shall withdraw them.

The CHAIRMAN: Order! I want the honourable member to resume his seat, also the Minister. There was no point of order, and the member for Davenport has the floor.

Mr. DEAN BROWN: If any Government member takes offence at my remarks, I withdraw them, but it was well known that the Minister went down and consulted with trade union officials involved.

The Hon. J. D. Wright: How do you know that?

Mr. DEAN BROWN: Because you said so to the Committee. The Minister said so in this Chamber earlier this afternoon.

The Hon. J. D. Wright: I did not say that.

The CHAIRMAN: Order! Whoever may be in the Chair, the ruling is that the word "you" must not be used, and I hope the honourable member will respect that ruling.

Mr. DEAN BROWN: A few moments ago in his speech the Minister said that he had consulted trade union officials. That would be recorded in *Hansard*. It is unfortunate that debate on some aspects of the matter cannot be referred to. It was unfortunate that the c.p.i. increase was eliminated from the decision finally reached, because it would have been better if the decision had been based on that index. The legislation would have been introduced much sooner if this index had been included in the Bill, but unions and workers will now have to wait until April 1, 1977, before the legislation operates. If the earlier amendment had been accepted, the legislation would have been proclaimed sooner and I am sure that, when the figures are revealed, the judgment of the Minister and other Labor members will be seen to be in error. With major reservations, I support the recommendation of the conference.

Mr. WELLS: I support the recommendation, but I oppose the statement made by the member for Davenport concerning the adoption of the c.p.i. formula. The amendment from the other place was introduced to provide an issue that could have meant the annihilation of this Bill. I am sure that it was expected that this amendment would be rejected with no compromise and that would have meant that the other place could throw it out. It seems that there is great animosity towards this Bill in another place. It was stated at the conference that six or eight members of the Council supported the two amendments that caused so much trouble, but they voted against the third reading of the Bill. They wanted two barrels.

The CHAIRMAN: Order! The honourable member must not refer to debates in another place.

Mr. WELLS: That is a pity. I had always expected that recommendations of a conference would be accepted with some comments, but not with hostility. If the amendment referring to the 4 per cent as enumerated in the amendment had been accepted, the proclamation of the Bill to give building workers long service leave would have been delayed indefinitely. It is rubbish for any member to say that he is sure that the c.p.i. index will be below that level in six or eight months. The way the Fraser Government is operating in Canberra we will have a 20 per cent inflation rate soon. This would mean that we would be unable to say to building workers that they would have long service leave legislation that would operate at a specific date, if that were accepted. It must also be remembered that it was expected by the Minister that the Bill would be proclaimed in June or July, a matter that caused much concern in another place. The amendment was watered down to the point where June, 1977, was to be the date of proclamation. The only point of discussion then was whether it should be June, 1976, or June, 1977. The compromise reached was that it should be April 1, 1977. I am confident that members of the Liberal Party in the other place wanted the Bill thrown out, and proved it by many of them voting against the third reading of the Bill. They were there to protect vested interests in the building industry. It is no good their denying it, because there is proof positive that that

was their intention. They went to the conference determined to have the Bill rejected because no compromise or agreement could be reached. Union secretaries were told that the measure was to be discussed, and it was discussed for months. Workers have been looking forward to the provisions of this Bill being enacted for 20 years.

Mr. Mathwin: Come on!

Mr. WELLS: What are you talking about, you pommy dope?

The CHAIRMAN: Order! The honourable member will resume his seat. I should like the honourable member to withdraw that remark. I remind all honourable members to use the term "honourable member". The honourable member for Florey.

Mr. WELLS: Of course I will withdraw the remark, Sir.

Mr. Mathwin: You've called me a pommy bastard before.

Mr. WELLS: I apologised for that.

The CHAIRMAN: Order! I hope the honourable member will come back to the Bill.

Mr. WELLS: For 20 years building workers have been looking forward to long service leave benefits, but they have been denied those benefits. The Premier in his past three policy speeches has promised long service leave benefits for employees in the building industry. They certainly should have got that benefit. However, such a provision created terror amongst employers in the building industry. Union secretaries came to Parliament House today to ascertain what was happening with this urgent Bill. The Minister did not advise or seek advice, but he discussed the situation. I was present at the gathering, and I was proud to be there. I am sorry that I cannot talk about what happened outside.

Mr. Evans: You might get permission to do so; try your luck.

The CHAIRMAN: Order!

Mr. WELLS: Union secretaries have talks with many of us, and we were there representing their interests. That seems to have caused some heartburn, especially to the member for Davenport. Time after time when Bills have been discussed in this place the gallery has been filled with people with vested interests. Take the shopping hours Bill: Sir Edward Hayward—

The CHAIRMAN: Order! The honourable member will deal with the recommendations of the conference. He is straying a little from the matter under discussion.

Mr. WELLS: I do not apologise, and I know that the Minister does not, for discussing this matter with trade union leaders. The Bill vitally affects their welfare and future standard of living. I do not apologise any more than I would expect members opposite to apologise when they discuss certain Bills with people who are interested in those Bills. The Minister acted admirably throughout the proceedings on this measure, certainly from its inception and at the conference. I was disgusted at the conference to hear the member for Davenport introduce and support the consumer price index proposal that had been suggested in another place, especially when he was representing this Chamber.

I give credit to the member for Torrens for supporting the attitude of this Chamber right down the line. That is what he was there for. The member for Davenport was supposed to be there for the same reason, but he wanted to introduce a matter identical to the amendment made by the other place. I am proud that we can now tell

building workers that they will receive long service leave benefits, although those benefits are not as good as we would wish. We hoped that the Bill would be proclaimed in June or July this year; instead, workers will have to wait 14 months until April 1, a propitious date.

Mr. Millhouse: Yes, April Fool's Day.

Mr. WELLS: Yes, but at least we can say that the measure will be on the Statute Book and that people in the building industry will eventually enjoy long service leave benefits, meagre as they are. We were able in the conference room to defeat a move which I am firmly convinced was designed to throw out the Bill. They put things before us that they were certain we would reject. They would then go back and say there was no agreement and the Bill would be laid aside. They kept repeating, "We want the Bill. We agree that they should have long service leave, but so long as it does not cost—"

Mr. DEAN BROWN: On a point of order, Mr. Chairman. The honourable member is somewhat confusing when he refers to "they" and "we". He should refer at least to "members of the Legislative Council", if that is to whom he is referring.

Mr. WELLS: Well, Mr. Chairman—

The CHAIRMAN: Order! The honourable member for Florey will resume his seat. I have been following this matter closely and must admit that I did not notice it as much as the member for Davenport did. I uphold the point of order. I ask the member for Florey to rephrase what he is saying.

Mr. WELLS: Mr. Chairman, I am sorry if I offended the honourable member's susceptibilities, but members of the Legislative Council were determined to do everything they could to wreck the Bill. I am not saying that the people—

The CHAIRMAN: Order! I have ruled about "we" and "they".

Mr. WELLS: Oh, for Christ's sake!

The CHAIRMAN: Order! That is more or less a reflection on the Chair.

Mr. WELLS: I apologise, Mr. Chairman. I am not saying that members of the other place who attended the conference were the members who opposed the Bill in the other place.

Mr. Rodda: You must have had a real tussle.

Mr. WELLS: It was tough. Members from another place were determined that building workers in this State were not going to have long service leave benefits. Thanks to the efforts of the Minister, his staff and members on this side, workers will get those benefits, although they will be delayed to the extent that they will not be proclaimed until April 1, 1977. Eventually they will enjoy those benefits after a 20-year struggle. I support the motion.

Mr. MILLHOUSE: I do not believe I have ever heard the member for Florey to better effect in putting his case. I do not agree with all he said, but some of it I must accept, because I was not at the conference.

Mr. Mathwin: It was loud and clear, wasn't it.

Mr. MILLHOUSE: Yes, and put with his usual gusto and good temper. We all respect the honourable member for the views he holds so strongly.

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

Dr. EASTICK: It has been stimulating to hear from members on both sides that at the conference all the merits of the legislation were given great consideration. One

could be excused for believing that the Minister suggested that he had come to a decision under some duress. Indeed, watching him on television tonight, it looked as though he was under duress in passing on information to people in another place outside the Chamber.

The Hon. J. D. Wright: I wasn't on television tonight.

Dr. EASTICK: Yes, you were, with a microphone in the hand telling the organised meeting on the steps what it was all about.

The Hon. J. D. Wright: Good for me: I'll get some votes out of that.

The CHAIRMAN: Order! This was debated in the House this afternoon, and it was a decision of the Chair that what happened outside the House could not be debated. The honourable member for Light.

Dr. EASTICK: It was interesting to know that the conference reviewed the legislation and considered it in some depth. It was a much more impressive meeting than the abortive effort yesterday morning on another measure before the House.

The Hon. J. D. WRIGHT: On a point of order, Mr. Chairman. The honourable member is now talking about the other conference held yesterday morning; surely that has nothing to do with this debate.

The CHAIRMAN: Order! I was listening intently to the member for Light. At this stage I cannot give a decision. The honourable member for Light.

Dr. EASTICK: There was much consideration of the merits of the measure that was before the conference this morning, and this was far different from the very abortive effort yesterday morning, when the Attorney-General refused to compromise or discuss the full merits of an electoral measure, but that is not this matter.

The CHAIRMAN: Order! The honourable member for Light cannot continue in that vein, and I hope that he will get back to the question before the Chair.

Dr. EASTICK: What I want to know from the Minister is whether he means that he was forced into accepting the decision of the conference and that, in accepting the force of the ultimatum, shall we say, of people from another place, he sought to accept it because he feared, as he said to others, that in the very near future there may not be a Labor Government and therefore it is better to have this. Did he mean, "It was important we accept what we can get, because if it goes out the window there is every chance when the Liberals come to power you will not get as much"? This was more than an inference: this was the fact of the address. Not having been privileged to attend the conference, I want to know whether the Minister was under threat.

The Hon. J. D. Wright: From whom?

Dr. EASTICK: From people from another place, because that was the inference I gained from the relating of the decision that the Minister finally accepted.

The Hon. J. D. Wright: Threat of what?

Dr. EASTICK: Threat of losing the whole lot.

The Hon. J. D. Wright: I will answer that question.

Dr. EASTICK: This is what I want to find out.

The Hon. J. D. Wright: I'll tell you, too.

Dr. EASTICK: I am glad, because I stood on my feet so we could gain this information, and also to know whether the Minister really did think, in expressing his opinions and views about the value of the conference, that he was likely to lose the lot because of the impending change of Government in this State.

Mr. COUNBE: While the Minister makes up his mind whether he is going to answer that or not—

The Hon. J. D. Wright: I was on my feet.

Mr. COUNBE: He left it fairly late, because the Chairman was about to put the question. We saw this afternoon a rather extraordinary spectacle from the member for Florey; he was a real prima donna. He was at his fighting and expletive best. I know one thing for certain; the Minister in charge of this Bill will never forget this conference.

The Hon. J. D. Wright: I've made history. I've got legislation that's never been done before.

Mr. COUNBE: Whatever glory the Minister wants to take of it, he is welcome, because at one stage or another we have had several disputations with the Chair and a congregation outside on the steps of the House, and the Minister has appeared on television.

Dr. Eastick: Unsolicited, too!

Mr. COUNBE: Completely unsolicited and, quite surprisingly for the Minister, he had no knowledge of it; it was quite spontaneous.

The Hon. J. D. Wright: That is true.

Mr. COUNBE: Having seen some of the people there, and heard them, I am not sure whether they were all on his side or not.

The Hon. J. D. Wright: They were more on my side than yours.

Mr. COUNBE: The Minister was welcome to speak to the crowd. I wondered why the member for Florey went to such heights and lengths in his attack on certain members of this Chamber and another place. I think the member for Davenport did this Committee a service by pointing out the effect of the consumer price index fluctuations from quarter to quarter and their effect on wages and costs. I thought the member for Florey was a little injudicious. It will be interesting to see, as a result of the Legislative Council's agreeing to withdraw its reference to the c.p.i. in the original amendment and the substitution, as agreed to by the Minister, of April next year, which will be the first to go down: in other words, which of the amended c.p.i. of 5 per cent, as suggested, or April, 1977, will happen first, because it was suggested at one time that one or the other would occur. If the first c.p.i. went down the first, the Bill could then be proclaimed. It has now been decided that April 1, 1977, will be the date. It may be tidier legislation, but it will be interesting to cogitate and see in April next year what would have been the position. I believe the member for Davenport was quite right in putting forward his ideas on the likely movement of the c.p.i.

The Hon. J. D. Wright: Most Opposition speakers have given a reasonable appraisal of the situation, and I commend them for that. The question asked by the member for Light (if I can get it in its proper perspective) was whether the committee and I considered ourselves to be under pressure from the Legislative Council to the extent that it was possible to have lost the Bill completely.

Dr. Eastick: That is so.

The Hon. J. D. Wright: I would say emphatically "Yes" to the question, because undoubtedly the Legislative Council did not want to see the legislation enacted at all. The smokescreen spread across the c.p.i. increases or decreases was to defeat the Bill. If one examines the third reading debate and the voting that took place last

evening, one will see that eight Legislative Councillors voted against the third reading.

Mr. Gunn: That's their right.

The Hon. J. D. Wright: I did not say that it was not their right: I am making a point of fact that they were trying to defeat the Bill. I am answering the question asked by the member for Light and, if the member for Eyre has enough sense to keep quiet, he will hear the reply. I am emphatically agreeing to the question asked by the member for Light and saying, "Yes, I was under much pressure and duress and, at one stage, was convinced that the Bill was gone." Let me deal with the quisling oaf from Davenport.

The CHAIRMAN: Order!

Dr. TONKIN: On a point of order, Mr. Chairman: I think the words used by the Minister, although rarely used and colossally out of date, are still grossly offensive. I ask that they be withdrawn.

The CHAIRMAN: Will the honourable Minister please withdraw the remark?

The Hon. J. D. Wright: Are you asking me to withdraw my remark?

The CHAIRMAN: I am.

The Hon. J. D. Wright: Are you asking on behalf of the Opposition?

The CHAIRMAN: I am asking on behalf of the Chair.

The Hon. J. D. Wright: In those circumstances, I will withdraw.

Mr. Gunn: And apologise?

The Hon. J. D. Wright: I was not asked to apologise.

*Members interjecting:*

The CHAIRMAN: Order! Several members are interjecting from out of their seats: this is against Standing Orders and will not be tolerated. The honourable Minister has the floor.

The Hon. J. D. Wright: Having made the point that I consider the member for Davenport to be a quisling oaf, I withdraw that statement, although I consider him to be that.

The CHAIRMAN: Order! I want the honourable Minister to withdraw that remark unconditionally.

The Hon. J. D. Wright: I think I have already withdrawn the remark and, as far as I am concerned, that is as far as I am prepared to go.

The CHAIRMAN: Order! I ask the honourable Minister to withdraw unconditionally. I do not intend to go any further on the matter.

The Hon. J. D. Wright: Because I have a great respect for you as a person and a member of Parliament, and for your position as Chairman, I will withdraw the remark, although I think it is hardly unparliamentary.

The CHAIRMAN: The honourable Minister must proceed with the question before the Chair.

The Hon. J. D. Wright: I think I have made my point regarding the attack made on me earlier by the member for Davenport when he referred to me as being (I think, from memory) cringing, crawling and crying to the trade union movement.

Mr. Allison: A quisling collaborator—

The Hon. J. D. Wright: Do you want to debate this as well as me?

The CHAIRMAN: Order! The honourable Minister must address the Chair. Interjections are out of order. The honourable Minister must not reply to them but must proceed with the question before the Chair.

The Hon. J. D. WRIGHT: I became confused about the attack made on me by the member for Davenport.

Mr. Chapman: You usually do.

The Hon. J. D. WRIGHT: We know where the member for Alexandra stands. The Attorney-General gave a good explanation of you once. It is still in *Hansard* and, if you want me to remind you of it, I will get it out.

The CHAIRMAN: Order! The honourable Minister knows as well as does any other honourable member that the correct way to address members is "honourable members", not "you". The Speaker and I have constantly asked honourable members to do that, but some of them still proceed to address members in the wrong fashion. I ask the honourable Minister and all members to abide by the ruling from the Chair.

The Hon. J. D. WRIGHT: I intended to keep the debate on a low key level. Let us go back to what I said before the dinner adjournment. I made attacks on no honourable member, and the only member I am attacking now is the member for Davenport, who attacked me. I must reserve the right to put him in his proper category. I have congratulated the rest of the members on the standard of debate and on their reasonable attitude towards it. Surely if the member for Davenport, who represents the Chamber of Commerce and Industry and the employers, is going to make an attack on me, who represents the workers, surely I am entitled to make an attack in return. That is my point, and that is all I wish to say on this matter.

No other points have been made regarding the amendment. I think I have answered the question asked by the member for Light. We still have not heard from the member for Mitcham, who was late getting back to the Chamber and who may still want to join in the debate. This debate would have been conducted normally, because I believe that what we have achieved today has a historical background. Whether it is liked by the Opposition (and the member for Florey made it explicit), I point out that on many occasions we have seen people surrounding this Chamber in one way or another for the sole purpose of giving instructions to the Opposition. I want you all to remember—

Dr. TONKIN: On a point of order, Mr. Chairman.

The CHAIRMAN: Order!

The Hon. J. D. WRIGHT: I want all honourable members to remember what I now say. If the union secretaries had not been at Parliament House today, no legislation would have been enacted, because I was not prepared to accept the conditions laid down by the Legislative Council members.

Mr. Chapman: So you brought in your heavies?

The Hon. J. D. WRIGHT: I did not bring in the heavies. There was no consultation. I told them of the situation, and said I was not satisfied with the programme that was set. As far as I was concerned, the Bill could have gone out the window and good sense prevailed. Finally, I object to the attitude of the member for Davenport in referring to me as cringing, crawling, or whatever it was. If that member ever learns to control himself in this place and outside in the same way as the former shadow Minister, the member for Torrens, has done, we

will have satisfactory debates and be able to do the job that we are expected to do. While we have the member for Davenport in the Parliament, attacking on a personal basis, we will have situations such as we have had this evening, and that does not enhance the Parliament.

Mr. MILLHOUSE: I apologise to the Committee for not being back on time, but I had to hear Christopher's Latin. The real disappointment about having been cut off at the dinner adjournment is that none of us will ever know what I was going to say afterwards, least of all me. Since I got back about 10 minutes ago, it has been difficult to pick up the thread of the debate, but I think we are still discussing the motion to accept the first head of agreement of the conference, are we not? The member for Florey went too far when speaking about the motives of members of another place. Perhaps some of them wanted to destroy the Bill: I would not deny that for a moment. However, a compromise has been reached between the two places, and that shows that there was some goodwill and some desire by most members of another place to agree and to allow long service leave to come into operation. Doubtless, the member for Davenport was provocative, and I was perturbed by the comments of the member for Florey about the attitude of the member for Davenport at the conference. It was in line with how he spoke today. Conferences between the places are most artificial: whatever our personal convictions, we are supposed to champion the view of the majority in our Chamber. Of course, that is not the division between us: it is a Party-political division, however much cant we may get from members of another place about their independence. In the British Parliament, conferences were abandoned in, I think, the 1860's but our Constitution was written by them and we have gone on using this rather antique machinery.

It is not easy to go to a conference and champion the views of one's own Chamber, and that championing usually breaks down, but most of us observe the convention and try at the beginning to take the view of the majority of members in our Chamber. Apparently, the member for Davenport did not do that, and it ill becomes him to be quite so vehement about the fact that the operation of the legislation should depend on the consumer price index, because none of us thought of that before the Bill got to another place and the Hon. Mr. Laidlaw moved the amendment. We did not think of it in the Select Committee, and no-one put it to us, so it does not ring true for the member for Davenport to speak as strongly as he has done.

On the other hand, many of us are concerned about the increased level of costs in the building industry and throughout the community that must occur. I am pleased that a compromise has been reached. I think that, for once, this compromise was sensible and, while the Minister was indiscreet in doing what he did on the steps of Parliament House this afternoon, I think he has reason to be pleased with the compromise. The matter is being deferred for only 14 months, so that is not too bad.

Mr. GUNN: After the Minister briefly explained the reason for the agreement reached between the Chambers, the member for Florey took the floor in the way he usually does when we are dealing with any matter concerning trade unions. We have had from the Minister one of the most deplorable replies to any debate made since I have been a member. He did not answer one point made by the Opposition, but resorted to personal abuse of the member for Davenport and the member for Light.

The Hon. J. D. WRIGHT: I did not say anything about the member for Light. On a point of order, Mr. Chairman,

T have been accused of condemning, criticising or abusing the member for Light. I ask for a withdrawal of that, because T did not abuse the member for Light.

The CHAIRMAN: There is no point of order. I call the honourable member for Eyre, and I want him to speak to the motion "That the recommendation of the conference be agreed to".

Mr. GUNN: It is interesting to see how touchy the Minister is in these matters.

The Hon. J. D. Wright: No, I am just truthful.

The CHAIRMAN: I call the honourable Minister and the honourable member for Light to order. I am sorry, I have made a mistake. I should have referred to the honourable member for Eyre. I ask the honourable member to stick to the motion before the Chair.

Mr. GUNN: I am not surprised that you are confused, Mr. Chairman. It has been a confusing day, particularly for the Minister.

The CHAIRMAN: I want to inform the honourable member that I am not confused at all. Again, I ask the honourable member to stick to the question before the Chair.

Mr. GUNN: I am sorry if I cast any aspersions on you, Sir. Members on this side have been commenting on what a good job you have been doing. I am happy to stick to the motion. The legislation will have wide ramifications in the building industry, and industry generally, and the cost of houses will increase. The member for Florey said that, had the Legislative Council's original amendment remained, the Bill would never have been implemented, but that is nonsense. The Minister said that this legislation would create history: he certainly has by his disgraceful antics today.

The CHAIRMAN: Order! The honourable member has been told several times that he must confine himself to the motion. I do not want attacks on persons or personalities to be introduced into the debate, and I hope that the honourable member will not continue in that vein.

Mr. GUNN: It may be historical legislation, but time will tell what effects it will have on industry generally and on the people of this State. I think the Minister will remember this day for many years to come.

Dr. EASTICK: I find it difficult to appreciate the situation in which the Minister said he was under duress in coming to a conclusion on this measure, but at the same time he is pressing us to accept the most monumental piece of legislation that has been introduced since the Minister became a member of Parliament. Amendments from the other place improve the stability of the Bill and the ability of the industry to cope. The Minister referred to Opposition members being advised by some people in the industry, and we are happy to be seen speaking to people who can give us advice on these matters. It is refreshing to find the Minister's advisory group coming to Parliament House and not sending instructions from South Terrace. The Minister has said that the end result of the measure has come about because of compromise between the managers, and that is one of the main purposes of a conference. Perhaps the Minister should discuss with the Attorney-General the possibility of compromise, and next time the Attorney attends a conference he will be willing to accept it.

The Hon. G. T. VIRGO: I rise on a point of order, Mr. Chairman. The Attorney has nothing to do with this nor has a conference in which the Attorney was involved anything to do with it. The member for Light is out of order.

The CHAIRMAN: There is no point of order. However, the member for Light is wandering away from the question before the Chair.

Dr. EASTICK: Compromise in legislation is essential, and I hope that, in future, legislation that requires compromise will receive it.

Mr. McRAE: I was insulted to hear my Minister referred to in the way in which he has been referred to. I attended 11 of the 12 meetings of the Select Committee, and I believe that I was conscientious and that I served as well as my talents allowed me to serve. One crucial witness before the committee was Mr. John Horton-Evins—

The CHAIRMAN: Order! The honourable member must refer to the question before the Chair, "That the recommendation of the conference be agreed to."

Mr. McRAE: I apologise, Mr. Chairman. This measure has received proper consideration, and I am disgusted to have heard over the loudspeaker the remarks made about the Minister of Labour and Industry. If he did anything that was injudicious (and I do not admit that he did), he had good cause.

The CHAIRMAN: Order! Once more I point out to the honourable member that he must confine his remarks to the question before the Chair.

Mr. McRAE: Again I apologise, Mr. Chairman. I am trying to keep my remarks on a level and low-key basis. I wish only to express to the Committee that the evidence presented in relation to this matter was adduced properly at all times by the Minister for Labour and Industry and the other members who comprised the Select Committee. I was not present at the conference today, so I do not know what happened except from hearsay. History will prove me right in saying that, whenever any reformist Government has introduced legislation of this kind, there has always been a cry of bankruptcy and that cry has always been refuted by cold, hard facts, and this has nothing to do with emotional cries or alleged cringing to trades halls or any other organisation.

One can look to any sort of legislation to alleviate the lot of the worker to prove that point. As far as giving long service leave benefits to building workers is concerned, I am proud to support the motion. I am appalled that certain people far removed from the common lot of humanity that they have no idea of how difficult it is for some people to live would put off this measure for another year after 20 years of battle. I wholeheartedly support the motion, the Minister and everything he did. I do not believe for a moment that he cringed to anyone any more than I or the member for Florey would have cringed to anyone. In view of your ruling, unfortunately I cannot add anything more, even though I should like to do so in relation to a certain member who was on the conference this morning.

Mr. MATHWIN: I support the motion but, in doing so, remind the House that when the Bill was being debated I spoke against it because I regretted that the building trade was being used as a guinea pig for this measure. The other matter I wish to raise relates to the racist attitude of the member for Florey, Mr. Charles John Wells.

Mr. Wells: He used my surname!

The CHAIRMAN: Order! I should like the honourable member to withdraw that personal remark.

Mr. MATHWIN: What remark?

The CHAIRMAN: When the honourable member referred to the "racist member for Florey".



Mr. MATHWIN: You want me to withdraw the remark "racist member for Florey"?

The CHAIRMAN: Yes.

Mr. MATHWIN: I will withdraw the racist member for Florey at any time you like.

The CHAIRMAN: I want the honourable member to withdraw that remark.

Mr. MATHWIN: I have withdrawn it.

The CHAIRMAN: I want the honourable member to stick to the matter under discussion.

Mr. MATHWIN: I will, but in doing so I remind the Committee that he called me a "pommy dope", which is I suppose an advance on "pommy bastard", which he called me a few months ago. This measure will increase the cost of housing in South Australia; I have no doubt about that. Two members opposite have said that the building trade has been trying and scheming for this benefit for the past 20 years or so. I have been a member of the building trade in this country for about 24 years, and people in that trade were not screaming loudly back in those days, because there used to be a loading for long service leave. As tradesmen, we recognised and appreciated that we could earn more money with the knowledge that there was a loading. With regret I support the motion.

Mr. McRAE: Because of the member for Glenelg's appalling inaccuracy I point out that there has never been a loading for long service leave for building workers. That matter should be placed on record.

The CHAIRMAN: The question is "That the recommendations of the conference be agreed to."

Motion carried.

The CHAIRMAN: Mr. Speaker, I have to report that the Committee has considered the recommendations of the conference and agreed to the same.

Mr. COUMBE: I rise on a point of order, Mr. Speaker. The report the Committee had before it, now in the House, contained two amendments. In Committee the Minister moved only the adoption of the first and did not give an explanation about the second. I suggest that the House should resolve itself into a Committee again to consider the second amendment.

The SPEAKER: Order! The question is "That the recommendations of the conference be agreed to."

Dr. TONKIN: I rise on a point of order, Mr. Speaker, because the position is entirely as outlined by the member for Torrens. The first recommendation was moved, but the second was not moved by the Minister, and has not yet been debated or put to the House. If that is what the Minister wants, I suppose that is all right. I do not know, but it seems an odd way of doing things.

Mr. DEAN BROWN: On a point of order, Mr. Speaker.

Mr. MILLHOUSE: On a point of—

The SPEAKER: Wait a moment! The report submitted to the Committee has been discussed. I cannot see what the honourable Leader is getting at.

Mr. MILLHOUSE: Well I can explain what he is getting at.

The SPEAKER: Order!

Mr. MILLHOUSE: The fact is that the report is an inaccurate report.

The SPEAKER: Is this a point of order?

Mr. MILLHOUSE: It is, because the report by the Chairman of Committees is not an accurate report of what has happened. I have never known this to occur during my time in this place. I can tell you, Sir, what happened, because you were not here. In Committee the Minister moved only the first head of the agreement. In fact, the Chairman pulled up the member for Davenport for dealing with the second matter during debate on the first matter. That actually happened. The Minister moved only the first one, which is the only matter we have been discussing. There is still another one, so the report is inaccurate. We have not finished the discussion.

The SPEAKER: The Chairman of Committees' report to me was that the recommendations be adopted. That is all I can go on. If honourable members during the course of the Committee stage did not take advantage of the opportunities offered to them—

Mr. MILLHOUSE: That is not it. On a point of order, Mr. Speaker. That is not what happened at all. We have just completed discussion on the first head of agreement. It was put and passed and immediately the Chairman got out of the Chair and made his report. There was no opportunity to discuss the second matter. It would have been out of order had we tried. One member did try and was pulled up by the Chair.

Mr. COUMBE: I rise on a point of order and suggest respectfully that the question that the report be adopted be recommitted to the Committee.

The SPEAKER: Order! I am asking for that at the moment. I have been assured that, in Committee, the question was put that the recommendations be agreed to. Irrespective of what the Minister or any other member has said, the Chairman put the question that the recommendations be agreed to. Obviously the Committee voted on that, so that is the way it stands.

Mr. MILLHOUSE: On a point of order, Mr. Speaker. I suggest with the greatest respect that the Chair cannot put a motion that has not been moved. The motion that was moved by the Minister was that No. 1 be agreed to. If the Chairman made a mistake and put a question that the recommendations be agreed to, that is invalid, because it was not moved. He cannot change the thing like that.

The Hon. D. A. DUNSTAN: On a point of order, Mr. Speaker. I have looked at the record. The record is that the Minister moved that the recommendations of the conference be agreed to. The record also shows that, whether he spoke to the first item or not, that was the motion and that was the motion put by the Chairman from the Chair and voted on in Committee. We are now in the House discussing the report that the recommendations of the conference be agreed to.

Mr. MILLHOUSE: I take a point of order on that, Sir. I am not prepared to accept what the Premier said. I ask the Minister what he moved. Let the Minister tell us what he moved, not the Premier. There is no doubt whatever (and the Minister knows this) that he moved only the first one.

*Members interjecting:*

The SPEAKER: Order! There is no point of order. I have received a report from the Chairman of Committees. I have accepted that and that has been agreed to by the table officers; therefore we shall proceed—

Mr. DEAN BROWN: On a point of order, Mr. Speaker. Whilst I was on my feet debating the first amendment, put by the Chair, and in fact the only amendment put by the Chair, I transgressed on to the second

amendment proposed by the conference—that was of misconduct. I was informed by the Chairman on that occasion that only the first amendment was being put and I was pulled up and told that the second amendment would be put at a later stage. It has not yet been put. We subsequently voted on the first one, but we have not, as yet, put the second one. The Chairman gave a clear instruction that we were debating only the first amendment and not the second one. You cannot have a Chairman who is invariably changing his ruling. I think that, to be consistent and reasonable, the matter must be withdrawn and we must go back and vote on the second amendment.

The SPEAKER: I think honourable members must remember that this is not a Bill the Committee was discussing line by line; you do not have to have a recommendation for each item. The fact that the Chairman put to the Committee “the recommendations of the conference”, and that was agreed to by the Committee—

Mr. MILLHOUSE: I take a point of order, Sir. I support the member for Davenport. What he has just said did happen; he was stopped. The Committee was considering the recommendations separately and only got as far as the first recommendation. For heaven's sake, we have had enough mix-up and unhappiness in this place this afternoon. There must be some way out of this dilemma, because I can assure you there is no doubt whatever that we all believed the Minister had moved, and I am sure he did only move, the first recommendation, and the Chairman gave a ruling to that effect in stopping the member for Davenport. Surely we cannot allow this to go on. There has clearly been a mistake. It is an innocent mistake, but it is a mistake. Surely to goodness we are in charge of our proceedings and because the Chairman of Committees, when he makes a report, makes a mistake, there must be some way to rectify this, and I ask for your help in rectifying it.

The SPEAKER: I would like to give my help, but I must say this: if honourable members think the Chairman of Committees was making a mistake, I can only assume that you all sat there smugly allowing him to make it. He has—

*Members interjecting:*

The SPEAKER: Order! He had obviously made the statement “that the recommendations of the conference”, and no-one picked him up on it. You voted on it and that was the result. The honourable Premier.

The Hon. D. A. DUNSTAN: Mr. Speaker, I point out to honourable members (and I was not here in the Committee stage of this matter) that it is not possible for this House, in consideration of a report from the managers of a conference, to deal with separate items of that report.

Mr. Millhouse: It will be funny to look at *Hansard* tomorrow and see what the Chairman said: I hope *Hansard* got it.

The Hon. D. A. DUNSTAN: Mr. Speaker, it is only possible for a motion to be moved “that the recommendations of the conference”, because they are a package; as a result of the deadlock provisions that the recommendations of the conference be accepted. Honourable members have suggested that in the Committee stages they were ruled against dealing with that package. If that is so, the ruling, I would think, was wrong, but I point out to honourable members—

Dr. Tonkin: You will do nothing to rectify it?

The Hon. D. A. DUNSTAN: I can do nothing to rectify it, because I point out to the Leader that, if that ruling was to be contested, under Standing Orders it had

to be contested immediately. Having passed, it cannot subsequently be contested, and that is the provision of the Standing Orders. Now, what is before the House is all that can be before the House on a report in relation to a meeting of managers in conference, and that is either that there be no agreement and that the Bill be laid aside in the appropriate place if that is the consequence or, alternatively, that the report of the managers be agreed to. That is the provision which we are now debating: we cannot debate any other motion.

Dr. TONKIN (Leader of the Opposition) moved:

That the recommendations of the managers as previously considered in this House be recommitted.

The SPEAKER: I know of no avenue whereby I could accept such a motion. In local government I could, but I know of no avenue within the framework of this Parliament.

Mr. MILLHOUSE (Mitcham) moved:

That Standing Orders be so far suspended as to allow the Leader of the Opposition to move that motion.

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

Mr. BOUNDY: Yes, Sir.

The SPEAKER: For the question say “Aye”, against “No”. There being a dissentient voice and there being present an absolute majority of the whole number of members of the House, there must be a division.

The House divided on the motion:

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

Noes (21)—Messrs. Abbott, Broomhill, Max Brown, Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Jennings, Keneally, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Allen and Vandeppeer. Noes—Mrs. Byrne and Mr. Hudson.

The SPEAKER: There are 21 Ayes and 21 Noes. There not being an absolute majority in favour of the Ayes, the motion, under Standing Orders, lapses.

Motion thus negatived.

Dr. EASTICK (Light): I seek leave to make a personal explanation.

Leave granted.

Dr. EASTICK: So that this matter in which we have been involved may be put in its true perspective, I take the course of correcting a situation in which I became involved last evening and which I believe needs to be put on the record. In a report on the Long Service Leave (Building Industry) Bill last evening, *Hansard* records that the Legislative Council intimated that it had insisted on its amendments Nos. 1, 2 and 5, to which the House of Assembly had disagreed, and consideration took place in Committee. The Minister of Labour and Industry moved that the House of Assembly insist on its disagreement to the Legislative Council's amendments Nos. 1, 2 and 5, and went on to say that he need not canvass the features. When that report was made to you, Mr. Speaker, by the Chairman of Committees, clearly (and this was recorded by *Hansard*) it was reported that amendments Nos. 1, 2 4 and 5—and I rose on a point of order—

The Hon. D. A. DUNSTAN: On a point of order, Mr. Speaker. The honourable member has asked to make a personal explanation, but there is no personal explanation in what he is saying.

Dr. Eastick: There is, very much so.

The Hon. D. A. DUNSTAN: I cannot hear it.

The SPEAKER: I point out to the honourable member that I have been more than tolerant. He is taking a long time to get to his personal explanation. He has almost made a complete speech. I ask him to get briefly to the point.

Dr. EASTICK: I will not challenge you on that, Mr. Speaker. I am putting the background to an important issue in which I am involved and in which the record of the House, as far as I am concerned, is involved. I rose on a point of order, and you refused to accept the point of order on the basis that the Chairman of Committees had not included amendment No. 4 in the list of amendments to be insisted on. Subsequent to those events, and after I had been ruled out of order, I was approached by a member of the staff for the purpose of correcting *Hansard* to permit your reply to my point of order to be corrected. I acceded to this, because it was the Chairman of Committee's unfortunate error not to have had his own glasses with him at the time he made the report, which definitely involved amendments Nos. 1, 2, 4 and 5. My point of order, which has been deleted from the record out of due deference to the mistake made by the Chairman of Committees, and his mistake being supported by you, do not appear, nor will they appear, in the record. I believed that I was doing the Chairman of Committees and yourself a service by acceding to the request made to me last evening. It is only right in the circumstances in which we find ourselves this evening that it be clearly understood by the Government that such privileges will not be given to it in the future, at least by me.

The SPEAKER: The question is "That the report be agreed to."

Motion carried.

#### **PETITION: KERSBROOK ROAD**

Dr. EASTICK presented a petition signed by 150 electors of the Districts of Light and Kavel praying that the House direct the attention of the Minister of Transport and the Commissioner of Highways to the grave danger existing on the Lyndoch to Chain of Ponds Road at Kersbrook, and praying that early steps be taken to correct this danger.

Petition received.

#### **BELLEVUE HEIGHTS PRIMARY SCHOOL**

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Bellevue Heights Primary School.

Ordered that report be printed.

#### **MINISTERIAL STATEMENT: HUNTING PERMITS**

The Hon. D. W. SIMMONS (Minister for the Environment) : I seek leave to make a statement.

Leave granted.

The Hon. D. W. SIMMONS: I wish to make a statement on measures being taken to deal with interruptions to the normal processing of applications for hunting permits caused by delays in handling mail. The matter is of some urgency, because of the opening of the 1976 duck season next Saturday. Officers of the National Parks and

Wildlife Division of my department estimate that there could be about 1 000 applications for open season permits held up in the mail exchange and a further 1 000 still to come that are most unlikely to be handled in time.

I have considered the problem and inform members and those concerned with the open season that the following arrangements have been made to meet this emergency:

1. When held-up mail does reach the national parks head office in Adelaide, it will be processed with the utmost expedition.

2. People who are in any doubt about getting their permits in time should apply in person at the head office, which is on the second floor, 131 Waymouth Street, or they can send agents. All that is required is their signature on the relevant form and the appropriate fee.

3. Permits can also be obtained in person or by an agent from the national parks office at Bool Lagoon.

4. We suggest, where it is possible, that intending shooters who find that Friday has arrived without their permit having come back in the mail, should notify national parks in Adelaide or their local ranger of their plight.

5. Finally, I can give an assurance that, if any shooter is found to have made a genuine postal application for an open season hunting permit and the application has been held up in the mail, that shooter will not be prosecuted.

#### **QUESTIONS**

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

#### **PRIORITY ROADS**

In reply to Mr. SLATER (February 4).

The Hon. G. T. VIRGO: The Highways Department currently uses white paint for pavement markings associated with priority roads and, in order to achieve adequate reflective characteristics, spherical glass beads are incorporated into the paint surface. As with all sprayed pavement markings, the initial application has a short effective life but this increases to acceptable levels with subsequent maintenance respraying. No viable alternatives are currently available, although line-marking practices are continually under review.

#### **WIRRABARA BRIDGE**

In reply to Mr. VENNING (February 5).

The Hon. G. T. VIRGO: The present detour around the collapsed bridge over Rocky River on Main North Road No. 2, 2 km south of Wirrabara, is maintained by the District Council of Port Germein with a special fund allocation provided by the Highways Department. It is true that the current allocation of funds is almost depleted, but the Highways Department will ensure maintenance of the detour to an adequate trafficable standard by allocating additional funds as and when required. The department is currently examining the possible necessity to upgrade the detour in the light of its need to continue in this function for at least another 12 months. To provide a short by-pass around the bridge, as requested by the honourable member, would involve the construction of a floodway-culvert system at a cost of between \$20 000 and \$30 000, and this system would be vulnerable in times of flood. Consequently, such a system is not an economic proposition.

#### **FINANCE COMPANY**

Dr. TONKIN: Will the Premier say whether the Government intends to implement the policy of the Labor Party to set up a Government-owned South Australian Finance Company in 1977, or thereafter; will this company operate

under the overall direction of the South Australian Banking Corporation; will funds derived from the Savings Bank of South Australia be used for the establishment and operation of the South Australian Finance Company; and when will all the necessary legislation be introduced? Following the no-confidence motion moved in this House last week, further information has come to the Opposition. I have copies of two charts, each headed "South Australian Banking Corporation". One (labelled chart I, draft 1) sets out the staffing structure of the corporation, with an executive Chairman, a board of five, and a management board, comprising "General Managers of each bank/company, plus executive Chairman, plus I.D. representatives (2)".

The other (labelled chart II, draft 1) shows the State Bank and the Savings Bank of South Australia, together with a Development Bank of South Australia (including the South Australian Industries Assistance Corporation), timed for 1980, and a South Australian Finance Company, timed for 1977, all coming under the heading of the South Australian Banking Corporation. Because of the Premier's statements made in this House one week ago, I believe that it is incumbent on him to clarify the entire position and the intentions of the Government as soon as possible.

The Hon. D. A. DUNSTAN: The Leader has apparently had access to what some thief has stolen from Government departments in the way of documents that were prepared by a junior officer in relation to proposals put to, but not accepted by, the Government. The Leader comes into the House as a receiver of stolen documents and announces that what is contained in those documents is Government policy. It is not Government policy and never has been. The Leader obviously reveals himself as the kind of character who is willing to carry on with this sort of disgraceful public behaviour. I was shown the documents concerned and threw them back at the officer concerned, saying, "We are not interested in that." The Government has never adopted any such policy and does not intend to do so. If the Leader continues to get from Government departments stolen documents simply relating to propositions (and he himself says they are drafts) of a junior officer in the Government—

The Hon. J. D. Corcoran: We might have to move another censure motion.

The Hon. D. A. DUNSTAN: —the position in public life in this community will have sunk to an all-time low.

Mr. Dean Brown: The officer was just doodling when he drew those up, was he?

The Hon. D. A. DUNSTAN: From time to time I get submissions from officers who have ideas about what the Government might do, but that does not mean that the Government will accept those ideas. Not only did I not accept them: I would not take them to Cabinet.

Dr. Tonkin: Are you going to set up a finance company?

The Hon. D. A. DUNSTAN: No, I do not intend to do so. No policy has been adopted by the Government in relation to the proposals to which the Leader refers. The only policy that the Government has adopted—

*Members interjecting:*

The Hon. D. A. DUNSTAN: I am telling the Leader what the Government's policy is. He asked about Government policy, and I am telling him what it is. The policy is that we intend seeing to it that the public authorities of South Australia in the banking sphere are successful, viable, competitive and give good service to their depositors and

to the State. No proposals have been adopted by the Government to alter the banking structure. If the Leader continues to go on with this business of receiving stolen goods from Government departments, we shall look at that matter.

### CONFERENCE RESULTS

Mr. GOLDSWORTHY: I address my question to you, Mr. Speaker. Is the Minister of Labour and Industry in contempt of Parliament for announcing this morning on the steps of Parliament House, before reporting the matter to the House, the results of a conference between the two Houses on the Long Service Leave (Building Industry) Bill? What action do you intend taking in this matter? The Minister divulged to the gathering on the steps the discussion that took place at the conference and the results of that conference before the report was made to this House. I would point out what was foreseen when Standing Orders were to be suspended to enable conferences to be held and later reported on at the next sitting of Parliament. Such procedure is recorded for the first time, I believe, in the history of this Parliament at pages 2727-8 of *Hansard* of November 3, 1971. The following motion was moved by the then Minister of Education (Hon. Hugh Hudson):

That Standing Orders be so far suspended as to enable the conference to be held during the adjournment of the House and the managers to report the result of their discussion forthwith at the next sitting of the House.

Some debate ensued and the Speaker gave the following ruling:

I consider that the motion moved by the honourable Minister of Education is clear. The sole responsibility of managers is to report the results of the conference to the House, and, in my opinion, the revelation of the result of the conference to anyone before reporting it to the House would be disorderly. I consider it is the responsibility of the managers to report to the House in the same way as they report now, except that the House will adjourn until 2 p.m.

The Standing Orders covering proceedings governing a conference of managers between the two Houses are contained in Standing Orders 269 to 279. Standing Order 277 indicates that all communications must be in writing. It is perfectly clear from a close perusal of these Standing Orders that it is the duty of managers to report to the House. The decision regarding the legislation is the prerogative of the House. For the Minister to report to this group on the steps of Parliament House the result of the conference and suggest that that is necessarily the final result is not correct.

The Hon. J. D. Wright: What's the penalty, that's what I'd like to know?

Mr. GOLDSWORTHY: That will be for the Speaker, and could be for the House, to decide, but if the Minister is trying to write this matter down he ought to rethink his position.

*Members interjecting:*

The SPEAKER: Order!

Mr. GOLDSWORTHY: The Minister is, in our view, clearly in contempt of Parliament and I ask, Mr. Speaker, whether that is your view and what you consider is the appropriate action in the circumstances?

Mr. Wells: 100 lashes.

The SPEAKER: Order! First, if the case is as stated by the Deputy Leader of the Opposition, I, as Speaker, must deplore the action of the Minister. It is the duty of the manager to report first to the House and to do otherwise is injudicious, to say the least. It is highly

improper and not in keeping with the best Parliamentary traditions. However, there is no action I can take beyond this.

#### CHIEF FISHERIES OFFICER

Mr. RODDA: Can the Minister of Works, representing the Minister of Fisheries in another place, say whether applications to fill the position of Chief Fisheries Officer (who, I understand, is to be the senior officer of the Fisheries Department in the newly grouped Agriculture and Fisheries Department) will be called soon? There has been much consternation about the matter among fishermen at the various ports in the State, and it was highlighted in the *Sunday Mail* about two weeks ago when applications were called to fill the position of Director of the Agriculture and Fisheries Department. I believe the concern is a little misplaced, as it was a provision of the Bill that passed through this House last year that a Chief Fisheries Officer would be appointed to slot into the position of head of the fisheries section in the new department.

The Hon. J. D. CORCORAN: I will confer with the Minister of Fisheries and obtain a report for the honourable member. I am not certain when the applications will be called. The honourable member will know that recommendations were made to the committee of inquiry into the Public Service of South Australia that the Agriculture Department be re-organised, and this has now taken place. We are complying with those recommendations in the reformation of the two departments. I make the point that there is no downgrading of the importance of the fisheries activities in this State as a result of that reformation. I shall be happy to get the report for the honourable member, and will let him know the result as soon as possible.

#### CRISIS CARE SERVICE

Mr. WHITTEN: Can the Minister of Community Welfare say what progress has been made concerning the crisis care service being run by the Community Welfare Department and what are the functions of the service? The Minister announced recently that the Government intended to provide a service to give prompt help to people at times of crisis, such as family and domestic disturbances in which the police do not like to intervene. As this project has aroused much interest, I shall be glad to receive any further information the Minister may be able to give.

The Hon. R. G. PAYNE: I am pleased to be able to say that the crisis care service started on Monday, February 16, as originally planned. The service is based at the Adelaide Community Welfare Centre in Waymouth Street and qualified crisis care workers are providing on a roster system a full service 24 hours a day, seven days a week. Initially, they are using two cars, but these can be supplemented by the use of private vehicles when necessary. The emphasis is on availability and mobility, and a radio telephone and two-way radio will be used as soon as the equipment is installed. A direct telephone link already exists between the centre and police headquarters. At periods of likely high demand, such as Friday and Saturday nights, cars will patrol areas where calls can be expected. I emphasise that it is expected that the majority of calls will come through the police. The decision to establish the service followed a request from the police. I am pleased to say that the force is still enthusiastic about the project and has been most co-operative. The indications are that the crisis care service will be kept busy. In the first 24-hour period it received 12 police referrals, including six in a two-hour period, and

there were six direct calls from the public, showing that the public is already aware of this service to some extent. I stress that the service is not intended to cut across the work of any existing voluntary service such as Lifeline and Youthline. I am sure that close co-operation will exist between the services, and that a high degree of referral will result. Situations to which crisis care workers have already been called include attempted suicide, bereavement, marital discord and children leaving home.

#### NORTH TERRACE DEVELOPMENT

Mr. COUMBE: Can the Premier say what progress has been made in implementing the recommendations made by the North Terrace Land Use Committee? I understand that one of the committee's recommendations is for the conversion of land roughly east of Frome Street, Adelaide, to be used as a campus site when the South Australian Institute of Technology and the Adelaide College of Advanced Education are amalgamated. Excluding the East End Market site project, which has already been announced and which has received publicity, can the Minister say what plans have been made and what progress is expected regarding the remainder of the land in question? Have progress and planning been delayed on the whole project because of the 12 months pause in tertiary capital spending introduced in the Hayden Budget last year?

The Hon. D. A. DUNSTAN: Working parties on the recommendations of the North Terrace Land Use Committee have been set up and their work is proceeding. A delay has not been caused by the decisions of the Federal Government in relation to tertiary spending, but I have made submissions to the Prime Minister as to the necessary support from the Federal Government for acquisition of land in this area, given some escalated cost of acquisition from the original estimate. That matter is with the Prime Minister at the moment—I have not had a reply. In the meantime work in relation to the East End Market relocation and the development of plans for the area is proceeding.

#### CONSUMER AFFAIRS OFFICES

Mr. MAX BROWN: Can the Minister of Prices and Consumer Affairs say whether any action is being taken by the Prices and Consumer Affairs Branch to establish offices in country areas? The Minister knows that at present the branch is based solely in the city of Adelaide, and I believe that it gives a particularly effective and efficient service to city people. Although many problems have been raised in country areas, unfortunately the branch is obviously having problems with administration and communication. I believe it desirable that equivalent consumer protection measures should be available to rural areas (including the Rocky River District) and decentralised industrial areas such as the area I represent.

The Hon. PETER DUNCAN: I am pleased to be able to inform the honourable member that country offices of the Prices and Consumer Affairs Branch will be established soon. As members will know, this action complies with Labor Party policy and with promises made in the policy speech at the recent State elections. It is expected that offices will be opened in Port Lincoln, Port Augusta, Whyalla, and Port Pirie. These offices will, in total, eventually employ about 30 people. I have proposed the establishment of these offices with the important aim of making the South Australian Government's active consumer protection measures accessible in every area of the State so that all persons in the community will be able to enjoy the same protection as people in the metropolitan area are at present enjoying. With the establishment

of these offices, we will now be able to ensure that individual consumers in the country in general and in country centres will receive advice, assistance and protection wherever and whenever it is required. I expect that these offices will be staffed by local people, with appropriate qualifications, following a training course at the branch's office in Adelaide. Our consumer protection legislation, which ranks with the foremost in the world, must be uniformly accessible to, and effective for, everyone throughout the State. We intend to establish these offices to ensure that country people have access to the branch the equal of that of people in the metropolitan area.

#### FOREST RATING

Mr. ALLISON: Will the Premier consider permitting land owned by the South Australian Government for pine afforestation purposes to be rated for Mount Gambier and other district councils? In 1974, the Mount Gambier council pointed out that, of about 17 800 hectares of forests, about 15 350 ha was owned by the Woods and Forests Department, on which the rating impost was about \$20 000.

The Hon. D. A. DUNSTAN: The answer to the question is "No". I have discussed this matter with local government authorities in the area and given fully to them in personal consultation the reasons for the Government's not being willing to change the view that has been adopted by all previous South Australian Governments (of whatever political Party) in relation to this matter.

#### EXTRACTIVE INDUSTRIES FUND

The Hon. G. R. BROOMHILL: In the absence of the Minister of Mines and Energy in another State, I ask the Minister of Works to ascertain from his colleague how much money has been collected in the extractive industries fund, established under the Mining Act, and how it has been spent or is likely to be spent soon. Members probably will recall that about five years ago the Mining Act was amended to provide for the establishment of this extractive industries fund. A royalty of about 5 per cent was imposed on extractive minerals to establish a fund that could be used to rehabilitate old mines and to ensure that mining activities in the extractive minerals field did have a call on some fund to protect the environmental aspects of mining. I shall be interested to know how this money has been expended to date and what are the future plans for expenditure from the fund.

The Hon. J. D. CORCORAN: I shall be pleased to refer the points that the honourable member has made to my colleague on his return and get a report for him.

#### PINE FORESTS

Mr. VANDEPEER: Will the Minister of Works, representing the Minister of Agriculture, say what action the Government has taken to protect the pine forests of this State and individual pine trees from the radical actions and thoughts of the organisation known as Groap, especially the suggestion that the Sirex wood wasp may be introduced to assist in the campaign by Groap to destroy pine trees in South Australia? I do not think the question needs explaining. We have seen in the newspapers in the past 10 days reports of the thoughts and actions of these people, and I think we understand how vulnerable pine trees and forests are to the actions of such radical groups, and the part that pine forests play in the economy of this State. It is absolutely vital that they be protected.

The Hon. J. D. CORCORAN: I shall be pleased to refer the honourable member's question to my colleague,

who is responsible for forests in this State. I must say that I deplore the irresponsible attitude of the people who make up this organisation in suggesting that they were likely to import Sirex wasp to this State to do what they considered necessary to protect the environment. Members would be aware that for many years this State has contributed to a Sirex wasp fund. Fortunately, we have never had to fight this pest within our State borders but we have contributed to the fund because we believe that the work thus financed keeps the pest at bay. We have done this willingly and will continue to do so. For people to suggest that an asset such as we have in the pine forests of this State, owned by the Government as well as by private interests, be put at risk by doing this is—

Mr. Allison: Criminal insanity—

The Hon. J. D. CORCORAN: Criminal, if you like; it certainly is blatant irresponsibility. I have no sympathy for the attitude of these people. I am not suggesting that, in the environment in which some of these people live, the pine trees may not be of some disadvantage to them, but their actions and how they have gone about registering the protest certainly are, to me, completely and utterly irresponsible.

Mr. Vandeppeer: Has action been taken?

The Hon. J. D. CORCORAN: I think the Minister already has made a statement about this that I hope would discourage any of the actions I have mentioned. One could go so far as to say that if, for instance, a fire occurred in our forests during the summer period, one might be inclined to place blame in that direction.

#### LEADER OF THE OPPOSITION

Mr. JENNINGS: I direct my question to the Premier. In January this year, the Leader announced that, as Leader of the Opposition, he was privy to knowledge concerning the financial future of South Australia and that he had been briefed in Canberra by the Commonwealth Government on matters to which the Premier of this State was not privy and which related to the financial arrangements between the Commonwealth Government and the State. In consequence of those statements by the Leader of the Opposition, Leaders of the Opposition in States that do not have Labor Governments immediately requested briefings by the Commonwealth Government on the detailed financial arrangements between the Commonwealth Government and those States.

Mr. Dean Brown: Is this a Ministerial statement?

The SPEAKER: Order!

Mr. JENNINGS: It is a question. Has the Premier any knowledge of a reply by the Prime Minister to requests by Leaders of the Opposition in other States for information similar to that which the Leader of the Opposition in South Australia claims to have been given?

The Hon. D. A. DUNSTAN: Yes, I have a copy of a letter which was sent to me by Mr. Holding, Leader of the Opposition in Victoria, and which was written to him by the Prime Minister. The letter states:

Dear Mr. Holding, In your telegram of January 22, you asked to meet me at an early date to discuss financial arrangements between the Commonwealth and your State. Apparently you make this request under the false impression that I arranged a meeting with the Leader of the Opposition in South Australia for such a purpose. In fact, I met Dr. Tonkin, who is the Leader of the Liberal Party in South Australia, to discuss with him Party matters.

The Hon. G. T. Virgo: That's not what Tonkin said.

The Hon. D. A. DUNSTAN: I am reading what the Prime Minister said. The letter continues:

Subsequent press reports which suggested that the meeting had been for the purpose of discussing detailed financial arrangements with the State were quite misleading. I shall naturally be having contact with you in due course, but I regret that it will not be possible to arrange a meeting of the type that you have requested. Yours sincerely, Malcolm Fraser.

Mr. GUNN: On a point of order, Mr. Speaker, the Premier has quoted from a document. Will he please table it?

The Hon. D. A. DUNSTAN: Yes.

The Hon. J. D. Corcoran: He read it out.

Mr. Gunn: He may not have read all of it.

The SPEAKER: The document has been tabled.

Dr. TONKIN: I seek leave to make a personal explanation.

Leave granted.

Dr. TONKIN: At no time during the period before I went to visit the Prime Minister (and it was not the first of my visits to him to consult on Party matters, and I certainly hope it will not be the last) did I hold out that I would be privy to any knowledge, financial or otherwise, to which the Premier would not be privy. Indeed, I made clear that the matters discussed were in relation to a policy document which the Liberal Party released in September, 1975, and which the Premier, as I have said in this House many times, could have perused (and I have no doubt he has done so) with much advantage, before he went to the Premiers' Conference.

### INSURANCE POLICIES

Mr. GUNN: Will the Premier say whether he will be willing to use his good offices to find out whether the people of Coober Pedy can be given adequate insurance cover? I have been approached by the President of the Coober Pedy Miners and Progress Association, because of the problems that the people of that town are having in obtaining normal insurance cover owing to circumstances outside their control. They have told me that 36 insurance offices, including the State Government Insurance Commission, have declined to write business in that town. I had been of the opinion that the S.G.I.C. would serve the needs of South Australia, and my constituents would like the Premier to consult that office and the representatives of private insurance in this State to find out whether it is possible for the people to get normal insurance cover.

The Hon. D. A. DUNSTAN: If the honourable member will give me details of insurance cover sought by people in Coober Pedy, I will approach the State Government Insurance Commission in relation to that matter. My knowledge of this matter is on the basis of the action of an insurance broker who has in the past proceeded to give his more profitable insurance to private insurers and tried to lay off his unprofitable insurance with the commission. In a proper way the commission, in relation to that kind of activity by the broker concerned, has not been willing to take his least coverable risks. He is not going to load on to the commission all his worst risks and give his better ones elsewhere, but that is what he has been trying to do. If the people of Coober Pedy would like to give details to the honourable member of the insurance they want taken out with the commission, I will talk to the Manager, and we will discuss doing business correctly.

### RAILWAY CONTRACTS

Mr. ABBOTT: Did the Minister of Transport see an article in today's *Advertiser* in which concern was expressed by the staff of South Australian Railways in relation to contracts? If he did, can he give any information on this matter?

The Hon. G. T. VIRGO: This is a matter of grave concern to the Government, and next Monday I hope to be discussing it with the Commonwealth Minister for Transport (Mr. Nixon). I would have discussed it with him last Monday but, although arrangements were made for the meeting, I subsequently learned that he had allowed only 30 minutes for a discussion on this matter and on roads, and that time was inadequate to canvass these subjects. At next Monday's meeting I will discuss the matter with him. The principal problem, regrettably, at this stage is that the Australian National Railways Commissioner has, in writing, already authorised the South Australian Railways to spend \$9 400 000 on standardisation projects. At this stage what are called A.F.A's (application for authority) totalling about \$4 000 000 have been signed and, although more than \$5 500 000 has been spent, the Commonwealth Government is now threatening not to meet the undertaking previously given. It is for this reason that there has been a cessation of work, because clearly the State cannot continue on that line if the Commonwealth Government is to dishonour the previous undertakings. After next Monday, I hope the position will be clarified.

### URBAN LAND

Dr. EASTICK: In the absence of the Minister for Planning I direct my question to the Premier, because it concerns a matter of policy. Can the Premier say whether the Minister for Planning since his appointment has sought to have rescinded Cabinet's directive that State departments and other authorities give priority attention to Land Commission dockets? On page 11 of Parliamentary Paper 93, which is the second report of the South Australian Land Commission to June 30, 1975, it is stated that during the year Cabinet authorised a directive to State departments and authorities having responsibilities in the approval process for the development of urban land to give priority in consideration to commission development proposals. The information I seek from the Premier is whether that Cabinet directive has been rescinded, or whether consideration has been given to putting the Land Commission on a par with other development organisations that provide a worthwhile service to the community.

The Hon. D. A. DUNSTAN: I do not remember any change of policy, but I will check for the honourable member.

### STUDENT TEACHERS

Mr. BOUNDY: Can the Minister of Education say how many graduating student teachers are still seeking employment, and what action, if any, is being taken to absorb them into the teaching profession as soon as possible? I bring to the notice of members a letter that appeared in Monday's *Advertiser* in the Letters to the Editor column, in which a Dr. E. R. Cawthron takes to task the Education Writer for the *Advertiser* (Liz Blieschke) for stating that all graduating teachers have been employed. Dr. Cawthron, in his letter, states:

I financed my own way through the Diploma in Education and Advanced Diploma in Education courses at the University of Adelaide during 1974 and 1975 and, at the time of writing, am still trying to procure employment for this year at some secondary or tertiary institution.

I also have a letter from a constituent, writing on behalf of his granddaughter, in which he expresses how disappointed she has been at not receiving an appointment. After winning scholarships to attend Wattle Park, she completed three years at that college, but is now greatly disappointed that after the incentive of scholarships to graduate, no work is available to her. As I understand that this is a widespread problem, I ask the Minister what is being done about it.

The Hon. D. J. HOPGOOD: It is certainly not a widespread problem. First, if the honourable member would give me privately details of the case of the young lady from Murray Park College of Advanced Education, I will investigate the matter and give him an appropriate written reply. I do not think it is appropriate that in this House we should canvass situations of certain individuals. I shall be pleased at some stage to discuss the situation concerning Dr. Cawthron with the honourable member, if he wishes to do so. I do not think it would be appropriate that that should be done by open public reply in this place. However, I understand that all exit students from the colleges have been placed in teaching positions this year. This was the Government's intention and its policy. Where this is not the case, and honourable members refer matters to my attention, I will investigate them to ascertain under what conditions the policy has been departed from. This is always predicated against a satisfactory conclusion of the course, and no doubt the honourable member would understand that situation. It is not a widespread problem. This Government took specific action, including the appropriation of additional revenue to the Education Department, to ensure that all exit students could be employed in our schools. If there are one or two individual cases, I shall be pleased to investigate them and explain the circumstances to the honourable member raising this matter.

#### UNLEY TRAFFIC

Mr. LANGLEY: Can the Minister of Transport say when the final report on the closure of streets in the Unley District will be made by the Road Traffic Board and the Unley City Council? I understand that the report will also cover the Districts of Bragg and Mitcham, and people in this area are keen to know as soon as possible the contents of this report. In view of a press statement about the marked change in the accident rate and because of views given by people at random in the district, one can believe that it has been a successful experiment in this district, and it has been carried out on a smaller scale in other districts.

Mr. Millhouse: Not everyone is satisfied with it.

Mr. LANGLEY: I did not say that.

Mr. Millhouse: But you implied it.

Mr. LANGLEY: I hope the Minister will bring down a report, not today but soon.

The Hon. G. T. VIRGO: I do not have a report with me today, but I shall be pleased to give the honourable member a report when it comes to hand. The experiment was really a pilot study to test the effect of a new road pattern and compare it with the old grid system. Contrary to the views of a small number of people, the experiment has been a resounding success. The accident rate has dropped tremendously and, I believe, without prejudging the result too quickly, the experiment has shown clearly that future road patterns will be based on the Unley pilot study rather than on the old grid system. I will bring down for the honourable member as much information as I can on this matter.

#### CONFERENCE RESULTS

Mr. GOLDSWORTHY (Kavel): I move:

That Standing Orders be so far suspended as to enable me to move the following motion:

That this House deplore the action of the Minister of Labour and Industry in releasing details of the conference on the Long Service Leave (Building Industry) Bill held between the two Houses of Parliament while a manager acting for the House of Assembly before the results of the conference had been reported to this House.

The SPEAKER: Is the motion seconded?

Dr. TONKIN: Yes, Sir.

Mr. GOLDSWORTHY: I have moved the motion because I believe a serious breach of Parliamentary practice has occurred. In fact, the Opposition believes that the Minister of Labour and Industry has been in contempt of Parliament for divulging to a section of the public on the front steps of Parliament House the results and the discussions of a conference that took place between the two Houses of Parliament before the results of the conference were made known to the House. The reply I received to the question I asked you, Sir, earlier indicates to us that you share our grave concern that this is a matter of serious breach of Parliamentary practice and should be debated by the House.

I know that it is not competent for me to debate the motion, but it is competent for me to point out to the House that the Opposition views this matter with grave concern. The response I got when I asked my question of you, Sir, from members of the Government increases my concern, because the interjections made by Government members suggested that they treated this matter with some levity. I think you will agree, Mr. Speaker, that the Standing Orders of this House must prevail if the operation of the Parliament is to work effectively. It is incumbent on all of us to realise the importance of Standing Orders. This matter must be aired, points of view must be put, and a decision of the House must be reached so that the matter can be cleared up once and for all.

That you indicated in reply to my question that you could take no action in the matter except to point out the gravity of the situation suggests that the motion should be debated. The Minister can, if he wishes, take part in the debate. There should be a free exchange of views on the motion so that the matter can be settled once and for all. Many members on this side have strong views about this matter. Indeed, in view of what you and your predecessor have said, I believe that you would feel strongly about it.

I will not be repetitious or go through the sequence of events which have occurred today and which will certainly be brought to light if Standing Orders are suspended, as members will be fully aware of what has happened but, if they are not, they will be apprised of it as the matter is debated. Despite the apparent mirth from some Government members, this matter should be cleared up. It is a grave matter and requires the time of the House. The least we can expect from the Minister is an apology and an assurance that such behaviour will not be repeated. The matter must be debated and cleared up once and for all.

The Hon. D. A. DUNSTAN (Premier and Treasurer): The honourable member knows that there are certain grounds on which the Government will grant the suspension of Standing Orders. Those conditions have been set out in this House. This is not such an occasion, and the honourable member knows it. He also knows that this matter can be dealt with perfectly properly today during Question Time. The honourable member has already raised the matter with the Speaker. He could raise it



with the Minister concerned, who would be in a position to explain his actions and take whatever action he deems to be necessary in relation to Standing Orders and to the way in which the House conducts its business.

Mr. Millhouse: But he has not taken the opportunity to make an explanation.

The Hon. D. A. DUNSTAN: I am sure that, if honourable members want him to explain the situation, the opportunity would still remain during Question Time. The Government has made perfectly clear the basis on which it will allow the suspension of Standing Orders to deal with other than normal business. Members also know that this is not such a matter and are aware that this matter can be dealt with in the normal way.

The SPEAKER: The question is "That the suspension be agreed to". For the question say "Aye", against "No". There being a dissentient voice, there must be a division. Ring the bells.

The House divided on the motion:

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

Noes (21)—Messrs. Abbott, Broomhill, Max Brown, Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Jennings, Keneally, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Arnold and Evans. Noes—Mrs. Byrne and Mr. Hudson.

The SPEAKER: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Noes, and I want it clearly understood that in doing so I have not departed from what I have said originally. I point out to the mover, or to any other member of this House, that there are other means whereby this matter can be discussed rather than disrupting the House by this motion.

Motion thus negatived.

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

That this House no longer has confidence in the Speaker because of his failure to uphold the best Parliamentary traditions he has referred to earlier this afternoon.

The SPEAKER: Will the honourable Leader put that in writing and bring it to the table?

Dr. TONKIN: Yes, Sir.

Mr. GOLDSWORTHY seconded the motion.

Dr. TONKIN: I take this action with a great deal of reluctance.

*Members interjecting:*

The SPEAKER: Order!

Dr. TONKIN: Reluctance, Sir, not because of anything Government members might say but because I have had the thought for some time that for someone coming into the onerous position you now hold, Sir, that you have been doing a remarkably fine job and that you have been upholding the traditions of Parliamentary democracy in the best possible manner. But, Sir, it is one of the fundamental traditions of the Westminster system of Parliamentary democracy that, where there is a motion on which the Speaker of the House must come down on one, side or the other, he should always come down on the side of prolonging a debate and enabling freedom of speech in the Chamber.

The Hon. G. T. Virgo: In what circumstances?

Dr. TONKIN: In any circumstances. That is a fundamental principle which has run through the whole procedure of the Westminster system of Parliamentary democracy since it was first established—almost, indeed, since the model Parliament. It is a necessary procedure. It is not often that the Speaker is called on to make such a decision. In this Parliament, Mr. Speaker, you are called on to make this decision, and you are called on to make it very frequently, as we have heard many times. But when it comes to allowing a suspension to discuss a matter on which you have expressed an opinion this very afternoon and have quoted the best traditions of Parliamentary democracy, then Sir, you are in flagrant breach of the traditional upholding of the Westminster tradition. There is little more that can be said and very little more that need be said. The motion that the Deputy Leader sought to introduce was a perfectly clear motion. The Deputy Leader took the proper course in releasing the details of that motion to the House. I remind you, Sir, of the words you used in answer to the question, as follows:

If the case is as stated by the Deputy Leader of the Opposition, I, as Speaker, must deplore the action of the Minister. It is the duty of the managers to report first to the House and to do otherwise is injudicious, to say the least. It is highly improper and not in keeping with the best Parliamentary traditions.

The governing clause there is "If the case is as stated by the Deputy Leader of the Opposition". The case is as stated by the Deputy Leader of the Opposition, and there are members on this side who were present and heard what was said. Furthermore, it has been or will be said that the Minister had no other opportunity to correct the matter and that he would have it at some time in the future. We waited for eight more questions to be asked before that matter was raised by the Deputy Leader.

The Hon. J. D. Wright: Why didn't you ask me? I'd have told you if you had asked me.

Dr. TONKIN: Members of the Opposition would have expected that the Minister would rise in his place and make either a personal explanation or a Ministerial statement, which it is quite in order for him to do, if he seeks the call. Then the matter would have been finished. It is apparent from the attitude that the Minister is adopting that he is totally unrepentant and does not intend to apologise to the House.

The Hon. J. D. Wright: I haven't been asked.

Dr. TONKIN: This motion may well give him the opportunity to apologise to the House for the action he has taken. I take this action with some regret because it is a fundamental principle with which we are dealing. It is a principle that has applied to Parliaments all over the world that follow the Westminster system of Parliamentary democracy. Therefore, I must reluctantly move this motion of no confidence in you, Mr. Speaker.

The Hon. D. A. DUNSTAN (Premier and Treasurer): The Leader of the Opposition in these past few weeks has introduced a new element to this Parliament. He does not resile for one moment from the gravest of personal attacks not only on people in this Parliament and you, Sir, but on people outside the Parliament, if he thinks there is some political gimmick in it for him. In the history of this Parliament it is my belief that you have already shown yourself to be one of the outstanding Speakers of this Parliament, and in my memory of this Parliament, which is as long as that of any other member here (only one other member in this Parliament has been

here as long as I have), you are the best. I say that without any fear of contradiction from those who know what has happened in this Parliament over the whole of that period.

You have been eminently fair and proper in your approach to your duties, but the nature of the Leader's attack on you on this occasion (which of course was only an excuse for him to be able to get another headline) was that you had prevented him by your vote from discussing this matter in this House. Sir, apparently the Leader has been here for so short a time that he is not aware that he needed 24 votes to suspend Standing Orders, and he did not have them. It did not matter how your vote went, he could not have suspended Standing Orders, anyway. You, Sir, did not prevent him from suspending Standing Orders, because there was no means of his getting suspension of Standing Orders when it had been refused by the Government. As the Leader well knows—

Dr. Tonkin: The boot is on the other foot, also.

The Hon. D. A. DUNSTAN: Oh yes, that is all right, and we will face it. If we get the suspension of Standing Orders on votes properly recorded in this House, we get it. If suspension is refused by the Opposition, we have to delay proceedings slightly, but in due course we can proceed with measures before the House, as honourable members know. The Leader has no case for saying that you have refused him discussion on this matter. Apart from that entirely, he attacked you, Mr. Speaker, for saying that it was not in your view proper to disrupt the proceedings of this House by this motion and that it should have proceeded in another way in the House, which it was perfectly competent for the House to do. What you said is entirely in accordance with Parliamentary tradition. On the history of those Speakers in this House who were sitting in similar circumstances to yourself but with a Liberal Government on this side, I cannot conceive for a moment, from the way in which they acted in the Chair, that they would have acted in the slightest way differently from the way in which you have acted.

Mr. Millhouse: Think of Tommy Stott.

The Hon. D. A. DUNSTAN: I can think of others besides Tommy Stott, and the honourable member knows that very well. The honourable member knows that there were occasions in this House when Mr. Teusner was in the Chair that it was necessary for his casting vote to be used in relation to the suspension of Standing Orders. The honourable member must know that; he has been here long enough to remember, unlike the Leader of the Opposition. You, Sir, have acted in no way differently from previous Speakers in this House in upholding the procedures of the House and the way in which the House normally operates, and for the Leader of the Opposition now to attack you in relation to this matter is no different from someone calling the umpire unfair or foul. Although that is not in accordance with the Australian tradition, it appears to be in accordance with the way in which the Leader goes at present, because his mode of getting a headline is to knock anyone in sight.

Mr. GOLDSWORTHY (Kavel): I support the motion and, despite the guffaws of the Government members, I do so with reluctance because I believe your record during your short period as Speaker has been considerably better than we on this side and the public would have expected when you were elected to office. Nevertheless, I believe you have been in grave error today and that you were in grave error yesterday. I am willing to support this motion, despite my respect for you personally, because it is a

serious matter and it is essential for us to impress on all members in this Chamber, including you, Sir, that it is vital that the Speaker be impartial. I do not wish to reflect on your predecessors in office. Any comparison of behaviour is irrelevant to this debate.

I believe you have made two grave errors in the past two days. Yesterday, the resolution was to censure a private member (the Leader of the Opposition). As far as we can ascertain, there is no precedent for the entertaining of such a resolution, but there is certainly no precedent for the support of the Speaker for that resolution, that is, a vote of censure against a private member in this House. That is an entirely different situation from the traditional vote of no confidence in a Government. It was obvious that the Government was sorely hurt by the votes of no confidence that had been moved in this House.

The Hon. D. A. DUNSTAN: I rise on a point of order, Mr. Speaker. I am quite happy to debate this matter with the honourable member in the appropriate place outside this House, but the honourable member is now referring to previous debates in this House that have nothing to do with this motion.

The SPEAKER: I must uphold the point of order because the motion says that "he has failed to uphold the best Parliamentary traditions that he has referred to earlier this afternoon", so I take it the intention of the motion was to refer to my action as a result of the earlier motion this afternoon.

Mr. GOLDSWORTHY: With respect, Sir, I think the wording of the motion is that this afternoon you failed to uphold the Parliamentary tradition, but in this vote of no confidence I believe it is proper to refer to matters that have led to the loss of confidence in you as Speaker. I am referring to your record as Speaker in this House, and a vote of no confidence in a Speaker is a general and serious motion which, if it is to be treated seriously, must encompass the activity of the Speaker.

The SPEAKER: It may encompass the activity of the Speaker, but the honourable member must not refer to previous debates. Perhaps I should clarify that. The honourable member must not refer to previous debates this session.

Dr. TONKIN: On a point of order, Mr. Speaker, I wish to clarify the matter. In the motion I have referred to the best Parliamentary traditions, to which you have referred today. The "this afternoon" refers to the best Parliamentary traditions, to which you have referred. I submit that "the best Parliamentary traditions" apply to your actions throughout your term of office.

The SPEAKER: That could be so, and I would accept it as such, but I point out that honourable members cannot refer to previous debates made in this session.

Mr. GOLDSWORTHY: I intended not to refer to previous debates but to your activities in relation to the operations in the House. That is what I am seeking to do in making my point. I am referring to the fact that the Government sought to move a motion in the House as a means of counter-attack against the Opposition, because it believed that the Opposition had been effective.

The Hon. D. A. DUNSTAN: On a point of order, Mr. Speaker, the honourable member is clearly referring to a previous debate in the House.

The SPEAKER: I must uphold the point of order.

Mr. GOLDSWORTHY: With respect, I point out that in our experience of motions of no confidence in the Speaker, the activities of the Speaker ranging over a considerable time have always been canvassed in such debates.

In those circumstances, it seems to me that the ruling in this case is unreasonable. If I cannot refer to the Speaker's rulings in making a point that we believe that the Speaker has been partial, it seems to me that there is no way in which this matter can be properly aired.

The SPEAKER: I point out that, whilst it may be in order for the honourable Deputy Leader to endeavour to refer to what he thinks are past mistakes of the Speaker, he cannot bring up issues such as he was bringing up. He mentioned his own Leader and said that this motion was moved for a specific purpose, namely, to try to denigrate the Leader, but the next thing is that we would have the name Liberman, etc., brought up. Therefore, I cannot allow the honourable Deputy Leader to continue in this manner.

Mr. GOLDSWORTHY: I will not try to elaborate, as I had intended doing, but I believe that you were gravely in error in voting yesterday in the House to censure the Leader of the Opposition as a result of a motion which, in itself, was unprecedented.

Mr. Nankivell: It established a precedent.

Mr. GOLDSWORTHY: It did indeed.

The Hon. D. A. Dunstan: So did the disgraceful action of your Party.

Mr. GOLDSWORTHY: These matters are serious, and I consider that there is no option other than for the Opposition to move the motion, because we would be alarmed if, on other occasions and in every circumstance contrived by the Government to embarrass the Opposition, you felt obliged to vote with the Government. Your record in the House since you have been elected Speaker has been that, on every occasion, you have voted with the Government. I think it must be granted that the Government contrives situations (indeed, it has contrived situations) in the House requiring a vote of the House that is aimed at embarrassing the Opposition, and I believe that this was the exercise yesterday.

In these circumstances, I believe that it is your function to be impartial. For that reason, I was extremely disappointed at what transpired in the House yesterday. We view today's activities with grave concern. The arrogance of the Minister of Labour and Industry is well known, and the fact that he and his colleagues would seek to laugh off this breach alarms us further. The sequence of events was, briefly, that a conference was held between the House of Assembly and the Legislative Council to discuss business of the House, namely, consideration of the Long Service Leave (Building Industry) Bill. It is precedent and in accordance with Standing Orders that the managers of the conference report to the House and, as I have pointed out and as recorded in *Hansard* of November 3, 1971, the ruling is clearly given that the report must be to the House. My colleagues and I believe that the only way to settle this matter is by having a free-ranging debate where views are expressed on both sides so that the matter may be cleared up. After a vote was taken, you sought to explain your vote by saying that you believed that other options were open. The Minister could have sought leave to make a personal explanation, as the Leader did at the earliest opportunity this afternoon regarding an incident that occurred well after the question I asked of you.

The Minister could have made his position clear, but there was no indication whatever to the Opposition that he intended to do so. In fact, his demeanour indicated that he had no intention of doing so. I well remember a previous incident (and I am pointing out to the House my early experience of the Minister) that would reinforce

my view. It was an occasion in the House when I made a statement to the House, and the Minister, then a backbencher, suggested that I was a liar. When I proved that I had been speaking the truth, the Minister did not seek to take the necessary action. The Minister went to the front steps of the House today and divulged information about the discussions and results of the conference on the Long Service Leave (Building Industry) Bill to a gathering—

The SPEAKER: Order! What has this to do with the motion of no confidence in the Speaker?

Mr. GOLDSWORTHY: I am pointing out the serious situation that confronts the House and, if the case is as I have stated it to be, I believe that you were gravely in error in not supporting the motion for the suspension of Standing Orders so that we could debate the matter fully.

The SPEAKER: I want to make clear that the honourable member cannot discuss in detail some action which he is evidently aware and which was taken by the Minister today. That is not the point under discussion now; it could be at some future time, but it certainly is not at this moment.

Mr. GOLDSWORTHY: Thank you, Mr. Speaker. The no-confidence motion hinges on the ruling you gave on that matter, and I have been outlining it. The House simply cannot operate if the Speaker is not willing to enforce Standing Orders and to ensure that the House, and particularly Ministers, observes Standing Orders. In this regard, it is my view that you were gravely in error this afternoon in not allowing this debate. I do not believe that the other means (unspecified) alluded to by the Premier to air the matter would have allowed sufficient time for the matter to be aired. I do not believe that it could have been done satisfactorily by means of a question and, in these circumstances, I believe that the motion is justified. Your reply to my question early this afternoon would indicate the importance of the question when you said that you must deplore the action of the Minister, because it is the duty of the managers to report first to the House, and to do otherwise would be injudicious, and that it would be highly improper and not in keeping with the best Parliamentary traditions.

We believe it is essential to maintain Parliamentary traditions, and we believe further that it is essential that you follow in the path you set for yourself early in your career as Speaker and remain completely impartial and free from the influence of the Government when it embarks on its political schemes to embarrass the Opposition.

The Hon. J. D. CORCORAN (Deputy Premier): What a hollow cry emanates from the Deputy Leader's mouth when he says that members on his side respect Parliamentary traditions! Have you, Mr. Speaker, ever heard such a statement!

The Hon. R. G. Payne: After the past few weeks.

The Hon. J. D. CORCORAN: I say after the past few months, when we talk of traditions. We have seen what happened in Queensland, New South Wales and in the Federal sphere in relation to traditions. These great upholders of tradition—look at them! Sir, do you know what the Opposition has actually succeeded in doing this afternoon? Opposition members have made themselves complete fools once again, because, if they had looked at the Standing Orders regarding the suspension of Standing Orders, they would have seen that it would not matter a damn whether the Speaker voted with them: they still would not have been able to have Standing Orders suspended this afternoon.

Let us see why that is so. Standing Orders provide that, if a member is trying to have them suspended without notice, he must have an absolute majority of the whole House, and my arithmetic tells me that that is 24 votes in this place. The vote that took place was tied 21 all. You, Mr. Speaker, could have voted with the Opposition, but there still would not have been 24 votes in favour and, therefore, the suspension, in accordance with the Standing Orders, would not and could not have been granted. Yet the Opposition, if it knew that (and I do not think it did), has the temerity to move a vote of no confidence in you. The member for Mallee is laughing, but what I have said is absolutely true. The Opposition knows that damn well. The Leader knows it, and the Deputy Leader should know it.

Mr. Nankivell: I know, too. That's why—

The Hon. J. D. CORCORAN: They know that it would not have made a scrap of difference, yet they have moved this vote of no confidence in you, Mr. Speaker, merely to catch a headline, as the Premier has said.

The Hon. Peter Duncan: They're contemptuous.

The Hon. J. D. CORCORAN: They are contemptuous. There is no question about that. They have moved the motion to catch a headline because the people advising them from behind the scenes probably have indicated that this is another way to do it. We know Opposition members are getting advice, but we do not know whether that advice is any good. It has not done them much good to date. I heard the Deputy Leader condemn the action taken yesterday, and I heard the member for Mallee say that it has created a precedent.

Thank God it did, because the results yesterday showed that people were prepared to use the privileges of this House far too loosely, and in future they will realise (and that is the best lesson that came out of yesterday), that, if they want to use the privileges of this House as the Leader did yesterday, they must be sure of what they say, or they will be likely to cop it, as the Leader did yesterday, and, boy, did he cop it! His reply was pathetic.

I will go quietly through the procedures that led up to this motion of no confidence in you, Mr. Speaker. It is an extremely serious matter, but it has not been treated seriously by members opposite. I have shown how lightly they have treated it, because whatever you have done today would not have made any difference, and the debate that the Leader has been so concerned about would not have occurred anyway. We prevented it on the Premier's argument and what he pointed out about the normal procedures open to you. Let us get down to what happened today in relation to the matter that is of such grave concern to the Opposition, that is, the matter of contempt of this House by the Minister of Labour and Industry.

The first point raised (and I think this was proper) was by question to you, asking you to confirm whether a contempt did, in fact, occur as a result of the actions of the Minister of Labour and Industry. You, Mr. Speaker, in a most impartial and proper way, replied to that question. When you had done that, anyone would have thought that the logical follow-up was a question to the Minister involved, but no such question was forthcoming, because it did not suit the tactics that were to be employed by that master tactician, the Deputy Leader of the Opposition, to do so. Obviously he is a master, and I think he claims to be a tactician.

He said, "We will not do that, because the Minister may give an answer and may apologise for his actions, and we cannot have that, because we will not get enough

out of it." After much thought and scratching of the old brain, he decided on this move, which he thought would really stun the House, for the suspension of Standing Orders. Because of what the Premier has said, I am afraid that the Deputy Leader knew before he did it that the motion would not be accepted. He knew that, constantly and consistently, the Premier has not allowed a suspension in these circumstances.

I think the best one to tell us of that would be the member for Mitcham, who has constantly sought to do it, and it has been constantly rejected, on the same grounds. There is no reason why the matter should be treated any differently this afternoon. This move about you, Mr. Speaker, which I have said is extremely serious, is a complete sham on the part of the Opposition. The Deputy Leader, aided by his Leader, who is still busily scratching notes, decided to do this after all this thought, and I am afraid the thing has come unstuck once again, because surely the people of South Australia will see through it, on the basis of the point, which I made earlier in my few remarks, that the Opposition could not have succeeded if members on this side voted against the motion, irrespective of what you did. Opposition members know that. I hope that the people of South Australia will realise it and that they will see this motion for what it is, namely, purely a headline-seeking venture. I oppose the motion.

Mr. MILLHOUSE (Mitcham): I support the motion. First, I should like to say something in reply to the speech made by the Deputy Premier. I think he has rather exaggerated the position this afternoon, because, after all, it has all blown up in a few hours. It could not have been planned for much longer than that, because the Minister's action, if it can be condemned (and I think he did breach Parliamentary convention), took place, I understand, about mid-day.

The Hon. I. D. Wright: No-one has asked me yet whether I did.

Mr. MILLHOUSE: Let me come to that. The whole thing has blown up quickly, and I do not think there can be any suggestion on this occasion that the Liberal Party has been put up to it by anyone outside. The most important message that should come across to the people from this debate is the closeness of the numbers in this place. Despite the bold front that the Government puts on all the time, this is an illustration that the numbers are very close, and the Government is in a most uncomfortable position to that extent. I sympathise with it: I know how the Government members feel. When I was a member of the Government and in a similar position, we did not have a Speaker who invariably supported us.

I was not in the Chamber when you, Sir, were asked the question or, certainly, when you gave your reply, but I heard it over the amplification system, and you were quite unequivocal in what you said in blaming the Minister for his action. There was no doubt about it and, if I may say so with respect, you were right in what you said. It was a breach of Parliamentary convention. Whether it is of the utmost magnitude is another matter, but it was a breach, because the convention always has been that results of conferences have been kept as confidential as they can be (certainly, not bruited abroad publicly) until the Minister announces them here in the House. It was probably through ignorance of procedure and lack of experience in this place, but whatever it was, there is no doubt that the Minister committed a breach. A question was asked and you, Sir, correctly stated the position. The Minister could have avoided all this of his own motion

if he had wanted to or had been advised by his Leader or Deputy Leader. He could have made an explanation and that would have pulled the rug from under the Liberal Party's feet. He had half an hour or so in which to act in that way.

The Hon. J. D. Wright: Are you sure that would have occurred?

Mr. MILLHOUSE: The Minister need only have made a personal explanation, and I cannot believe there would have been an objection to that. I would have condemned anyone who tried to rob him of that chance. I do it from time to time, and hope to do it again this afternoon on another matter. The Minister and the Government could have avoided this situation, if they had been more alert than they were. Now, what about the motion? Sir, I speak now with respect to you personally, because I do respect you as a person and I therefore regret that I have to support the motion. I hope that I will speak with charity in what I say to you.

By virtue of your office, you are meant to be detached and unbiased. That is a tradition often referred to in this Parliament and, generally, in the community. Alas, it is much less observed (and I am not speaking of you personally now) in Australian Parliaments than it is in the mother of Parliaments at Westminster, in which the Speaker is really far more detached than he is here. In this Parliament, and I believe in other Australian Parliaments, the Speaker is normally a member of a Party, attends at Party meetings, and is a Party man, despite what is said. Tradition has it that the Speaker is unbiased and here to give every member on either side a fair go. You, Sir, are in the position of not being formally a member of a Party. As I understand it, you are an Independent Labor man: you sit in this place as an Independent. You did not receive the pre-selection for the Labor Party, but stood in opposition to the endorsed candidate, and were automatically expelled from the Party.

Yet, you won the seat, and I congratulate you for that. However, because of the numbers, the Government had to make you Speaker. Sir, you do not have formally the Party ties, which every member and your predecessors, back two or three anyway, since Mr. Stott was in the Chair, have had. With that background, the only consistent course you could have followed when the motion to suspend Standing Orders was moved was to support it, because you had been unequivocal in condemning what was a breach of convention. I venture to say that you knew that the only consistent thing that you could do was to vote with the Opposition, because you took the unusual action, when you cast your vote with the Government, of making an explanation.

Sir, you would not have done that if you had not known yourself that you were really acting contrary to the way you had spoken earlier. As the Deputy Leader has said, never once since you have taken the Chair have you voted against the Government: never once, not on anything. The nearest you came to doing that was when the Minister of Labour and Industry (the same Minister whose actions have caused this debate) was not alert enough and missed an adjournment on a motion I had moved during the debate on pay-roll tax. If ever there were to be a proper chance for you to vote with Opposition Parties, it would be on this motion this afternoon, because of what you had said in the House.

I do not know what arrangements you have with the Australian Labor Party, if you have any, but, unless you are about to rejoin the A.L.P., it is very difficult to explain what you did this afternoon. I cannot see how, if you

had supported the suspension of Standing Orders (even if there had been the numbers to sustain it, and there were not), that would in any way have led to the downfall of the Government. Not every vote the Government loses means that it must resign. I know that, because I lost votes as a Minister, and my Government lost votes during the two years before we came to one that we said was vital and on which we would stand or fall. There is no magic necessarily in the Government's having to win every vote on every matter, and certainly not on procedural matters.

Sir, the irony of what you said in your explanation, when you said that the business of the House should not be disturbed, is that this is the second last day of the session, but there is little business on our Notice Paper. We will be wailing most of today for the old people in the other House: I withdraw that, and say that we will be waiting for the other place. The irony of the situation is that there was no substance in your reason for voting as you did, because we have plenty of time today to debate all sorts of things. Sir, there is no doubt that you have brought dignity to the position of Speaker, and I say openly that I much prefer to sit under you than to sit under your two immediate predecessors, not to go any further back than that.

The fact that you have brought dignity to this place and have been able to obtain a grasp of Standing Orders without any previous Parliamentary experience and without having been in this place, as I understand it, is much to your credit. This afternoon I believe you made a bad mistake, because it is particularly important that you should appear impartial. It is not possible for you to have said what you did say earlier, then vote as you did, and still appear impartial. It is because of that obstinate fact that I am obliged to support the motion. That is about all I can say. I personally regret that this matter has arisen, but the fact is that a mistake has been made, and I believe that, the matter having been raised in this way, the House must take account of it.

Dr. EASTICK (Light):

Standing on this upper step, which is the traditional approach to the Chair, I take the opportunity to thank the honourable Premier, the honourable Deputy Premier, and all other honourable members for their call to this high office. I am aware that confidence in the fairness of the Speaker is an indispensable condition for the successful working of Parliamentary procedures. I guarantee the utmost protection of honourable member's rights collectively and individually. I shall ensure that the majority gets the decision and the minority gets its rights. In return, I request the assistance and wholehearted support of members to maintain the prestige and dignity of the Chamber.

You, Sir, were the author and speaker of those words in this Chamber on August 5, 1975. I believe that you will have plenty of time to reflect on those statements in relation to this afternoon's proceedings. On that occasion you asserted your determination to fulfil a real and purposeful role in this Chamber. Until now you have fulfilled that role. Personally, I was content with your reply to the question that was asked of you earlier this afternoon. It was a proper reply. Certainly, the Minister of Labour and Industry thought the matter was a joke and acted as if it were a joke, even while you were giving your reply and even after he had been berated by members of his own side for the action he had taken. Your reply showed that you clearly understood that the traditions of this House must be fulfilled and that they would in your hands be maintained.

I revert to the comment you made about the majority getting the vote and the minority getting their dues, or

words to that effect. In directing a vote earlier this afternoon on the important motion of the suspension of Standing Orders, you determined which was to be the majority. That right is yours; it is not denied you. However, I believe you made a wrong decision, because you had nothing to lose. In the minds of people here and elsewhere, you supported a Party, and not the Parliament. It was impossible for there to be a successful suspension of Standing Orders because of the failure to get the required number in favour. The vote was not going to bring about the fall of the Government, but the traditions and rights of members of this Parliament were still involved. You made your decision, and no-one can dispute that that was not your right.

The point at which you and I fell out on this matter was when you sought to berate members on this side for action they had taken. I have taken the opportunity of obtaining a copy of what you said in giving your casting vote. It is as follows:

The SPEAKER: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Noes, and in so doing I want it clearly understood that I have not departed from what I have said originally.

At that point I had no argument with your statement, and it was respected. You continued:

But I point out to the mover, or to any other member of this House, that there are other means whereby this matter can be discussed rather than disrupting the House by this motion.

You were parroting the Premier's words that he had uttered only a few moments before. I respectfully suggest you had no right to level those words against members on this side. It destroyed the impartiality that has been part and parcel of your Speakership since you took office on August 5, 1975. Your berating of members completely destroyed the trust we had in you regarding this afternoon's proceedings. I do not go back beyond those proceedings. The Minister of Works spoke about the breaking of tradition and had to turn to places outside South Australia to give credence to his comments. I do not believe he can instance a breaking of tradition in this place.

The Hon. J. D. Corcoran: This Government has upheld those traditions, and we did when we were in Government previously, too.

Dr. EASTICK: I do not believe that the Minister can say that any member here has broken tradition.

The Hon. J. D. Corcoran: Members of your Party have done it constantly in other places.

Dr. EASTICK: I am talking about this Chamber, and I do not believe the Minister can refer to any case of the breaking of tradition. As far as I am concerned, there will be no breaking of tradition. In fact, I will cross the floor of the Chamber before pairs are removed if a direct indication has been given that pairs will be granted. I would do the same in other circumstances where the tradition of Parliament is important. It is a complete smokescreen by the Minister to introduce the question of breaking of traditions into a debate of this kind. That there must be an absolute majority of the whole number of the members of this House for the purpose canvassed earlier this afternoon is a relatively recent event.

The Hon. J. D. Corcoran: That doesn't matter.

Dr. EASTICK: True, but it was a matter introduced by the present Government, using its steam-roller majority through the hands of the previous Attorney-General (Mr. Justice King). That action was resisted then because it represented a breaking of the rights and opportunities of

members of this House to express themselves as they should be able to on the appropriate occasion. This is another instance of the Government's being responsible for removing the opportunity for any member of this House to express himself properly on a matter as grave as that which occurred earlier this afternoon.

Mr. Millhouse: But it did mean this time that the Speaker could have voted with the Opposition without making the slightest difference.

Dr. EASTICK: I have made that point. You, Sir, had nothing to lose and would have been completely on side with your earlier statement. You could have expressed a viewpoint and recorded a vote that benefited the Parliament of South Australia rather than benefiting a Party. Your failure to do so is disastrous for the Parliamentary system in this State. It is (and I repeat it because it is important) your berating of members of this House which shows that you were unwilling to fulfil the obligations of the promise you gave on August 5 last to uphold the rights of every member, minorities included, and which makes me accept the validity of the motion. I believe you justly deserve this vote of no confidence because, had you fulfilled your promise, such a motion would not have been moved and members on this side would not have had to express themselves so forcefully but deservedly.

The SPEAKER: If there are no other speakers, before the Leader replies and closes the debate, I wish to make a few remarks. I came into this House as a stranger but, in the months that I have been here, I have seen that I have more honesty and more sincerity of purpose than many of the members who sit in this House and try to sit in judgment on me. Issue has been made of two instances, and I can say only that they are not made with a view to Parliamentary tradition or with a view to upholding what has been past practice, but are being made in a biased and political manner. I am called on to make decisions, and I have to make them without consulting many people. The member for Mitcham said that we had plenty of time this afternoon and that I could have done this or that. He is fortunate, because when he comes into this House, like most members here, he knows what is going to happen.

Mr. Millhouse: I didn't today.

The SPEAKER: I do not know, because I am not a member of any Party and neither the Opposition nor the Government consults me as to what they intend to do. I play it as it happens. I make that point, that whether we had plenty of time did not concern me. I take the issue as it happens and as it appears to me. The member for Light said that the statement I made was improper. I cannot remember just what his words were; he said that part of my statement was all right, but that in the latter part of it I berated, I think he said, certain members of this House, I have not always given an explanation for the way in which I vote. As a matter of fact, I gave an explanation I recall, once before, and members from both sides of this House came to me (and I am sure they had my best interests at heart) and warned me of the dangers, but I do not know if they realise I had 22 years in local government.

So I am more than well aware that everything one says is taken down and very often altered and used against one. When I make a statement I make it sincerely and because I believe I have a duty to make it. Whether that suits other people or not I do not care, because I stand on my own record. Regarding the incident yesterday, when I was called on to decide whether the Government motion directed

against the Leader was carried or not, I think it must be remembered that no-one heard more of that long debate than I did. I do not know how many honourable members went in and out, but I can tell honourable members that I heard every word that was uttered. I do not want honourable members to think that I enjoyed doing that, because I have a certain feeling for the Leader (for any leader whether he be the Leader of the Opposition, the Leader of the Government, a mayor or some other leader) because I understand better than most what he has to carry. Although I had this sorrow for him as an individual I realised, in my humble opinion, that he was the victim of poor research. Nevertheless, I could not let that guide me; I had to give my decision as I saw it. Let us make no mistake about it, in my judgment (and it is on my judgment that I make my statements) that poor research, as was pointed out by the honourable member for Mitcham, resulted in a great deal of harm to certain other individuals.

Dr. TONKIN (Leader of the Opposition): I point out that, while I can understand your feelings on this occasion (and I do, and I think all honourable members do), you, Mr. Speaker, have now referred to matters which you yourself ruled out of order in the debate, and I say that with the greatest of respect. I can understand why you should do that and the action you have taken. Before I say anything else, I say that I have a sympathy for you in your position because it is a difficult position to hold, but you do have advisers, Sir. You play it as it happens, and so do we; that is frequently how matters are dealt with in this House. In commenting on the various members who have spoken, I can dismiss the Premier by saying that once again he has resorted to personal abuse and that, Sir, is about the sum total of what he had to say. The Deputy Premier has spoken at some length about the impossibility of suspending Standing Orders.

Mr. Gunn: The arrogant Minister has said nothing.

Dr. TONKIN: That is a very good point. I would have expected to hear from the Minister who has been, after all, the cause of all this trouble. He is not here now, and he has treated the matter with disgraceful lightness. He has nothing to be pleased about, proud about, or anything else. The Deputy Premier spent much time saying that we could not suspend Standing Orders, anyway, because we needed 24 votes. I know that as well as the Deputy Premier: he does not know that all on his own.

The Hon. J. D. Corcoran: The member for Light doesn't know what he's talking about. He said they had been changed only recently, and they haven't been.

Dr. TONKIN: I expected that other members in this House who were concerned about the flagrant breach of Parliamentary practice that had been engaged in by the Minister of Labour and Industry today might have thought that it was worth ventilating the matter in this House, and might support the suspension.

The Hon. G. R. Broomhill: If that was really your view, why didn't you move a motion of no confidence in those members who didn't support you; why the Speaker?

Dr. TONKIN: How ridiculous! I have referred to the point the Deputy Premier made, and that was about the sum total of his effort, too. I repeat that it was necessary to move that Standing Orders be suspended, and I am not one to assume that there will not be any support from back-benchers on the other side in a matter of this nature, because I think even they would deprecate the actions of their Minister. I know that the Labor Party is a fairly regimented sort of body, but I think, perhaps,

it should have supported the suspension of Standing Orders to ventilate this matter. Members opposite should be just as concerned as anyone.

The matter is quite simple. It devolves, first, on your answer to a question this afternoon, as follows:

If the case is as stated by the Deputy Leader of the Opposition, I, as Speaker, must deplore the action of the Minister. It is the duty of the manager to report first to the House and to do otherwise is injudicious, to say the least. It is highly improper and not in keeping with the best Parliamentary traditions.

Your answer, again with great respect, was entirely right on that occasion. I thoroughly support it, and I would stand up in this House and defend you on the basis of that answer. However, the suspension of Standing Orders, in order to ventilate the matter was necessary also. The wording of the motion that the Deputy Leader quite properly read to the House at the time: "That this House deplores the action of the Minister of Labour and Industry in releasing details" and so on was entirely in keeping with the answer that you had given.

Indeed, the answer you had given, Sir, was taken as a model for the motion that was moved, because we felt it summed up the situation so perfectly. That is one of the points at issue. The tragedy of this whole business is that you did not have to make the decision that you made. It has already been pointed out that an absolute majority was needed. You could, Sir, quite safely have upheld the traditions of Parliamentary democracy, if that was your wish (and I know that it is in all matters), and also have been consistent with your earlier reply by, on this occasion, supporting the Opposition. You did not do so. The further tragedy is (and I am not certain of the Parliamentary procedure here) that I suspect that you need not have given a ruling at all, because, if there were no absolute majority in the Chamber, your proper course would have been to say nothing and simply to rule that the suspension of Standing Orders was not agreed to. What a shame, what a pity, Sir, that we have come to this pass.

*Members interjecting:*

The SPEAKER: Order!

Dr. TONKIN: It has been unnecessary, and I think a great shame. You have taken an action in this Chamber today that I think is one that you will remember. I am sorry that it has happened and I am sorry that we have had to move this motion, but we would be failing in our duty if we did not do so. I repeat that most of the blame for what has happened this afternoon must lie at the feet of the Minister of Labour and Industry. Mr. Speaker, your action has demonstrated clearly an inconsistency between the reply you gave earlier in the afternoon and your failure to support the motion for the suspension of Standing Orders so that the matter could be ventilated, and also a failure on your part to uphold the rights of members of Parliament generally and the best Parliamentary traditions, the very traditions that I believe you have upheld excellently until now.

The House divided on the motion:

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

Noes (21)—Messrs. Abbott, Broomhill, Max Brown, Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Jennings, Keneally, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Allen and Becker. Noes—Mrs. Byrne and Mr. Hudson.

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

Motion thus negatived.

#### PERSONAL EXPLANATION: OVERSEA TRIPS

Mr. MILLHOUSE (Mitcham): I seek leave to make a personal explanation.

Leave granted.

Mr. MILLHOUSE: I have now had an opportunity of reading what the Premier said during the urgency debate which complained of the forthcoming trip by him, some of his Ministers and the Leader of the Opposition and which I initiated last Thursday. I refer particularly to the passage in which the Premier asserted that I had gone abroad to study abortion, come back and advised the House to vote against the Bill that I had introduced and that the House did not take my advice. He persisted twice in this assertion, despite my denials by interjection, and this is reported on page 2333 of *Hansard*. To refresh my memory and to make absolutely sure that I was correct in my denial I have looked at *Hansard* for the 1968-69 and 1969 sessions, at the debates on the Criminal Law Consolidation Act Amendment Bill concerning the law of abortion.

The facts briefly are that I introduced the Bill on December 3, 1968; it was read a second time on December 10, 1968, but referred to a Select Committee. The Select Committee reported in February, 1969, but the Bill was not further proceeded with during that session to allow public discussion and debate. I was abroad in the United Kingdom and the United States of America on a United States Leader grant for several months after the session ended early in 1969 and studied this matter among others. The Bill was revived in the next session on October 9, 1969. I moved a number of amendments to it, the most significant being the deletion of the so-called social clause. These were accepted by the House and the Bill passed both Houses on December 4, 1969. The Premier knew all this quite well, as he took part in the debate, urging abortion on demand. I believe he said what he did on Thursday merely to draw attention away from the subject then under debate, and then he deliberately tried to mislead the House. He did not succeed, and I am glad that as a result of what I said both he and the Leader are either to modify or abandon their trips.

#### PAY-ROLL TAX ACT AMENDMENT BILL (EXEMPTIONS)

Returned from the Legislative Council without amendment.

#### OIL REFINERY (HUNDRED OF NOARLUNGA) INDENTURE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

#### WATER RESOURCES BILL

Returned from the Legislative Council with amendments.

Later:

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 7, line 36 (clause 16)—Leave out "may" and insert "shall".

No. 2. Page 7, line 36 (clause 16)—After "to" insert—  
"(a) every Proclaimed Region;  
and  
(b) every Proclaimed Watercourse;  
and may by notice published in a like manner in relation to".

No. 3. Page 7, line 36 (clause 36)—After "any" insert "other".

No. 4. Page 12, line 34 (clause 37)—Before "remove" insert "take such reasonable action to".

No. 5. Page 12, line 34 (clause 37)—After "interference" insert "as is specified in the notice and".

No. 6. Page 24, line 30 (clause 79)—Leave out "he considers" and insert "are".

No. 7. Page 24 (clause 79)—After line 39 insert paragraph (ca) as follows:

(ca) provide for the prevention of the propagation of, or the eradication or control of, any plant likely to obstruct any watercourse or otherwise injuriously affect any waters;

*Amendments Nos. 1, 2 and 3:*

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

That the Legislative Council's amendments Nos. 1, 2 and 3 be agreed to.

Each of these amendments is concerned with, the same matter, and is consequential. They ensure that the public will, by a gazettal notice, be properly informed of any proclaimed region or watercourse.

Mr. ARNOLD: I support the motion, which in part ensures that advisory committees will be established.

Motion carried.

*Amendments Nos. 4 and 5:*

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

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

The amendments, involving the liability of an owner to deal with an obstruction or interference in a stream, make the provision more specific.

Motion carried.

*Amendment No. 6:*

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

That the Legislative Council's amendment No. 6 be agreed to.

This amendment is self-explanatory.

Motion carried.

*Amendment No. 7:*

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

That the Legislative Council's amendment No. 7 be agreed to.

Honourable members know the Government's concern about the present situation which, has developed near Moree in New South Wales concerning water hyacinth and which has been aggravated by the recent flooding. Last Friday I sent a telex message to the Minister responsible for water resources in New South Wales (I think it is now Mr. Cowan) urging that his Government undertake an immediate survey on whether the flood will cause this undesirable weed to break away, and asking him to advise whether any action will be taken to prevent this weed from entering the Darling or Barwon systems and affecting the Murray River. I have assured that Minister that the South Australian Government will consider providing financial or material assistance to either the New South Wales Government or the local responsible authority, which at present does not have the wherewithal to take the necessary action. Much damage would be caused, costing millions of dollars if the weed got out of control. It must be attacked and eradicated at its source.

I am pleased that this amendment will form part of the Bill. I am delighted that the Bill has not only passed the Upper House, with some amendments which have probably improved it, but that it is also a tremendous pleasure to me, and I believe to every member of this Chamber, that we have reached the stage where we have a Bill that will become an Act in due course. It will not be proclaimed immediately, because several things must be done first. I



am absolutely delighted to think that the hard work of so many people has culminated in such an excellent measure, a measure that is necessary in this State where water is such a valuable commodity. I appreciate the co-operation and support I have received from members of the Opposition in relation to this measure.

Mr. ARNOLD: I am delighted to hear the Minister's remarks. As he will recall, I was most concerned about this matter last week and I tried to amend it. What has happened shows the value of another place in giving this Chamber additional time to consider legislation in more detail. Legislation is often pushed through this Chamber with amendments being given insufficient consideration. The sentiments expressed by the Minister in relation to the threat of water hyacinth and similar noxious weeds that can create problems in the waterways of this country were pleasing to hear.

People throughout South Australia will be delighted to know that the Minister has accepted this amendment. No doubt the present flooding of the Darling system will again put South Australia at a considerable risk if the water hyacinth in the Gwydir River above Moree is broken up by severe flooding in that area. The threat of that happening is always there, but that threat is greater now. The inclusion of this amendment not only makes the South Australian Government more aware of the problem but also indicates to the Governments of Victoria, New South Wales and the Commonwealth that South Australia is deadly serious as far as the water hyacinth menace is concerned.

Motion carried.

#### **PUBLIC AUTHORITIES (EMPLOYEE APPOINTMENTS) BILL**

Consideration in Committee of the Legislative Council's amendment:

Page 2—After clause 4 insert new clause 5 as follows:

5. *Non-application of Act*—Except as is provided in this section nothing in this Act shall apply to or in relation to a Proclaimed Public Authority—

- (a) that does not have as a member the principal executive officer of that Proclaimed Public Authority;
- or
- (b) that has three or more employees as members, unless the constituting Act of that Proclaimed Public Authority expressly provides for the appointment of three or more employees as members.

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

That the Legislative Council's amendment be disagreed to.

The purpose of the Bill is to provide that the disabilities previously perhaps obtaining to the appointment of employees of a public authority to the board of that authority should be removed; that is, to clear away any doubt whether an employee should be so appointed. The Bill does not prescribe the appointment, the means of it, numbers or anything else. The Legislative Council's new clause prescribes that no employee can sit on the board unless the general manager of the authority is also a seated and voting member of the board. The question of the general manager's being a member of the board has been examined and discussed by the Government for some time. In a few cases there may be in the case of the public authority concerned some usefulness in having the general manager as a member of the board, but I point out that, in the case of the South Australian Film Corporation, the Director (who, in effect, is the chief executive of the corporation) was the Chairman of the board. After experience in

that organisation, the Chairman himself suggested to the Government that the Director should not be the Chairman of the board, but that the Chairman of the board and the Director should be separate and that the Director should report to the board. That was the suggestion from within that authority.

There have been several occasions when, after examination and discussion, it has been concluded that the best course for relationship between the general manager and the board is that the general manager should attend board meetings and put forward to the board the matters to be discussed by it, but should not himself be a member of the board. If we make the general manager a member of the board he becomes, in effect, the managing director. In many cases, it is appropriate for the board to have a separate overview regarding policy. The Government does not believe that this position should be prescribed, but that the matter should be dealt with in relation to the particular public authority and the way in which it has traditionally operated and in which its management occurs. I do not believe it is advisable to provide that, whenever an employee is to be appointed to the board, that can occur only if the general manager is also a member of the board, nor do I believe that the provision limiting the employee representation, including the general manager to two, is proper.

I believe that a provision of two employees on the board would be proper, without the general manager's being a member of the board, and it may be that at a later conference something of this kind could be discussed. However, as it stands, the new clause far too closely circumscribes the drawing of models in relation to the provision of employees on boards. Since this matter has to proceed pragmatically and in relation to the management organisation of the particular public authority, I ask the Committee not to agree to the new clause.

Mr. DEAN BROWN: I support the new clause and point out the basic error in the Premier's reason for opposing the new clause. He claimed that we should revert to the traditional practice of not having the executive officer on the board. That would be fine, if we were dealing with the traditional practice of the board, but the whole purpose of the Bill is to allow employees to be on the board. How can the Premier ever refer to going back to traditional practice when he is throwing that practice out of the door and adopting an entirely different system? The reasoning behind the new clause is clear. How can we possibly have employees from, anywhere in the organisation being on the board and discussing board policy, administration and other matters relating to the board if the chief executive officer cannot be there to put a view or to back up his own previous judgment or administration of the authority?

The Hon. D. A. Dunstan: He can attend board meetings.

Mr. DEAN BROWN: There have been numerous occasions (and the Premier knows how board meetings function) when specific administrative decisions taken by the chief executive officer have been discussed, and he has been expected to leave the board meeting. If it is to be a rational decision by that authority, and if it is to operate with the new spirit of co-operation the Premier is trying to achieve, the executive officer should be present on all occasions and able to participate in the decision, at least to the same extent as any other employee in the organisation. I think it is rational to ensure, by the new clause, that the chief executive officer is a member of the board if other employees are also members. I think the Premier's opposition to the new clause shows the lack of

thought he has put into some of his models for industrial democracy, and that is why he has run into such troubles, as I understand it, with the Housing Trust. I understand that there was an outcry, because the chief executive on that occasion was not going to be on the board.

The Hon. D. A. Dunstan: I know of no such thing.

Mr. DEAN BROWN: The Minister in charge of housing, during the television debate, indicated that there was tremendous pressure for the Chief Executive Officer (Mr. Ramsay) to be on the board.

The Hon. D. A. Dunstan: He wasn't to be on the board, but on the management council. You've confused the two.

Mr. DEAN BROWN: That case referred to the joint management council and, I presume, therefore, that he was not to have any say in the council.

The Hon. D. A. Dunstan: The employees asked that he be a member of that.

Mr. DEAN BROWN: The same principle applying to the joint management council should apply also to the board. That council will be passing decisions on to the board for ratification. The fact that the Premier has admitted that there was a justifiable case in allowing the Chief Executive Officer of the Housing Trust to be on the joint management council substantiates the point the Legislative Council makes in the new clause. It is the very line of thinking why that same person equally should be on the board. I oppose the motion and fully support the new clause.

The Committee divided on the motion:

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

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

Pairs—Ayes—Mrs. Byrne and Mr. Hudson. Noes—Messrs. Chapman and Coumbe.

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

Motion thus carried.

The following reason for disagreement was adopted:

Because the Bill eliminates the disabilities of employees from being members of boards. The amendment imposes conditions rather than allowing each case to be worked out appropriately by the authority concerned.

*Later:*

The Legislative Council intimated that it insisted on its amendment to which the House of Assembly had disagreed.

*Later:*

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 amendment.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Dean Brown, Dunstan, McRae, Slater, and Wotton.

*Later:*

A message was received from the Legislative Council agreeing to a conference to be held in the House of Assembly conference room on February 19, 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 to be held during the adjournment of the House and that the managers report the result thereof forthwith at the next sitting of the House.

Motion carried.

### LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2—After line 46 insert new clause 4a as follows:

4a. *Enactment of s. 6a of principal Act*—The following section is enacted and inserted in the principal Act immediately after section 6 thereof:

6a. (1) *The Local Government Association*—The Local Government Association of South Australia Incorporated shall continue in existence under the name: "Local Government Association of South Australia".

(2) The Association shall be a body corporate with perpetual succession and a common seal and shall—

(a) be capable of holding, acquiring, dealing with and disposing of real and personal property;

(b) be capable of acquiring or incurring any other rights or liabilities;

and

(c) be capable of suing or being sued in its hereby dissolved.

(3) The Association shall have the objects and powers prescribed by its constitution and rules.

(4) The constitution and rules of the Association, as in force immediately before the commencement of the Local Government Act Amendment Act (No. 2), 1975, shall, subject to any amendments made by the Association and approved by the Minister, continue as the constitution and rules of the Association.

(5) The incorporation of the Association under the Associations Incorporation Act, 1956-1965, is hereby dissolved.

No. 2. Page 8, line 13 (clause 34)—Leave out "sixty" and insert "ninety".

No. 3. Page 8, line 20 (clause 35)—Leave out "sixty" and insert "ninety".

No. 4. Page 9, line 18 (clause 37)—Leave out "sixty" and insert "ninety".

No. 5. Page 9, lines 19 to 22 (clause 37)—Leave out all words in these lines and insert:

(2) Where the council, upon an application made by a ratepayer within thirty days of the date of the notice addressed to the ratepayer under this Division, decides to permit the ratepayer to pay the rates by instalment, those rates shall be paid as follows:

No. 6. Page 9, line 25 (clause 37)—Leave out "sixty" and insert "ninety".

No. 7. Page 14—After line 7 insert new clause 52a as follows:

"52a. *Amendment of principal Act, s. 373—Prohibited areas*—Section 373 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "street or road" wherever it occurs and inserting in lieu thereof, in each case, the word "place";

(b) by striking out from subsection (2) the passage "street or road" and inserting in lieu thereof the word "place";

and

(c) by striking out from subsection (4) the passage "street or road" and inserting in lieu thereof the word "place".

No. 8. Page 14—After line 38 insert new clause 57a as follows:

*57a. Amendment of principal Act, s. 475g—Powers of council as to parking stations—*Section 475g of the principal Act is amended by striking out from subsection (2) the passage “shall be deemed a permanent work or undertaking for the purpose of this Act” and inserting in lieu thereof the passage—

“shall, for the purposes of this Act, be deemed to be—

(a) a public place;

and

(b) a permanent work and undertaking.”

The Hon. G. T. VIRGO (Minister of Local Government): I move:

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

We have already canvassed the reasons for the motion, and I will not pursue the matter any further.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Keneally, Mathwin, Russack, Virgo, and Whitten.

*Later:*

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room on February 19, at 11.30 a.m.

The Hon. G. T. VIRGO moved:

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

Motion carried.

#### **SOUTH AUSTRALIAN MUSEUM BILL**

Consideration in Committee of Legislative Council's amendments:

No. 1. Page 1, lines 13 and 14 (clause 5)—Leave out definition of “appointed member”.

No. 2. Page 2, lines 28 to 31 (clause 7)—Leave out all words in subclause (1) after “consist of” in line 28 and insert “six members appointed by the Governor”.

No. 3. Page 2, lines 32 to 37 (clause 7)—Leave out subclauses (2) and (3).

No. 4. Page 3, line 1 (clause 8)—Leave out “appointed by the Governor”.

No. 5. Page 3, line 9 (clause 8)—Leave out “an appointed” and insert “a”.

No. 6. Page 3, line 15 (clause 8)—Leave out “an appointed” and insert “a”.

No. 7. Page 3, line 23 (clause 8)—Leave out “an appointed” and insert “a”.

No. 8. Page 3, line 25 (clause 8)—Leave out “an appointed” and insert “a”.

No. 9. Page 3, line 35 (clause 10)—Leave out “appointed”.

No. 10. Page 4, line 31 (clause 13)—Leave out “the Minister” and insert “regulation”.

*Amendments Nos. 1 to 9:*

The Hon. D. W. SIMMONS (Minister for the Environment): I move:

That the Legislative Council's amendments Nos. 1 to 9 be agreed to.

I very much regret the action taken by the other place on the Bill as it left this Chamber. Although 10 amendments have been received from the other place, only two matters are involved, really. The first is dealt with in amendments Nos. 1 to 9. These amendments, if I may say so, are a supreme example of nit-picking, and it is not difficult to see the expert hand behind them. This Act was passed in 1973, and an Act was passed in 1974 in almost identical terms. The main difference between the measures introduced in those years and this one is in clause 7.

In the previous Bill, clause 7(1) provided that the board shall consist of the Director of Environment and Conservation, who shall be a member of the board *ex officio*, and five other members appointed by the Government. The effect of these amendments from the Legislative Council is to remove the reference to the Director, or the permanent head as provided for in this measure. On this occasion, an attempt was made to avoid the difficulty of writing in a specific name that might need subsequent updating. That matter arose recently, when the title of the permanent head of my department was changed from January 1. The attempt to avoid this subsequent updating involved much circumlocution in subclauses (2) and (3). I turn now to what these amendments will achieve. The permanent head of my department, a former Director of the museum, will be one of the six members appointed because of his experience and status in the department. I am sure that that appointment will not be criticised, but for four years he could remain a member, whether employed by the Government or not, under the amendments. The Chairman of the board has a casting and deliberative vote, and the permanent head could be appointed Chairman. Under the Bill as introduced, this power was restricted to one of the outside appointed member. The member for Mitcham, having been foiled in this place, has used a stooge in the other place to achieve his aim, which has resulted in the Minister's having greater power through the Public Service to control the board than I originally sought. That is a victory for another place, but I suggest that is somewhat pyrrhic.

Mr. MILLHOUSE: In the debate on the original Bill, I objected strongly to the faulty drafting of this provision and suggested to one of my Party colleagues that the matter should be corrected. It referred to the permanent head, but no-one knew what the permanent head was. The Minister could have appointed his best friend, or the office boy. I resent the Minister's reference to my colleague as a stooge. The four members of my Party work as a team: we have some influence on what is going on, and that influence is felt by members of both the other Parties. The amendments do not give the Minister any more or any less power than he had before, but their inclusion means that the Bill will make sense. If this Parliament makes foolish mistakes and includes sloppy drafting in its legislation, many people can condemn it. In this case the Minister has accepted the amendments, the aims of which are to improve the legislation, and his acceptance proves that my claim was justified.

Motion carried.

*Amendment No. 10:*

The Hon. D. W. SIMMONS: I move:

That the Legislative Council's amendment No. 10 be agreed to.

This amendment has twice been introduced in similar Bills in previous Parliaments. The functions of the museum are set out clearly in the Bill. The possibility of other functions being assigned to the board by the Minister is slight, and the possibility of an improper or unreasonable function being assigned is much less, so that this amendment will have little effect.

Mr. WOTTON: I compliment the Minister on his wise decision, as I know that the board and Director of the museum will be extremely grateful to him. As a result of this legislation, a new home is to be provided for the museum, and I am sure that that is the wish of all members.

Motion carried.

**PEST PLANTS BILL**

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 4—After line 12 insert new clause 6a as follows:

6a. *Duty of the Crown*—(1) It is the duty of the Minister in whom the control or management of Crown lands is vested to attempt with due diligence to achieve so far as is reasonably practicable—

- (a) the destruction of all primary pest plants on those lands; and
- (b) the control of agricultural and community pest plants on the lands to the extent necessary to prevent their propagation onto neighbouring land.

(2) It is the duty of a Minister or other instrumentality of the Crown in whom the ownership of any land is vested to attempt with due diligence to achieve so far as is reasonably practicable—

- (a) the destruction of all primary pest plants on that land; and
- (b) the control of agricultural and community pest plants on that land to the extent necessary to prevent their propagation onto neighbouring land.

No. 2. Page 14, line 22 (clause 35)—Leave out “seven” and insert “fourteen”.

No. 3. Page 14, line 23 (clause 35)—After “writing” insert “personally or by post”.

No. 4. Page 15, line 18 (clause 38)—Leave out paragraph (c).

No. 5. Page 18, lines 17 and 18 (clause 47)—Leave out “, offer for sale or have in his possession for sale” and insert “or offer for sale”.

No. 6. Page 18, line 25 (clause 47)—Leave out “or”.

No. 7. Page 18, (clause 47)—After line 27 insert

- “or
- (c) acted in pursuance of the written authorisation of a State authorised officer or a local authorised officer.”

No. 8. Page 18 (clause 47)—After line 27 insert new subclause (3) as follows:

- (3) The regulations may provide that this section shall not apply in circumstances, or circumstances of a kind, specified in the regulations and the operation of this section shall be modified accordingly.

*Amendment No. 1 :*

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

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

Although it does not bind the Crown, the amendment spells out the duties of the Crown in relation to the control of weeds on land vested in the Crown. As such, I have no objection to the amendment. A fair attempt has been made by the Crown to follow this practice. The amendment merely spells out what should happen and that it should continue.

Mr. GUNN: I am pleased that the Minister has decided to accept the amendment. When this matter was previously before the Committee much time was spent in discussing this problem, because members on this side believed such a problem could arise unless an amendment of this nature was accepted. If an adjoining landholder must accept his responsibility to destroy noxious weeds, the same responsibility should be on the Crown. In the past the Crown has failed miserably to control noxious weeds. I refer especially to the Environment and Conservation Department, which has failed in its responsibility in several areas. All these amendments are worthy of acceptance.

Mr. VENNING: I am pleased that these amendments have come from another place, because some of them escaped my notice during the Committee stage. I therefore tried to have the matter rectified elsewhere. Had the Legislative Council not inserted these amendments, a farmer would not have been allowed to dispose of grain

containing saffron thistle. It is not always a bad farmer who has noxious weeds in his crop. Seasonal conditions have an important bearing on agricultural pursuits and, in certain years, it is difficult to eradicate weeds from grain that is made available for export and sale.

Motion carried.

*Amendment No. 2:*

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

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

It extends the period in which landowners must notify the board.

Motion carried.

*Amendment No. 3:*

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

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

It spells out what method should be used to contact people in this regard.

Motion carried.

*Amendment No. 4:*

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

That the Legislative Council's amendment No. 4 be agreed to.

It is consequential to amendment No. 1.

Motion carried.

*Amendment No. 5:*

The Hon. J. D. CORCORAN moved:

That the Legislative Council's amendment No. 5 be agreed to.

Motion carried.

*Amendment No. 6:*

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

That the Legislative Council's amendment No. 6 be agreed to.

It is consequential on the previous amendments.

Motion carried.

*Amendment No. 7:*

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

That the Legislative Council's amendment No. 7 be agreed to.

It is consequential on the previous amendment.

Motion carried.

*Amendment No. 8:*

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

That the Legislative Council's amendment No. 8 be agreed to.

It relates to the prohibition against selling infested produce or goods.

Mr. VENNING: Will the Minister spell out more specifically what is meant by the amendment?

The Hon. I. D. CORCORAN: The amendment is self-explanatory.

Motion carried.

**HEALTH ACT AMENDMENT BILL**

Consideration in Committee of the Legislative Council's amendment:

Page 5, line 1 (clause 14)—Leave out “person” and insert “pest controller”.

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

That the Legislative Council's amendment be agreed to. It relates to what was intended by the Bill.

Motion carried.

**FURTHER EDUCATION BILL**

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2 (clause 6)—After line 31 insert new subclause (2) as follows:

(2) The Minister may, in determining the courses of further education to be provided under this Act, collaborate with—

- (a) the South Australian Board of Advanced Education;
- (b) the Australian Council on Awards in Advanced Education;
- (c) the Australian Commission on Advanced Education; and
- (d) any other body constituted under the law of the State or the Commonwealth with which collaboration is desirable in the interests of promoting the objects of this Act.

No. 2. Page 12, lines 31 to 39 (clause 34)—Leave out all words in these lines after "training" in line 31 and insert—

- (a) declared by regulation to be a course of instruction or training to which this Part applies; and
- (b) provided by a school or institution declared by regulation to be a school or institution to which this Part applies.

*Amendment No. 1:*

The Hon. D. J. HOPGOOD (Minister of Education): I move:

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

This amendment does not seem to do anything: it neither adds to my powers nor detracts from them. For that reason it is perfectly innocuous.

Motion carried.

*Amendment No. 2:*

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

That the Legislative Council's amendment No. 2 be amended by leaving out paragraph (b) and inserting in lieu thereof the following paragraph:

- (b) provided by a school, or institution, or a school or institution of a class declared by regulation to be a school or institution, or a class of schools or institutions to which this part applies.

This difference between what I am proposing and what was written into the Bill by the other place is that if we allowed the Bill as amended to stand it would be necessary by regulation to list every institution and every course that comes within the ambit of this part of the Act. This seems to be an extremely clumsy procedure. It could be evaded by a proprietor of an institution simply by altering the name of that institution, which would necessitate further regulations by the Government. My amendment would ensure that it would be possible, by regulation, simply to set out the classes of institution that would be licensed under the Act. I understand that that was what was intended in Committee in the other place, and some sort of clerical error crept into the situation. I urge the Committee to reject that amendment and support what I have placed before it. I understand there will be no problem about what we are doing being accepted in the other place, for the reasons I have given.

Motion carried.

*Later:*

The Legislative Council intimated that it had agreed to the amendment made by the House of Assembly to the Legislative Council's amendment No. 2.

**INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL**

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 12 (clause 2)—Leave out "State" and insert "South Australian".

No. 2. Page 1, line 16 (clause 3)—Leave out "State" and insert "South Australian".

No. 3. Page 1, line 22 (clause 4)—Leave out "State" and insert "South Australian".

No. 4. Page 2, line 6 (clause 4)—Leave out "State" and insert "South Australian".

No. 5. Page 2, line 11 (clause 4)—Leave out "State" and insert "South Australian".

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

That the Legislative Council's amendments Nos. 1 to 5 be agreed to.

I do so with more real reluctance than that reluctance which has occasionally been referred to at other times in the past couple of days. In order to ensure there was no confusion between the Industries Assistance Corporation of South Australia and the Industries Assistance Commission of the Commonwealth, which came into being after the creation of our body to replace the old Tariff Board, we proposed to add the word "State" to the title of our State body, so it was to be called the State Industries Assistance Corporation. The Legislative Council, with what I can only consider a sense of sheer paranoia, has decided to amend this to "South Australian" instead of "State". There is, already, the State Bank, the State Government Insurance Commission, etc.

Mr. Nankivell: But "of South Australia".

The Hon. D. A. DUNSTAN: No, they are not mentioned as being so. I do not think there was any case of confusion. This was done because a member in another place felt there was some creeping socialist paralysis overtaking the community by the use of the word "State", so he wanted to change it to "South Australian". I do not think it matters terribly much, except that "South Australian" is a bit more of a mouthful.

Mr. COUMBE: I support the amendments, but not for quite the same reasons as the Premier, and I certainly do not intend to use his phraseology. We have some examples in the State at present in the South Australian Housing Trust and the Electricity Trust of South Australia. I took the trouble of reading what was said in the other place, and the excuse given by the responsible Minister on that occasion was that the title was too long. There are many other organisations in this State with names that include "South Australian", and I believe that the other States of the Commonwealth would possibly have organisations of this nature. In view of the acceptance by the Government, I support the motion.

Motion carried.

**AMENDING FINANCIAL AGREEMENT BILL**

Returned from the Legislative Council without amendment.

**PUBLIC FINANCE (SPECIAL PROVISIONS) ACT AMENDMENT BILL**

Returned from the Legislative Council without amendment.

**GOVERNORS' PENSIONS BILL**

Returned from the Legislative Council with the following amendment:

Page 1 (clause 2)—After line 4 insert new definition as follows:

"deceased Governor" means a Governor who died while in office as Governor:

Consideration in Committee.

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

That the Legislative Council's amendment be agreed to.

It is a drafting amendment, which gives a definition, of the term "deceased Governor" and refers to Governors who die in office. This is a necessary drafting amendment and was moved by the Government in the Legislative Council, on the advice of the Parliamentary Counsel.

Motion carried.

#### PASTORAL ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, lines 10 and 11 (clause 3)—Leave out the clause.

No. 2. Page 1, line 12 (clause 4)—Leave out clause 4 and insert new clauses 4 and 5 as follows:

4. Sections 100 to 111 (inclusive) of the principal Act are repealed.

5. Sections 113 and 114 and the heading thereto of the principal Act are repealed.

Consideration in Committee.

*Amendment No. 1:*

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

I move:

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

Honourable members will appreciate that this Bill was introduced as a consequence of the passing of the Water Resources Bill here, because the Pastoral Act contained certain provisions in relation to control of waters in areas controlled by the Pastoral Board. It was proposed to delete Part X of the Pastoral Act, and so delete any reference in the Pastoral Act to the control of waters, etc., because it is now contained in the Water Resources Bill. However, a member of the Legislative Council has pointed out that it is desirable to leave in the Pastoral Act certain provisions relating to control of bores in certain areas. I have no disagreement about the amendment and am pleased to accept it. The Legislative Council has made two amendments and they are inter-related. I have no objection to either of them.

Motion carried.

*Amendment No. 2:*

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

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

I have already stated the reasons for the amendments.

Motion carried.

#### MOTOR VEHICLES ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Page 18, line 36 (clause 57)—Leave out "and address".

Consideration in Committee.

The Hon G. T. VIRGO (Minister of Transport): I move:

That the Legislative Council's amendment be agreed to.

I think it is one of the most petty amendments that I have ever seen. It will mean that a tow-truck operator may now ask a person to sign an authorisation permitting him to take away that person's vehicle, without having on that authorisation the address of the one who is taking it away. I can understand the member for Murray shuddering at the stupidity of this. I think it is typical of the people up top. The matter is not worth an argument and I will let it go.

Motion carried.

#### SOUTH AUSTRALIAN HEALTH COMMISSION BILL

Adjourned debate on second reading.

(Continued from February 4. Page 2109.)

Mr. BECKER (Hanson): I am pleased that the Government is willing to accept the suggestion put forward by the member for Mallee on February 4 (reported at page 2102

of *Hansard*). In my opening remarks I said that nothing but good would come from the findings of a Select Committee. Before I sought leave to continue my remarks I was referring to the suspicions that have been raised by members of some community hospitals, councils, and other organisations. I was reading from a letter from a community hospital not far from my district where the Secretary-Manager raised some points. He referred to clause 28, and stated:

Staffing of any hospital incorporated is to be under the control of the commission, and the Public Service Board. Some officers may not be appointed without specific approval. In view of the difficulty experienced in staffing quite often, and very likely delay in decisions from commission, this measure may create many problems? He raises that query about that. In relation to clause 29 he states:

S.A. Superannuation Fund may apply to full-time officers. This is not fully understood?

He then deals with other clauses as follows:

Clause 32—Auditor to be approved by the commission. Most hospitals have their accounts audited by professional auditors now! Clause 34—Budget and staff plan have to be submitted to commission, and presumably approved by it! This would undoubtedly increase administrative cost considerably, and perhaps for very negligible benefits?

He refers to many other matters concerning the administration of community hospitals. Reference has been made to local government. The town clerk of Henley and Grange council has written to me, as I imagine he has done to other members, and states:

It is the opinion of my council that the proposed Bill to establish the South Australian Health Commission will have a detrimental effect on the health services which are currently being provided and that although it agrees that the control of all aspects of public health should be uniform it considers that this could best be achieved by local government bodies working in conjunction with regional organisations which have recently been established.

My council is very concerned that the powers it has, through the local board of health, will be abolished rather than being given a wider range of powers in the health field. It believes that although the role of regional organisations are not defined by Statute such organisations should be regarded as the body at regional level for developing regional boards of health.

The Health Commission Bill does not clarify the position regarding rating for hospital purposes as affecting local council areas served by a proposed incorporated hospital. My council requests that this matter be clarified for the benefit of local government authorities. My council is of the opinion that local government should be included in all deliberations at State and regional levels as a partner in collective government.

My council requests that local government be given security of representation on the establishment of new authorities both State and regional which may affect local government and further requests that at least one of the proposed five part-time members of the South Australian Health Commission be a representative of local government in the State of South Australia.

The last paragraph reads:

It is requested that you give support to the opinions and requests of this council as expressed above. Yours faithfully, (Signed) R. E. Nash, Town Clerk.

I think the Henley and Grange council, the Metropolitan Regional Organisation (No. 2) Western, will be pleased that this Bill has got to a Select Committee, because it raised many matters with the Minister of Health and he has replied. The matter has even been reported in our local press, so Metropolitan Regional Organisation (No. 2) Western will now have an opportunity to come before the Select Committee. When we talk of all the various health services and so forth, I want to place on record the

services that the Corporation of the City of Glenelg provides to its ratepayers. In its Report to Ratepayers, 1974, it said, under the heading "Immunisation":

Immunisation against diphtheria, tetanus, whooping cough and poliomyelitis is provided free of cost by the council. Persons requiring this service which is held at regular intervals in the community rooms at the rear of the municipal buildings should make appointments either by telephone or by personal visitation to the municipal offices. This service is provided during the afternoon and is usually held on Thursdays. However, the council will be providing at least twice during this current financial period an evening service to all ratepayers and public, notice of the time and place of the evening immunisation programme will be given in the local press.

That highlights the importance that local government places on its role in relation to the Board of Health. There are many other areas in which we use the Health Department, and that of course comes into the pollution area. Summing the whole issue up; as I said earlier, our health services are not bad, they could be quite good, but I do not think we should ever become complacent in relation to our health services and we should always strive to improve them to provide the best possible health service we can for the community. I think at this time the Government is on the right track; the cost is the big factor. At the same time, if the people want these services they must be prepared to pay for them. I commend the Bill to honourable members in view of the Minister's statement.

Mr. MATHWIN (Glenelg): I oppose this Bill.

The Hon. G. T. Virgo: Another rift between Glenelg and Hanson.

The SPEAKER: Order!

Mr. MATHWIN: It does not matter to me what the Minister thinks about this. The fact he thinks it is good legislation makes me think it has something bad in it. I think this is one of the greatest empire building Bills I have seen in this place for a long time. The effects of this Bill are that the commission will be able to dictate to local government in the matter of rates. It will be able to say to local government what the rate is going to be, and what part of it is going to be struck for this particular commission. The other matter I am worried about is what is going to happen to all the voluntary organisations of which we are so proud in this State, and in this country for that matter. I wonder whether the Government has decided how many hospitals it wants. Does it think we have too many at the moment? From indications given, the Government has decided there are too many hospitals. This Bill will mean they must become incorporated bodies, or else!

There is no way the Bill states they are forced to do this, but, nevertheless, the situation is there, because unless they do this there could well be no finance for them. To get their subsidy they must become an incorporated body. They will become administrative boards with no autonomy and will be restricted to what money they can spend, along with the many other aspects of this Bill. The present boards of these hospitals can be dispensed with at the flick of a pen, at the whim of the commission if need be. They intend to standardise the constitution of all these different boards. Another aspect of this Bill will mean that the local board of health, which is run by local government, will be dispensed with; yet this is a very efficient organisation.

Local government organisations work exceedingly well. I remember, not long ago, when this Government took away another power of local government, namely, the child minding centres. This Bill emphasises the attitude

this Government has with regard to local government. If it becomes operative the local board of health will be dispensed with. As far as the local board of health is concerned, the environmental aspect is important. The board inspects food-handling in shops, and in a way educates the public and assists the people of the particular area. I submit we cannot take this important function away from the grass roots level.

What of the many other services within the community? What of the St. John Ambulance service, which operates all over the State? If you are a member you are eligible for a very cheap and efficient service. Is it the Government's intention to take this over, too? The Government has not intimidated what voluntary organisations are likely to be in the barrel: but there is no doubt (and this is the fear of many people who work within these organisations) that eventually the Government intends to do something about taking them over. What is in store for Meals on Wheels, which provides a marvellously efficient service throughout the State, particularly in the metropolitan area? I know the member for Unley does a job for Meals on Wheels, as I do myself. Anybody who has done work for that body knows it is a great organisation and deserves all the consideration, help and encouragement that can be given it.

We on this side of the House are pleased that the people volunteer in many areas to help people, particularly the aged and sick of our State. We appreciate the fund-raising done by the many service clubs within the areas: Rotary Club, Lions Club, the Women's Services and other voluntary services, which are in danger under this particular legislation. The tragedy of this situation is that the magnificent work of these organisations will be squeezed out by this Government. I fear that this will happen irrespective of how the Minister might soft-pedal the situation; the Government, with its big grimy hand, will be only too willing to take over these organisations. That would be a shocking state of affairs, because most people in the State owe much to the volunteer organisations.

I have no doubt that Medibank is the shadow behind the whole operation. Although we talk about the free health service and Medibank, we know how this Government and its counterpart which was at one time in charge in Canberra and which got us into a \$4 000 000 000 deficit in one year feel about free health services. Anyone with an atom of common sense knows that there is no such thing as a free service, because someone must pay and, invariably, it is the people of the State, especially the ordinary small people, who foot most of the bill. Regarding the record of the great free health service in the United Kingdom, in 1972 the cost of the service was \$4 600 000 000, of which 74 per cent came from general taxation and 9 per cent came from contributions. So, there we see the situation plainly, if we are willing to learn by it and from other people's experience.

A later cost given in a pamphlet I have in my possession is the 1976 cost, which was estimated at \$5 600 000 000 to operate that "free" health service. What a farce it is to talk about a free health service! The Bill has no doubt been introduced in the shadow of Medibank and, in keeping with all grandiose schemes, there are always the Cinderella services to the aged, mentally ill, handicapped, and those with long-standing physical infirmities. They are the people who suffer the most and who are given the least. A great need exists in the State, particularly in my area, which includes many people over 55 years of age. There is a great need for domiciliary and day-care centres for the aged, but what help have such people received from

the Government? I have many times drawn to Parliament's attention the need for something to be done about this problem, particularly in Glenelg and Brighton, and have brought to its attention the sale of a property to take place in a few weeks time. It is the property of the former Somerton Crippled Children's Association, on the Esplanade. The reply given to me late last year was that the Government was not interested in the property, which I suggested could serve the needs in that area.

Another property which was available not long ago and which is now under the care of the Minister of Community Welfare is Seaforth Home. The property is in an excellent position for the aged. It is on large grounds, and the buildings are mainly at ground level. The property includes modern dining-rooms; in fact, a new dining-room has only recently been completed. However, the Government saw fit to make this home for children to be split up into units to cater for 10 children, with staff placed in each unit. There are to be five sections in the home. All the units have their own cooking facilities, and meals are served in each unit. The home has kitchen arrangements and a well-established dining-room area that is not now in use. Although there is a great need in Marion, Glenelg and Brighton for the aged to have domiciliary and day-care centres, the Government could not see its way clear to make any contribution for this type of accommodation. I draw attention to the Minister's second reading explanation, in which he states:

There are services for the protection and the improvement of the health of mothers, babies, schoolchildren, workers, Aborigines, the elderly . . .

I have referred to some of the things that the Government is not doing for elderly people. The record of what it is providing for the aged people of this State is poor. I have already said that local government does not now look after child care centres. Those centres were well catered for previously, but now they have had to close down because, of the Government's action. This Government has allowed people to take children into homes willy-nilly. No inspectors go around now, and there are cases of three or four children being in one home. The position is much worse than it used to be when local government was involved in this care. The biggest laugh is the Minister's statement as follows (referring to the Bright committee recommendations):

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.

The commission will have all the power in the world. It will be able to terminate any board and sack or replace members of a board. It will also be able to state any terms or conditions for the people employed and to state how many people can be employed at various hospitals. It will have the right to hire and fire and to state how many nurses will be allotted to certain wards. If the local board does not go along with the commission, it will get the axe. The commission could take everything over, acting as big brother. In his second reading explanation, the Minister also states:

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 . . .

There is no mention of local government. I have on file an amendment that I cannot speak about now, but this

Government wants local government to be the tax collector and do the nasty part of the business, whereas the Government has not stated what it will do for local government.

The Hon. R. G. Payne: Have you read the Bright report?

Mr. MATHWIN: Yes, and there is little of that that the Minister has implemented. He claims in his explanation to have done these things but he has done little indeed. Local government must be represented on the commission, otherwise I will not dream of supporting the Bill. The Government has not given the whole operation sufficient thought. Looking at the Bill, I repeat that local government representation is not mentioned. Provision is made for the Chairman to be appointed by the Governor.

The Hon. R. G. Payne: Look at the second reading explanation and you will see it.

Mr. MATHWIN: The Minister will have the opportunity to reply to all these matters, and I hope that he will get on to the big matters, not do a sideline job to put everyone off. I hope he will deal with what the Government has done for the aged people of this State, because I maintain that it has not done much at all in this matter. Clause 7 is of much concern outside the House, and local government has the right to perform a role in public health, but it is not mentioned in that clause. In clause 38 provision is made to apply taxation, and I submit that it is undemocratic for local government not to have representation. I hope the Minister will change his mind, because it is imperative that such representation be given.

I know this Government's feelings towards local government. The State Government was upset last year about the direct loans policy of the Federal colleagues of members opposite. The Premier was pleased to disown those colleagues at the time of the most recent State election, and he said, "Do not blame us for Canberra's mistakes." The State Government did not appreciate power being taken from it. Regarding required contributions, I should like to know how much the Minister expects to receive. That matter is dealt with in Division VII.

The Bill will be referred to a Select Committee, but I will mention some matters that have been brought to my attention. By clause 25, the Government may compulsorily incorporate a hospital, the constitution to be approved by the commission. I should like to know whether the commission will be able to alter the type of admissions, and so on, normally occurring at a hospital. Clause 28 deals with the staffing of any hospital, and, as I see it, some officers may not be appointed without specific approval. In view of the difficulty experienced often in staffing and the likely delay in getting decisions from the commission, this provision may create problems.

Clause 29 provides that the South Australian Superannuation Fund may apply to full-time officers, and this matter needs clarification by the Minister. By clause 37, the commission may (and probably will) control the fees that may be charged by any hospital. This is a critical area in regard to the viable conduct of a hospital. Community hospitals have found it necessary to vary fees as often as twice a month, and such control may result in financial loss. If this matter came within the Government's jurisdiction, the taxpayer would have to bear any losses, so the Government would not have to worry too much about it.

The Hon. R. G. Payne: Do you think boards of hospitals are all irresponsible?

Mr. MATHWIN: I think there are some irresponsible people in the community, but I believe that this Bill is a step in the wrong direction. It is about time that the



Minister took notice of what people in the community are thinking, because as the Minister responsible he should consider both sides of the question. The Minister has referred to the Bright report, but this Bill does not implement the main recommendations of that report. The Government has messed about with small items of that report as a whitewashing job to suggest to people who have not researched the legislation properly that it looks good.

Mr. Chapman: Do you agree that the Bill is not a reflection of the Bright report?

Mr. MATHWIN: I do.

The Hon. G. R. Payne: Do you want to stick exactly to the Bright report?

Mr. MATHWIN: Not exactly but, if something is to be done, it should be something important that has been recommended. I hope the Minister will consider the matters raised by Opposition members, and by paying strict attention to the great voluntary organisations in our community, give them all the encouragement they deserve and take away their fear that eventually, if not now, they will come under the cloak of this massive empire-building job. I oppose the Bill, and hope that something better will come from the Select Committee's report.

Mr. VENNING (Rocky River): In opposing the measure, I commend the member for Mallee for the capable way that he, by question and answer, explained all aspects of it. He considered the Bill clause by clause, and enlightened the House on the problems associated with this legislation. Also, I commend my Leader for the capable way in which he summarised the contents of the Bill. The Leader of my Party knows something about health services in this State, and he showed it by his comments. I compliment these gentlemen for the way in which they dissected the Bill. My heart bleeds to think of the damage caused by the socialist Government in Canberra by introducing Medibank, and now by the State Government by introducing this Bill, stating that it is in accordance with the recommendations of the Bright report.

I have no doubt that many South Australians believe that the health services in this State are the best in the world, and whilst you are overseas, Mr. Speaker, I should like you to check the correctness or otherwise of that statement. I am sure you will return saying, "We live in the best State in the best continent in the world, and our medical services leave nothing to be desired." I compliment the boards of hospitals throughout the State for the effective way they provide the services that we know to be so good. Where would one find hospitals such as those at Port Pirie, Booleroo Centre, Jamestown, Port Broughton, Crystal Brook, Pinnaroo and Kingscote providing such excellent services?

I have attended functions in my district in the past couple of years at which the Minister of Health has opened extensions to hospitals, but I cannot follow his comments on those occasions. Often he has told the hospital guild that its services will be required when the new system is introduced, but other times he tells them that their services will not be required. I find it difficult to know what the future will be of some of these dedicated ladies auxiliary committees that have done such a mighty job in serving the State. With average intelligence at least, I cannot understand the Government's policy through the speeches of the Minister of Health. It has been said that this legislation is in accordance with the Bright report. As I believe it has Brights disease and

is causing Parkinson's creeping paralysis in the excellent health services that people in this State have enjoyed for many years, I oppose the Bill.

The Hon. R. G. PAYNE (Minister of Community Welfare): The main arguments by Opposition members seem to centre around the fact that, in their opinion, the Bill does not provide for representation of local government. Opposition members devoted much time to bemoaning what they said would be the fate of voluntary organisations if the Bill were to become law. Also, I believe that in every case statements were made suggesting that the commission would not be as was recommended by the Bright report, and this was the main reason for the commission's not being supported. The latter approach was typical of all Opposition speakers. It is a shame that such an approach was adopted, because it is an untenable argument, as can be shown in some detail. If members quote in a nitpicking fashion from the Bright report, they should consider the entire report instead of selecting their quotes. I move:

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

Motion carried.

The Hon. R. G. PAYNE: Opposition members, like the Colonial forebears of many of them (who stood with a Bible in one hand and a gun in the other), stood with the Bright report in one hand and said, "It is not in the report so it cannot be any good," or, "It is not in accordance with the report." The Bright report indicates that such practice is dangerous and unfair and should not be the approach. Conclusion 17.1 in the report states:

We have considered the question of the most useful way to conclude this report. An obvious form would be a tabulation of the specific recommendations scattered through it. This is often useful after an investigation, particularly one directed to a specifically defined subject matter. In the present case such a tabulation would be misleading, for whilst sometimes we recommend with confidence, on other occasions we do so more tentatively; sometimes we merely make suggestions and sometimes we draw attention to problems and indicate the need for research.

Moreover some recommendations depend on others for their implementation while some stand independently. The report does not have to be accepted or rejected as a whole, and some items in a tabulation, if we were to make one, would acquire too much apparent validity if taken out of their proper context.

That advice is available to Opposition members. Either they have purposely not looked at it or have avoided to do so because it does not suit their case. Opposition members have taken points from the report out of context in an attempt to show that the Bill does not adhere closely enough to the report. That approach is entirely false and should not be used in a matter that involves the health and general medical care of the citizens of South Australia. All members should be more careful in their approach to this matter.

Snide references have been made by members opposite about Medibank; they have suggested that people do not want Medibank, that they should not have it and that there is no basis for such a service if the Bright report is considered. Yet, at 17.6 of the report the following conclusion is stated:

For it is not a privilege in Australia but a basic right to receive health care when in need.

That is all it says. I want it recorded that an entirely false approach has been used by members opposite. Although the Bill is to be referred to a Select Committee, it might not have been necessary to do that if members had adopted a more studied and careful approach to the measure.

Mr. Millhouse: A. Select Committee for a Bill such as this is a good idea.

The Hon. R. G. PAYNE: I am not saying that it is not a good idea; I am saying that, whatever happens, a delay will occur in providing improved health care. It would therefore have been better for members opposite to make a more reasoned approach to the subject. It is important that the kind of reasoning that I am advancing be accepted by the Opposition because, had they adopted a reasoned approach, they would have avoided taking out of context the recommendations of the Bright report to prove a point. If the Opposition had researched the matter people making representations to them would have been better informed.

The Select Committee will have to uncloud some of the smokescreens that have been raised by members opposite. If I had the time I could show clearly that the Bill meets every requirement of the Bright report up to the point where it recommends that an authority should be set up. The Bill does not set out to solve all the health problems that may occur in South Australia in the next 50 years, nor does it set out to fix many of the other matters raised by members. All it does is set up the machinery for that process. Members opposite have not done justice to the people they represent by approaching this measure in such a pettifogging way. All right, we shall have a Select Committee, but what I am saying needs to be said because we are here to represent the people. We must represent them properly and not just talk about matters selected on purpose and at random from a carefully documented report, as members opposite have done.

When dealing with a matter of such importance in this or the other place, members are called on to approach the matter properly instead of indulging in the kind of argument they have used here. I want this to be on the record, because I feel this is one of the worst examples I have seen. The honourable member for Mitcham is very fond of telling us of all his years in this place, and he has got a lot of them so I do not mind him saying that; I have only six years coming up, but in the six years I have been here I have never seen a worse example of a mishandling of such an important measure by the Opposition.

Mr. Millhouse: You weren't here when your Party was in Opposition; you would have seen some pretty dreadful things then.

The Hon. R. G. PAYNE: I used to come in here and listen. If I have been able to instil into Opposition members, even one of them, something of what I have been trying to say here, that measures of this importance deserve better from them, then I am satisfied.

Bill read a second time and referred to a Select Committee consisting of Messrs. Allison, Eastick, Langley, McRae, Millhouse, Payne, and Wells; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to sit during the recess and report on the first day of the next session.

#### LICENSING ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, lines 9 and 10 (clause 2)—Leave out the clause.

No. 2. Page 2, line 6 (clause 4)—After "error" insert "or misestimation".

No. 3. Page 2 (clause 4)—After line 15 insert paragraph (ab) as follows:

"(ab) by striking out from subsection (3) the passage 'the 12 months ended on the preceding 30th day of June' and inserting in lieu thereof the passage 'such period as may be specified in the order'."

No. 4. Page 2, lines 31 and 32 (clause 4)—Leave out "but the body corporate has insufficient funds to discharge its liability" and insert "but the body corporate fails to discharge its liability within 14 days after the day on which the Superintendent of Licensed Premises causes notice to be served on the body corporate requiring it to discharge its liability".

Consideration in Committee.

Amendment No. 1:

The Hon. PETER DUNCAN (Attorney-General): I move:

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

The reason the Government cannot accept this amendment is that it would destroy the whole purpose of this Bill.

Mr. Millhouse: Which is to get Brian Warming

The Hon. PETER DUNCAN: The purpose of this Bill is not to get Brian Warming, as I have stated here before. I do not intend to take a great deal of time with this; we have already gone past the hour prescribed in Standing Orders.

Mr. Chapman: You ought to give a full explanation; it is a very serious matter.

The Hon. PETER DUNCAN: A full explanation of this clause was given when this matter was before this House.

Mr. Millhouse: You certainly didn't give a full explanation.

The Hon. PETER DUNCAN: The reason the Government desires this clause to remain in the Bill is to ensure the very intention of the Bill, that intention being to ensure the practices which have gone on over the past two or three years in the licensing area, do not continue in the future. It is necessary to have this clause in the Bill to ensure that the practice can be stamped out forthwith. Fees for liquor licences are determined on an assessment of the licence fee over the prior 12 months and it is necessary to have a retrospective element in this Bill to ensure that when it becomes an Act it can have the effect desired by the Government.

Honourable members opposite are well aware of the intention of the Bill. The intention of the Bill is to ensure that rational distribution of liquor products can continue in South Australia. If this Bill fails to pass, then the effect of that will be that an absolutely chaotic situation will slowly, surely, but inevitably develop in the licensing provisions in this State. For that reason the Government believes it is absolutely essential that the clause that was originally in the Bill should be continued in the Bill.

Dr. TONKIN (Leader of the Opposition): The Attorney-General's explanation is no more convincing on this occasion than when the matter was debated before. The Opposition is totally opposed to retrospectivity and since this particular clause, clause 2, is the heart of the matter, we thoroughly support the amendments which have been made by the Legislative Council.

Mr. MILLHOUSE: On one thing only do I agree with the Attorney-General and that is that this matter was thoroughly debated the other night and there is little profit in going over it again. I do not believe what the Attorney-General has said to us tonight; there is no doubt whatever that this particular provision, this clause 2 in the Bill, which the other place took out, thank goodness, and which we tried to take out on this side of the House, is

meant to get at one man and collect from him what has been estimated to be variously an amount between \$380 000 and \$315 000.

The Hon. Peter Duncan: That's different to what you said last time.

Mr. MILLHOUSE: The last time I said an amount over \$300 000, but the Attorney himself mentioned one of those figures to me in private conversation, the higher one. Warming himself mentioned the lower one. The last time I said over \$300 000; now I have given a bracket. That is the whole point of this clause. The Bill would stand for the future without this clause and the Attorney-General knows that it would. He misleads the Committee when he says it would not, and that is just what he did a moment ago.

He had better be careful of his reputation for integrity and honesty in this place among his fellows. It is not doing too well in the last three weeks; indeed, since the became a Minister. This is an appalling clause. I hope that the motion he has moved will not be accepted. It is contrary to every principle of justice that one can imagine and just because the man against whom it is aimed is unpopular, is disliked, makes it no better, and that is what the Government is trading on in putting this forward.

Mr. CHAPMAN: I cannot accept the move by the Attorney-General to oppose the amendment as it appears on the schedule before us, for several reasons. I do not believe that the Attorney is being truthful to the Committee when he tells us again that the Bill was not designed to net and capture a certain person. I believe that he also tried to mislead the Committee by interjecting on and disputing with the member for Mitcham a moment ago over the sum raised as the impost that would apply to Mr. Warming if the retrospectivity clause was to be passed. In order to clarify the point I make, the Attorney may care to refer to page 2359 of *Hansard* of February 12 where the member for Mitcham said:

This is one of the most unjust Bills ever to come into the House, in my experience, to impose on a man a penalty of over \$300 000 . . .

I have cited that, because it is evidence which I could immediately bring to hand to refute the kind of argument and implication the Attorney-General is trying to put to the Committee. Even though that is a simple example of his privilege in his capacity as Attorney-General, I point out that it is reasonable to cite that case to demonstrate to the Committee how unreliable the Attorney is. The next point I make to reinforce my argument is that, if the Attorney was fair dinkum and acceptable in his remarks and persistence in this regard, why have his Leader and/or his other colleagues on the front bench not supported him on the Bill? The Attorney-General, who introduced the Bill, had the right of reply, which he exercised, but not one Government member was willing to demonstrate his support for the retention of the retrospectivity clause. I hoped that at least the Premier in this instance would comment on his own views on retrospectivity in this matter. I support the amendment, which I expect would have been made by any reasonable and responsible group of people, as has been done in the other place, because the deletion of clause 2 would not destroy the benefits of the Bill.

The CHAIRMAN: Order! I point out that the Committee is discussing the Legislative Council's amendment No. 1.

Mr. CHAPMAN: Amendment No. 1 refers to the deletion of clause 2, which was attempted to be deleted

from the Bill here but, simply on the basis of numbers in the House, the amendment failed to be accepted. When the amendment was presented to the other place, it came back accordingly prepared in the way in which it should be in respect of the Bill. I pay a tribute to those who have given the matter the attention which should have been given to the Bill and which it deserves. I support the deletion of the clause wholeheartedly. I have no other new evidence to bring forward to support the deletion of the clause, but I hope again that we will have the Committee's support in order to uphold the amendment.

Mr. GUNN: It is unfortunate, to say the least, that the Attorney-General has not agreed to reconsider his attitude. As the member for Mitcham has pointed out, the clause is designed to catch one person who has not broken the law. If there is a loophole in the Act, it is the Government's own fault. The Government's insistence on clause 2 is a threat to the fundamentals of Parliamentary justice. In no circumstances will I support it, and I hope that the other place insists on it.

Mr. CHAPMAN: Regarding the Attorney's comment about the unusual nature of the retrospectivity clause, I believe it is reasonable that he come forward and give us a clear reason why the clause should be retained. The Attorney-General said that retrospectivity in this context was an unusual step, and drew it to the Houses's attention in his second reading explanation. So, is it not reasonable therefore that he make clear why this unusual step is necessary? He has said several times that this unusual step is not to encompass the activities of any person in particular but to preserve the Bill. The deletion of the clause would destroy the Bill, he said. Because of his comment and evasiveness, it is time we heard from him why the Government seeks to make the Bill retrospective if it is not to enshrine the activities of Brian Warming during his lesseeship and occupation of the Rose Inn Hotel, in the city of Adelaide.

Hon. PETER DUNCAN: The honourable member knows that the words I used were that it was unusual to have a retrospectivity provision, and I quoted to the House other examples of retrospectivity provisions when I replied to the second reading debate.

*Members interjecting:*

The CHAIRMAN: Order! The honourable member for Alexandra will have his chance to speak.

The Hon. PETER DUNCAN: I said that retrospectivity provisions were unusual, but I did not say any of the things I have been accused of saying this evening.

The Committee divided on the motion:

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

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

Pairs—Ayes—Mrs. Byrne and Mr. Hudson. Noes—Messrs. Coumbe and Russack.

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

Motion thus carried.

*Amendments Nos. 2, 3 and 4:*

The Hon. PETER DUNCAN: I move:

That the Legislative Council's amendments Nos. 2, 3 and 4 be agreed to.

These are machinery amendments, and, unless members wish me to explain them in great detail, I do not intend to do so.

Motion carried.

The following reason for disagreement to the Legislative Council's amendment No. 1 was adopted:

Because the amendment destroys the purpose of the Bill.

*Later:*

The Legislative Council intimated that it insisted on its amendment No. 1 to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. PETER DUNCAN moved:

That the House of Assembly insist on its disagreement to the Legislative Council's amendment No. 1.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Abbott, Chapman, Duncan, Gunn, and Keneally.

*Later:*

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council committee room at 9 a.m. on Thursday, February 19.

The Hon. PETER DUNCAN moved:

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

Motion carried.

**SUPERANNUATION ACT AMENDMENT BILL**

Returned from the Legislative Council without amendment.

**JURIES ACT AMENDMENT BILL**

Returned from the Legislative Council without amendment.

**ADJOURNMENT**

At 11 p.m. the House adjourned until Thursday, February 19, at 2 p.m.